

**The impact of land restitution and resettlement in the Eastern Cape, South Africa:
restoring dignity without strengthening livelihoods?**

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By

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Dedication

I would like to dedicate this thesis to my grandparents, umaKhumalo loDlodlo.

I am most grateful to my grandfather who taught me to work hard.

Ngiyabonga,

eMpangazitha oziphangayo,

Zingakaze ziyengena ekhaya,

Khali omuhle,

Mbanjwa zimagoda ziziquma zizithekelezela,

Mabanga,

Qhube elingela qwala,

Sankunya sikaMdladlama,

Mqamula nkungu KwaZulu kwavela ilanga.

Abstract

Land reform in South Africa, which is comprised of land redistribution, land tenure reform, and land restitution, continues to be an emotive subject and has largely racially polarised South Africa. The slow pace of land reform, expropriation, the amount of land to be returned to black people, debates around the role of the Constitution in land reform, the market-based approach and the perceived negative attitude of white farmers have dominated the debates on land reform. There is, therefore, a huge chorus on the struggles for land acquisition and less on what happens when people are given land. A few studies on post-settlement livelihoods experience have managed to close this gap slightly in the literature by showing that land reform has contributed little or no material and livelihood benefits to beneficiaries and that many farms are lying idle after land reform, especially land restitution, projects. These studies on post-settlement livelihoods experiences of land reform beneficiaries have not managed to capture fully the “voices” of beneficiaries on land and livelihoods.

This dissertation seeks to provide a sociological documentation of the post-settlement livelihood experiences of land restitution beneficiaries. It does this by primarily tracing the ability and/or the inability of land restitution beneficiaries of Macleantown, about 40 kilometres northwest of East London, in the Eastern Cape to reconstruct livelihoods after resettlement, bearing in mind that these land restitution beneficiaries have been resettled twice, during forced removals in the 1970s and after land restitution, post-1994. Therefore, the study engages with questions of whether or in what ways land compensated restitution beneficiaries have managed to reconstruct livelihoods after land transfer. To capture the livelihood experiences of land restitution beneficiaries fully, I also studied the Salem restitution case, which is 20km away from Grahamstown in the Eastern Cape. Because land restitution involves resettlement, I decided to use two resettlement theories, namely Thayer Scudder’s four stages model and Michael Cernea’s Impoverishment Risks and Reconstruction (IRR), to understand risks associated with resettlement. Additionally, since this dissertation seeks to understand and document livelihood reconstruction and poverty reduction within the context of restitution resettlement, I also utilised the Sustainable Livelihoods approach and Amartya Sen’s capabilities approach.

This thesis is based on multiple research methods that include documentary study, focus group discussions, conversations, archival research, in-depth interviews, transect walks, participant observation and life histories. My findings show that land transfer under the land restitution

programme has largely not enabled land beneficiaries in Macleantown and Salem to reconstruct land-based livelihoods after settlement. I also established that land restitution beneficiaries face risks that are identified by resettlement theorists such as lack of proper planning, resettling trauma, struggles in community reconstruction and poverty. Beneficiaries have not managed to reap any meaningful benefits from the land, meaning that restitution has not led to self-sufficiency for these beneficiaries because all land beneficiaries are heavily dependent on social grants. However, one needs to emphasize that land restitution has restored the dignity of beneficiaries because beneficiaries have accessed their forefathers' land that they fought for. This is because beneficiaries believed that it was their duty to fight for their land on behalf of their ancestors.

I reach the conclusion that the whole idea that restitution claimants who are scattered all over can be grouped into a Community Property Association (CPA) and farm collectively as a 'community' to improve livelihoods is a misleading romanticisation of the envisaged outcomes of the land restitution project. Time has passed after land dispossession and land claimants are different human beings to what they were before land dispossession, i.e. far from the agrarian society they were before land dispossession. Group dynamics, lack of adequate post-settlement support (PSS), land reform designs, lack of commercial agricultural skills, as well as entitlement syndrome, old age of beneficiaries, infighting and marginality of agricultural business has made it nearly impossible for restitution beneficiaries to reconstruct land-based livelihoods. Additionally, the government appears to be more interested in 'correcting apartheid' rather than creating viable farms. It is important to state that this thesis does not advocate for the erasure of the restitution programme or to belittle land beneficiaries but argues for the rethinking of the restitution model in the context of massive failures, as well as coming up with a new and flexible model of land restitution that will meet the modern needs of beneficiaries. This thesis contributes to an understanding of the risks and the challenges of livelihoods reconstruction faced by resettling communities through an investigation into the post-settlement livelihoods experiences of land restitution beneficiaries through 'thick descriptions'.

Keywords: livelihoods, land restitution, poverty, risks, human development, reconstruction.

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Acronyms

ACS	Agricultural Credit Scheme
ALARM	Alliance of Land and Agrarian Reform Movements
ALRA	Aboriginal Land Rights Act of 1976
ARCESS	Agrarian Reform Community Connectivity and Economic Support Services
AZAPO	Azania People's Organisation
ANC	African National Congress
ANCYL	ANC Youth League
BCEA	Basic Conditions of Employment Act 75 of 1997
BLF	Black First Land First
CASE	Community Agency for Social Enquiry
CASP	Comprehensive Agricultural Support Programme
CDE	Centre for Development and Enterprise
CLARA	Communal Land Rights Act of 2004
CLB	Communal Land Bill
CODESA	Convention for a Democratic South Africa
CSG	Child Support Grant
CPA	Communal Property Association
CRDP	Comprehensive Rural Development Programme
CRLR	Commission on Restitution of Land Rights
DA	Democratic Alliance
DAFF	Department of Agriculture, Forestry and Fisheries
DAG	Developmental Assistance Grant
DAR	National Department of Agrarian Reform
DFID	Department of International Development
DHET	Department of Higher Education and Training
DLA	Department of Land Affairs
DRDLR	Department of Rural Development and Land Reform
DIDR	Development-induced displacement and resettlement
ECFSP	Emerging Commercial Farmers Support Programme
EFF	Economic Freedom Fighters
ESTA	Extension of Security of Tenure Act 62 of 1997
FAO	Food and Agriculture Organisation
GEAR	Growth, Employment and Redistribution

GNU	Government of National Unity
IDP	Integrated Development Plans
IMF	International Monetary Fund
IRR	Impoverishment Risks and Reconstruction
LCC	Land Claims Court
LPM	Landless People's Movement
LRAD	Land Redistribution for Agricultural Development
MAWF	Ministry of Agriculture, Water and Forestry
MDG	Millenium Development Goals
MAFISA	Micro Agricultural Finance Initiative of South Africa
MLR	Ministry of Lands and Resettlement
NAU	Namibia Agricultural Union
NLC	National Land Committee
NNF	Namibia Nature Foundation
NNFC	Namibian National Farmers Union
NP	National Party
NGO	Non-govenmental organisations
ODI	Originally Dispossessed Individuals
PAC	Pan Africanist Congress
PLAS	Proactive Land Acquisition Strategy
PSSF	Post-settlement Support Fund
PSS	Post-Settlement Support
PTT	Permanent Technical Team
RADP	Recapitalisation and Development Programme
RDG	Restitution Discretionary Grant
RDP	Reconstruction and Development Programme
RECAP	Recapitalisation and Development Programme
REID	Rural Infrastructure and Industrial Development
RET	Radical Economic Transformation
SAHRC	South African Human Rights Commission
SIS	Settlement and Implementation Support
SLAG	Settlement/Land Acquisition Grant
SLLDP	State Land Lease and Disposal Policy
SLF	Sustainable Livelihoods Framework

SPG	Settlement Planning Grant
SSDP	Settlement Support and Development Planning
TAU SA	Transvaal Agriculture Union of South Africa
UNDP	United Nations Development Programme
UK	United Kingdom
WCED	World Commission on Environment and Development
ZANU PF	Zimbabwe African National Union- Patriotic Front

Chapter 1

1. Introduction

“People of South Africa, where you see a beautiful land, take it, it belongs to you...we all know that the Dutch Gangsters arrived here and took our land by force. The struggle has since been about the return of the land into the hands of rightful owners”, leader of the South African leftist political party (Economic Freedom Fighters-EFF), Julius Malema (Herman, 2017).

“We do not have support man! The government’s promises end up in their mouths. I listen to these things on the radio, they boast that they have given us land and we now have access to the richness of the land, but nothing happens to us. There are no actions, but we continue to starve. They do give the land, but how does it help us to have land when we do not have support? Because we need a tractor, we need this and that, we need seeds”, Interview with a land restitution beneficiary (Interview with Vuyisile Toli. Macleantown 25 September 2016).

“Therefore I am saying to you...we need to discuss the land question seriously, soberly, without slogans”, Former South African president Thabo Mbeki on Power FM inaugural Chairman interview (Mkhize, 2017).

1.1 Background and rationale of the study

Land reform in South Africa is an emotive, contested, controversial and politicised subject (Cousins and Hall, 2017). Radio shows, letter pages of newspapers, parliamentary debates, workshops, conferences and the academic literature have demonstrated how land reform has racially polarised South African society (Cousins, 2015; Hendricks, 2013). There is no doubt that land reform in South Africa is in disarray not only because of the slow pace of land reform but also because most land reform projects have failed to function or improve the livelihoods of beneficiaries. The pressure to get more land for redistribution is growing, despite the failure of most land reform projects to function, as well as to improve the livelihoods of beneficiaries (Xaba and Roodt, 2016b; Hendricks, 2013). There is, therefore, a huge chorus proclaiming about the need for land acquisition and about the struggles of getting land for land restitution and redistribution. However, there is a paucity of studies on what happens after people have been given land and even the South African leftist/radical organisations such as the Economic

Freedom Fighters (EFF) political party, which has strongly called for expropriation of land without compensation, have been silent on what happens when people are given land in South Africa. By 2017, there were certain factions within the ruling African National Congress (ANC) that were pushing for what they termed Radical Economic Transformation (RET), with land reform being at the centre of this radical and populist approach (Jankielsohn and Duvenhage, 2017). The ANC's National Conference in December 2017 eventually endorsed expropriation without compensation on land reform (Mahlakoana, 2017).

I have used the above three quotations to reflect the main themes of this chapter. The first quote by the leader of EFF exemplifies the chorus for land acquisition in South Africa by the majority of black people, whereas the second quote refers to the disappointment of land beneficiaries who are not given sufficient support after land transfer. Lastly, the interview with the former president, Thabo Mbeki, is the most balanced. Responding to a question by the leader of the EFF political party on land, he provided a sober judgement of land reform by raising the importance of land acquisition while also emphasising the failure of group-based land reform projects after land transfer, agricultural attitudes of black communities and the complications of land reform.

A few studies (Manenzhe and Lahiff, 2007; Chitonge and Ntsebeza, 2012; Lahiff and Li, 2012; Ncapayi, 2013; Manenzhe, 2007) on post-settlement experiences of land beneficiaries, using different ideological approaches, have been completed. However, these studies have not fully captured the “voices” of beneficiaries, the lived livelihoods experiences of land restitution beneficiaries and what really causes failure in land restitution cases. Therefore, this thesis seeks to add to the literature by exploring and understanding the post-settlement livelihoods experiences of land restitution beneficiaries in South Africa using the Macleantown and Salem restitution cases in the Eastern Cape. The main objective of this dissertation is to provide a sociological documentation and understanding of the post-settlement livelihoods experiences of land restitution beneficiaries. The crux of this thesis is an argument by resettlement theorists who show that in the event that there is not sufficient planning in resettlement projects, impoverishment becomes inevitable, which also makes the reconstruction of livelihoods after settlement difficult. This leads to a situation wherein the livelihoods of the resettled communities may not be restored and the resettled people's lives may be worse than before resettlement (De Wet, 2015).

The focus on beneficiaries' livelihoods experiences, their "voices" and an insight into their lived reality sheds light on the developmental impact of land restitution, bearing in mind that this research is being done over 10 years after land transfer when beneficiaries are expected to have benefited from the land transfer. Most importantly, this research focused on a context where thousands of restitution cases have not yet been resolved, while more communities continue to lodge claims (Cousins, 2016a). It is important to note that this research studies land restitution as a resettlement project, while restitution is also seen as a constitutionally mandated programme to reduce poverty, as well as contributing to reconciliation and broader land reform goals. Therefore, I employed two resettlement theories, which are Thayer Scudder's four stages model and Michael Cernea's Impoverishment Risks and Reconstruction (IRR) model to understand the risks and challenges of livelihoods reconstruction by restitution communities. This study also employed the Sustainable Livelihoods Framework (SLF) and Amartya Sen's "development as freedom" theory to supplement the resettlement theories.

1.2 Arguments on access to land

There exists an argument across the world that access to land is related to improvement in the livelihoods of land beneficiaries and poverty alleviation, provided that land redistribution is tied to certain conditions, especially the provision of adequate post-settlement support (PSS) (Chimhowu, 2006). For instance, Beasley and Burgess found that land reform in India contributed to economic growth and poverty reduction (Besley and Burgess, 1998). In the Philippines, in spite of administrative and implementation problems, there is evidence that land reform led to positive results such as higher farm income and yields, improved land tenure, access to markets and credit, and reduction of poverty (Nxesi, 2015:13). Additionally, land beneficiaries in the Philippines managed to invest in their children's education, more so than non-beneficiaries and the assets of land beneficiaries tripled as compared to non-beneficiaries. Evidence in countries such as Japan, Taiwan, and Korea has also shown that land reform has contributed to economic growth and the eradication of colonial legacies, despite the challenges that farmers/beneficiaries faced (Putzel, 2000:3-4). In Brazil, research has found that access to land reform increased beneficiaries' income by five times and that the land reform project was economically viable (Dikgang and Muchapondwa, 2016). Research by Lopez and Valdes (1997) in El Salvador and Paraguay showed that land played an important role in determining the per capita income of farming households. In China and Vietnam, land redistribution contributed to poverty reduction and agricultural productivity (Putzel, 2000:3). In Southern Africa, landlessness during colonisation was one of the leading causes of poverty, therefore

attempts to alleviate poverty tend to focus on reversing the imbalance of access to land and ownership of land (Chimhowu, 2006; Murisa and Helliker, 2011:1-3). However, while not disputing the positive impact of land reform in some cases, there is evidence across the world that it has not always led to positive outcomes.

For example, in a document titled “*Livelihoods after land reform*”, researchers Werner and Odendaal (2010) found that the Namibian land reform has largely not improved the livelihoods of land beneficiaries. In Zimbabwe, one study by Scoones, Marongwe, Mavedzenge, Murimbarimba, Mahenehene, and Sukume (2011) has tried to justify land reform by showing the gains of land reform in selected areas. However, despite the benefits in these areas, the reality on the ground is that land reform in Zimbabwe, in general, has largely been a disaster as it led to low agricultural productivity and economic hardships that were exacerbated by sanctions imposed by the West. This failure of the Zimbabwean land reform is related to the failure by the Zimbabwean government to provide adequate PSS due partly, as mentioned, to economic sanctions (Makhanya, 2017). The issue of PSS is important. In Colombia for example, land beneficiaries in the 1990s were not able to till the land and reap benefits without PSS (Sibisi, 2015).

Many developing countries have implemented land reform, not only as a tool to end the legacy of colonialism (Murisa and Helliker, 2011:11), but it has also been implemented to increase agricultural production and to alleviate poverty (Dikgang and Muchapondwa, 2016). But Chimhowu (2006) has argued that land reform in Southern Africa is based on untested assumptions about the positive impact of land access and improvement in poverty reduction, often resulting in communities being worse-off than before.

Therefore, in my study, I will also engage with these contrasting arguments on the impact of land reform, and try to understand which school of thought is more convincing, in other words, does access to land lead to some livelihoods improvements or does it leave beneficiaries worse-off? I will do this by explaining the livelihoods experiences of land restitution beneficiaries in South Africa, as documented by a number of studies, and then focus on two case studies, namely, Macleantown and Salem, to illustrate more clearly what the main issues are, from the perspective of resettled communities, that lead to post-settlement failure.

1.3 Reasons for land reform in South Africa

The reasons for land reform in South Africa are related to the history of South Africa that left the black communities landless, whereas a big amount of land remained in the hands of the white minority group. This is because South Africa experienced a long history of colonisation, racial domination and land dispossession, which led to a situation whereby the bulk of the productive agricultural land was, and still is, owned by whites (Rugege, 2004:01). Hall (2010b:71) adds that “through a range of coercive measures, military, legal, administrative and economic, black South Africans were forced off and excluded from access to and ownership of land and moved to or remained in what came to be defined as ‘native reserves’”. Additionally, before land dispossession, black South Africans were largely dependent on land-based livelihoods, with some benefits from migrant labour and there is no doubt that the position that black people were in after land dispossession was worse off than before (Bundy, 1988). The period after 1913 saw the proletarianisation of black independent producers while numerous laws were put in place in the way of African urbanisation. This was deliberately done to create a “surplus working population” or an “industrial reserve army of labour” in the “reserves”. Essentially, this was an act of converting indigenous communities from a land-based livelihood to a capitalist wage system to develop capitalism while exploiting black people (Hendricks, Ntsebeza and Helliker, 2013a:4-9). Commenting on the impact of the Native Land Act of 1913, Nxesi (2015) argued that the act took away the most important asset of black communities, which was central to the livelihoods and identity of black communities, while rendering them not only landless but also destitute. By the end of apartheid in the 1990s, 13 percent of the South African population (whites) owned about 87 percent of the country’s land and mineral resources (Belinkie, 2015:220; Coles, 1993:701).

To correct this racial imbalance, the South African government has employed a threefold land reform programme that involves land restitution, land redistribution and land tenure reform (Brown, Erasmus, Kingwill, Murray and Roodt, 1998:01). Land tenure reform is a rights-based approach targeting those who own and use the land and it refers to terms and conditions of leasehold, communal ownership, and type of land holding that is insecure. Land redistribution is mainly meant to provide land for poor people with land for residential and productive purposes in order to augment their livelihoods (Rwanedzi, 2013:02). Land restitution is implemented to restore land and provide other solutions to individuals and communities who were dispossessed by racially discriminatory legislation and practice (such as black spot

removals) during apartheid (Hall, 2003:01; Roodt, 2003:202; Brown et al., 1998:6). The right to land restitution was established in Section 25 (07) of the 1996 Constitution which states that:

any 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 address (RSA, 1996a).

1.4 Reflecting on broader South African land reform policies since 1994

Land was at the heart of not only the formation of the ANC, but land was also the key driver for the struggle against colonial conquest and the struggle for democracy (Hall, 2010b:41). Therefore, the post-apartheid ANC government swiftly enacted a number of legislative mechanisms to correct the racial imbalance on land. The Restitution of Land Rights Act 22 of 1994 was the first law to be passed by the post-apartheid Government of National Unity (GNU), which set out to correct the legacy of the apartheid regime (Hall, 2010a:21; De Villiers, 2003:51). The South African Land Policy of 1997 stated that the purpose of land reform was the correction of past injustices, equitable redistribution of land, poverty alleviating and economic reform and security of tenure for all, as well as developing efficient systems of land management (Department of Land Affairs, 1997). Thus, four goals of the land reform as enshrined in the 1997 White Paper were to: undo the injustices of apartheid; stimulate national reconciliation and stability; support economic growth and augment household welfare; and to alleviate poverty (Shackleton and Shackleton, 2016:191).

In 1994, the South African government aimed to redistribute 30 percent of farmland by 1999, but by 2016 the government had failed to achieve this aim (Cousins, 2016a; Cousins, 2016b; Cousins, 2016c). The slow progress on land reform led to shifting of the target date from 1999 to 2014. However, by 2015, about 8-9 percent of farmland had been transferred to black people through restitution and redistribution and even those claims that are settled have not been fully implemented (Cousins, 2015:254-255). Thousands of big land restitution claims have not been resolved, while about 20, 000 settled claims had not been implemented by 2016. The majority of land restitution claims have been resolved through cash compensation. Community Property Associations (CPAs) which are post-land transfer structures meant to oversee implementation of land restitution remain poorly supported and are dysfunctional in most cases, while joint ventures have experienced major problems (Cousins, 2016a; Cousins, 2016b). Tenure reform has largely failed as evidenced by massive evictions of farm dwellers despite the presence of

laws to protect them (Cousins, 2016a; Cousins, 2016b; High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017:204).

The ANC led government appears to be under pressure to redistribute land to people in the context of the slow pace of land reform, and the ruling party has politicised the land question to lure more votes from black people (Whittles, 2017). This radical stance by the ruling ANC is based on the faulty argument that the current constitutional arrangements have derailed land reform (du Toit, 2017; Bendile, 2017b).

1.5 Land reform, land hunger and livelihoods in South Africa

The South African veteran journalist, Mondli Makhanya, and the then Secretary General of the ANC, Gwede Mantashe, have argued that black people have been “deculturalised” from agriculturally based livelihoods and that black communities are no longer interested in farming as they were before land dispossession (Kane-Berman, 2016:6; Makhanya, 2017). Therefore, Makhanya, a City Press editor, warned against the self-serving populist rhetoric on land reform that is often employed by black politicians to lure black voters by citing the Zimbabwean land reform disaster as an example. Makhanya is right, and I would add that what largely remains amongst black people in South Africa is bitterness against apartheid and entitlement to the land of their ancestors because black poverty was largely engineered by land dispossession. As Cousins (2016b:12) notes, “the loss of land serves as a powerful symbol of generalised oppression and dispossession and carries profound political charge”. The attitudes of South Africans towards land have changed over time and Walker is right in her argument that South Africa is no longer an agrarian society as it used to be before 1913. Therefore, the emphasis and obsession with land acquisition for land reform overlooks contemporary urbanisation (Walker, 2015), and the livelihood experiences of land reform beneficiaries. This argument is important in that land restitution policy-makers need to meet the modern needs of land restitution beneficiaries, rather than assuming that the best way to reconstitute land to dispossessed communities is through land transfer.

However, this is not to say that there are no black people who are competent farmers. Scholars such as Chitonge and Ntsebeza (2012) have persuasively argued that, in fact, some black people still value land-based livelihoods and that land contributes to the livelihoods of rural people. For instance, in his well-argued PhD thesis, Ncapayi (2013) challenges the view that black people have been “deculturalised” from farming and asserts that land is still important to black people. Thus, access to land under the land reform programme has changed the lives of

beneficiaries. Nacapayi's findings are well argued and convincing, but his study captures only the rural-based black communities at a micro level. It would be interesting if further studies could explore this issue at provincial or even national level.

Furthermore, most empirical evidence on land reform has generally deviated from the assertions by Ncapayi (2013) and that of Chitonge and Ntsebeza (2012). For instance, according to most research studies, about half (50 percent) of rural land reform projects (including land restitution) have failed to improve the livelihoods of beneficiaries. Even where there are benefits, such benefits are usually marginal, and very few beneficiaries have engaged in highly successful production (Lahiff and Li, 2012; Cousins, 2015:254-255). Although the impact of land reform is debatable, there has not been much evidence that suggests that land reform has led to improvements in agricultural efficiency, income, employment or economic growth (Lahiff and Li, 2012; Hendricks, 2013:48; Cousins, 2015:258). According to Cousins (2015:255), the biggest reasons for the failure of land reform projects is infighting, lack of commercial agricultural and managerial skills, group dynamics, poor land reform designs, poor attitudes towards farming, and lack of sufficient and consistent support for beneficiaries. In South Africa, the failure of the restitution projects to improve the livelihoods of beneficiaries is succinctly summed up by Theo de Jager, the former leader of Agri SA:

There is simply no commercial success for any restitution farm from Cape Town to Musina, and not one land claims beneficiary is being financed by a bank.... hundreds of abandoned restitution farms, stripped of equipment, electrical and irrigation infrastructure, building materials, and in fact anything of value, are testimony to the poor planning and failed implementation of the claims process (de Jager, 2015:122).

Redistribution programme projects have done better because these are individuals who are relatively serious about farming, as compared to communities (restitution) who seem to be entitled, rather than passionate about farming (de Jager, 2015).

However, the biggest challenge with regard to the failure of land reform projects is that most scholars have not clearly defined what agricultural success or failure means. I am raising this question because agriculture is not a hugely profitable industry and many white farmers have left farming not only because of the threat that land reform comes with, but also because they were dependent on state support in the past. Even those white farmers who remain in farming also have to earn incomes from other sources to complement agricultural incomes (Cousins,

2015:266; Cousins, 2016b). This is one of the reasons the number of white farmers has been declining in South Africa. Therefore, if agriculture is such a difficult kind of business, what percentage of success is expected from these land beneficiaries?

1.6 Land restitution, post-settlement experiences and post-land transfer experiences

Agriculture requires immense support to farmers in the form of extension services, support in the value chain, irrigation infrastructure, markets support and inputs support (Tilley, 2007; Chimhowu, 2006; Adesina, 2017). During apartheid the agricultural sector was highly protected and subsidised, with white farmers having the privilege of semi-slave black labourers, but still many white farmers struggled to reach a stage of profitable farming. In other words, the profitability of farming/agriculture or the commercialisation of agriculture was always largely aided by state support in the form of credit, markets support provision of inputs and other measures (Hendricks, 2013:31; Helliker, 2013:79; Cousins, 2016b:15). This is to emphasise that, even in the case of adequate provision of PSS, farming remains a difficult kind of business. In fact, in the 1980s, the agricultural sector was in deep trouble, largely because of the removal of state support after the apartheid government “deregulated” the agricultural sector along with the processes of liberalisation and privatisation (Helliker, 2013:82).

The literature consulted indicates that land reform projects often go wrong largely because post-settlement support (PSS) is not always adequately planned or implemented (Manenzhe and Lahiff, 2007:25). By 2007, Hall, (2007:16) concluded that “the majority of beneficiaries across all restitution projects have received no material benefit or whatsoever from restitution, whether in the form of cash income or access to land”. This leads to a situation whereby the land beneficiaries, through the restitution process, are often unable to use the land productively (Manenzhe, 2007:27). Post settlement problems generally include state neglect once community rights have been restored leading to poor performance (Binswanger-Mkhize, 2014:260; Hall, 2007:16; De, Villiers, 2003:141), community divisions (infighting), social disintegration, malnutrition, alcohol abuse, child neglect (Walker, 2008:198), as well as community squabbles over administration of money (Sato, 2010:225). The state has failed to provide early, adequate and coherent PSS for land restitution awards although the Commission is reporting impressive results in terms of meeting its settlement targets (Walker, 2008:198).

Another problem for restitution projects is the lack of capacity on the part of beneficiaries to manage and maintain their projects, which has worsened the chances of success of these projects (Aliber, Maluleke, Thagwana and Manenzhe, 2010:289). This means that productive

land becomes wasteland after land reform beneficiaries take over. Part of the problem is that the planning of restitution projects often favours large-scale capital-intensive commercial farming that is unsuitable to beneficiaries' circumstances (Cousins and Aliber, 2013; Xaba and Roodt, 2016b).

Another challenge is that beneficiaries may not get exactly what they lost during forced removals (something that will satisfy their hearts) and hence settlement does not always imply settling the past (Walker, 2008:138). A good example is when beneficiaries fail to get properties that they lost, only to be coerced by government officials to opt for cash compensation (Dhupelia-Meshrie, 2010:89). In one of his well-known arguments on restitution, Andries du Toit points out that the post-settlement period is usually a disappointment or a point of anti-climax for beneficiaries as they will be faced with the harsh realities of the post-settlement period and that it also opens the wounds of the past (Du Toit, 2000:81). The moment of returning to the ancestral land is usually a moment of realising that what was lost can never be returned (Du Toit, 2000:81). Restitution beneficiaries are not alone in experiencing this loss. It is a general phenomenon experienced by people or communities subjected to resettlement, as a number of authors have shown (Cernea, 2000a; Scudder, 2005; De Wet, 2015).

The South African government is aware of the failures of land reform and has emphasised the need for productivity by telling the beneficiaries to “work the land or lose it” (Sosibo, 2014). Despite the incoherence and inadequacy in the provision of PSS, the government has a significant number of PSS strategies, although these strategies have largely failed to improve productivity on the farms (IRIN, 2015; Lahiff, 2008:6; Cousins, 2016b; Binswanger-Mkhize 2014, 258). However, a few exceptional successes have been attained because of government's funding, such as the one in Besters, KwaZulu Natal where labour tenants produce commercial beef and keep livestock for different purposes (Cousins, 2015:258).

1.7 The core and significance of the thesis

This study looks at the post-settlement livelihood experiences of the land restitution beneficiaries. This is appropriate for a number of reasons. Judging from the literature consulted, there seems to be a focus on how slow land reform is, particularly on land restitution cases (Manenzhe, 2007:11; Walker, 2008:19; Cousins, Hall and Dubb, 2014:2), but not much has been done on whether land restitution beneficiaries have managed to rebuild livelihoods. Land reform narratives often start by discussing the promises by the ANC led government to

redistribute 30 percent of agricultural land within the first five years of democracy. These narratives proceed to show how slow the implementation of land reform is, in the context of rising levels of poverty. These narratives are important, but they have reached an impasse (Hendricks and Ntsebeza, 2011:213). Additionally, Aliber, Maluleke, Thagwana and Manenze (2010) also argue that there is a paucity of studies focusing on post-settlement impact evaluation of land reform projects. This is because impact evaluations studies are derailed by the lack of baseline data. This study takes a view that the biggest problem is that the South African land restitution programme is clouded by feelings of bitterness against apartheid without much focus on the post-settlement processes, as well as the poor attitudes of beneficiaries towards farming.

Therefore, the aim of this study is to fill a gap in the literature by investigating the post-settlement livelihood experiences of land restitution beneficiaries. The significance of this study is that, in the context of high levels of poverty and unemployment, it will help to inform land reform debates about how land restitution affects livelihoods of poor South African beneficiaries. More importantly, with so many people yearning for land reform in South Africa (Nicolson, 2014), it is important to understand how those who have been given land are faring, bearing in mind that one of the goals of restitution is that beneficiaries should be able to support themselves. It is expected that land restitution should contribute towards relieving rural poverty, as well as promoting sustainable development (Dikgang and Muchapondwa, 2016:66). It is also important to drive home the notion that the success of land reform is not only measured by the amount of land that has been redistributed, but also by the use of land that is acquired (Manenzhe, 2007).

The main aim is to understand whether and, if so, in what ways restitution beneficiaries have managed to reconstruct the land-based livelihoods after land transfer. Since land restitution beneficiaries have been resettled twice (during land dispossession and after land restitution) it was necessary to engage with resettlement theorists to unpack the risks of resettling. It is envisaged that the study will contribute towards addressing the ongoing and complex questions of land reform and livelihoods impact, particularly looking at the ability and inability of land reform beneficiaries to reconstruct land-based livelihoods. Further, this thesis will serve to caution the government not to embrace a utopian top-down kind of approach wherein land restitution beneficiaries are expected to miraculously reconstruct land-based livelihoods after forming a CPA without adequate PSS.

1.8 Theoretical framework

In the 1960s, a student from the University of Ghana advocated for the Sociology of Resettlement after being involved in the Volta Dam project at Akosombo (Scudder, 2005:33). Since then resettlement processes have attracted attention from practitioners and other scholars. The resettlement processes have been dominated by two theories: Scudder's four stages model and Cernea's Impoverishment Risks and Reconstruction (IRR) model (Scudder, 2005:33). Cernea's IRR model states that resettling to a new area often has negative consequences for beneficiaries and that adaptation may be difficult (Cernea, 2000a:12; De Wet, 2015; Scudder, 2005:48). For these resettlement theorists, the danger about resettlement is that beneficiaries may be impoverished and may not be rehabilitated (Cernea, 2000a:12; Scudder, 2005). The newly resettled communities are seen to be facing some or all of the following risks: landlessness, joblessness, homelessness, marginalisation, increased morbidity and mortality, food insecurity, social disarticulation, and loss of access to common property (De Wet, 2015).

In the event that inadequate planning is present, impoverishment becomes inevitable. In that way, the livelihoods of the resettled communities may not be restored and the resettled people's lives may be worse than before (De Wet, 2015). In this context, this study seeks to draw some lessons in understanding the possible risks faced by restitution beneficiaries. Material and cultural losses may be experienced in the resettlement process as well (Cernea, 2000a:12). During displacement or resettlement, people lose capital (decapitalisation) in all its forms, that is natural capital, man-made capital, and human and social capital (De Wet, 2015). Cernea's model brings some valuable insights to land restitution about the challenges of relocation and resettlement. In most instances, land restitution households are expected to relocate to remote areas, which do not have proper infrastructure, hospital services, and social services, which exposes beneficiaries to a plethora of risks. This also results in a scenario where some land beneficiaries (including those from the study areas) do not fully relocate and prefer to live in urban areas, although they are interested in the proceedings of land restitution, leading to infighting (Walker, 2007:148; Manenzhe and Lahiff, 2007:25; Robins and van der Waal, 2010:171).

Thayer Scudder's four stages model theorises how resettlers behave in the resettlement process. These stages are: 1) recruitment stage, 2) transition, 3) stage of potential development and 4) handing over and incorporation. In the 1970s, Thayer Scudder (2005:34) analysed 32 cases of voluntary and involuntary resettlement and found that the living standards of the majority

dropped after the successful completion of physical removal from their place of origin to a new place. Living standards drop because of the multidimensional stress (physiological, psychological and socio-cultural stress). The whole point that there are a large number of adjustments that resettlers have to make in order to adapt to a new habitat, “new neighbours, and more often than not, to larger communities, new economic activities that planners consider more appropriate and more government oversight” is a big problem (Scudder, 2005:34). Scudder’s model is thus a predictive-cum planning instrument that can be used by policy makers and planners, such as land reform departments, to consider these risks faced by resettled restitution communities. While this study does not dispute the linear fashion that communities go through in Scudder’s model, Scudder’s theory in this study will be utilised largely to infer lessons from the way it outlines the experiences of resettled households.

Briefly, these resettlement theories present a gloomy picture for resettlement projects by demonstrating that most resettlement projects are too frustrating to yield any positive outcomes for resettled communities, especially if there is no adequate planning. These two resettlement theories are closely related to land restitution as the restitution programme involves resettling the beneficiaries to a new place again (Walker, 2008:30-33) and this means that they have to start a new life all over. This study finds these resettlement models’ conception and emphasis on risks very useful in understanding the challenges faced by land restitution beneficiaries in recreating land-based livelihoods strategies. Resettlement, whether it is voluntary or involuntary, is inherently problematic in that the risks of different types of socio-economic disruption and impoverishment are high (Fabricius and De Wet, 2002:154).

In general terms, black land dispossession during apartheid, or what authors Fabricius and De Wet call “displacement,” left the relocated people worse off in every aspect of their livelihood (Fabricius and De Wet, 2002:144). Cernea (2000a) argued that this denial to access of resources is one of the principal risk factors contributing to socio-economic impoverishment in most resettlement communities. In the “reserves” there was very little infrastructural improvements where black people were forcibly resettled and black communities were densely populated (Fabricius and De Wet, 2002:144).

Additionally, I have considered if land restitution beneficiaries have managed to develop livelihoods strategies since restitution beneficiaries are expected to be able to support themselves and to experience poverty reduction (Lahiff, Maluleke, Manenzhe and Wagerif, 2008:01; Anseeuw and Mathebula, 2008:04). I decided to use poverty reduction related

theories because one of the objectives of land reform is poverty reduction (Lahiff, Maluleke, Manenzhe and Wagerif, 2008:01; Anseeuw and Mathebula, 2008:04). Poverty reduction is also related to improvements in livelihoods. It is important to see and understand whether the beneficiaries of land restitution think they are benefiting from land restitution. According to Chambers and Conway, (1991:01):

a livelihood comprises the capabilities, assets (including both material and social resources) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stresses and shocks, maintain or enhance its capabilities and assets while not undermining the natural resources base.

Most importantly, the SL approach stresses that economic growth does not always lead to poverty reduction and that poverty is not only manifested in low incomes, but it includes other dimensions such as illiteracy, bad health, lack of social services and a state of vulnerability, and feelings of powerlessness in general (Scoones, 1998:05). Therefore, poor people know and understand their lives best and must be included in the design of policies and projects intended to improve their lives (Krantz, 2001:02).

The SL approach is related to Amartya Sen's "development as freedom" theory in that both theories stress that poverty does not only manifests itself in low incomes and that poor people know their situation better (Krantz, 2001:02; Sen, 1999). Sen's central argument is that reducing poverty has to do with enabling people's choices so that they can live meaningful lives or lives that they have reason to value. Therefore, poverty in Sen's sense is seen as a "deprivation" of the capability to live a "good life" which needs basic physical conditions to be met (such as health and shelter) and the ability to make economic and political choices (Sen, 1999: xii, 01).

1.9 Thesis structure and chapters outline

Chapter 1: Background and rationale of the study

Chapter 1 briefly discussed the main contentious issues of the study, such as debates on land access and livelihoods impact, the rationale for the study, theoretical framework, the core of the study and the livelihoods experiences of land restitution beneficiaries after land access. In other words, Chapter 1 introduces the reader to the main issues of the study and shows the importance of the research.

Chapter 2: Land restitution, resettlement theories, livelihoods and reconstruction

In Chapter 2, I seek to explain that land restitution should be studied under the resettlement theoretical framework lens because land restitution beneficiaries have been resettled twice, during forced removals and after land restitution. This means that these beneficiaries had to start all over again, twice. Therefore, this study is also interested in the ability of these beneficiaries to re-create or create new livelihoods after resettlement after the restitution process. The two resettlement theorists are at pains to explain that risks and impoverishment are imminent and inherent in resettlement, especially when there is no proper planning and support systems after land resettlement. I seek to understand these risks and challenges associated with resettlement that affected land restitution beneficiaries.

Chapter 3: Sustainable livelihoods, capabilities approach and land restitution

Chapter 3 builds from Chapter 2 by emphasising the struggles of creating livelihoods after resettlement. The Sustainable Livelihoods Framework (SLF) and the capabilities approach are used as a gauge to understand the developmental impact of land access under the land restitution programme. The emphasis by these theorists is that development should make people resilient to livelihoods shocks, stresses, hardships and poverty. Additionally, the capabilities approach emphasises that being happy on the part of beneficiaries is important, and that development should improve the people's quality of life, as well as enabling people "choices" and "freedoms" for people to live the kind of life they value. It is important to add that the two chapters on theoretical framework (Chapters 2 and 3) are presented with a view to interpreting findings later in Chapter 12.

Chapter 4: The political economy of South Africa: understanding the history of land dispossession and the need for land reform

Having presented the theoretical framework chapters, in Chapter 4 I seek to explain the dehumanising effects of land dispossession by the then segregation and apartheid governments, wherein black people became landless because of the introduction of a plethora of mechanisms which were legal, military and other coercive means. I do so to explain to the reader the need for and importance of land reform. I also explain the fall of apartheid and the emergence of land restitution.

Chapter 5: Post-apartheid land reform programme in South Africa: a struggling land reform

Chapter 5 builds up from Chapter 4, in that Chapter 4 concludes by showing the emergence of land restitution and other forms of land reform, while Chapter 5 then dwells on the main issues around land reform in South Africa. Chapter 5 is the beginning of the discussion of contentious issues around land reform in the post-apartheid South Africa. By using former South African President Thabo Mbeki's "two nations" speech quote, I try to explain that land reform implementation happens within a contested space. I then try to situate land restitution within these debates.

Chapter 6: Larger debates on land reform in South Africa

Chapter 6 builds from Chapter 5 and explores the land acquisition debates on whether the state should abandon the "willing buyer willing seller" approach or whether the state should employ a more radical expropriation without compensation principle.

Chapter 7: Post-apartheid land restitution and progress on land reform in South Africa

This chapter seeks to focus more on land restitution by discussing relevant issues with regard to restitution, such as cash compensation, restitution institutions, progress on land claims, the general performance of land reform and other issues.

Chapter 8: Land reform beyond South Africa: post-settlement experiences in selected cases across the world

Having presented the main issues on land reform from Chapters 5, 6 and 7, it is then important to focus on land access issues in detail. Thus, Chapter 8 is more of the beginning of a focus on debates and issues around land access and livelihoods. I use selected cases around the world to explain what happens when land beneficiaries are given land in terms of support and livelihoods. I try to explain the importance of post-settlement support (PSS), the importance of alignment of land reform stakeholders and the importance of linking land acquisition and land transfer stages. I therefore emphasise that land reform projects require immense support. This chapter thus becomes a template for understanding South African issues as some of the issues experienced by other beneficiaries across the world are relatable to South Africa. I use such experiences as lessons for the South African land restitution projects.

Chapter 9: Post-settlement experiences of land restitution beneficiaries in South Africa

Having presented the chapter on international experiences of land beneficiaries in selected countries across the world, Chapter 9 then presents numerous South African cases with an emphasis on livelihoods experiences, post-transfer support and the importance of stakeholder alignment. I discuss numerous issues such as poor PSS for restitution projects, infighting because of group dynamics, poor agricultural attitudes, incapacity of beneficiaries to run projects, the general impasse of land restitution projects and other issues.

Chapter 10: Research design and methodology

The research design and methodology chapter discusses the steps that I took to collect data. I present issues such as sampling, documentary study, fieldwork, limitation of the study, and ethical considerations. The main aim of this chapter, though, is to illuminate more clearly how data was collected, so that the findings and arguments can be trusted.

Chapter 11: Background to the study sites

Before presenting the findings, it was important for this study to present some information about the study sites such a brief history on land dispossession, history on land restitution steps, maps and other details.

Chapter 12: Findings: understanding the post-settlement livelihoods experiences of beneficiaries in Macleantown and Salem

In Chapter 12, I present the first findings, with the aim of grounding my chosen theories, as well as answering my research questions and relating the literature on land reform to the findings. I discuss in detail the post-settlement livelihoods experiences of land restitution beneficiaries in Macleantown and Salem. I was also able to relate the risks and challenges that faced resettlement projects to these restitution projects. I also demonstrate that the restitution projects fall short in fulfilling the main aims of land restitution and land reform. Additionally, land restitution projects largely do not improve the livelihoods of beneficiaries in both areas because of a variety of reasons.

Chapter 13: Making sense of the developmental impact of land restitution: the case of Macleantown and Salem restitution projects

In this chapter that builds on Chapter 12, I try to make sense of the developmental failure of the restitution projects in Macleantown and Salem.

Chapter 14: Conclusions and recommendations

Chapter 14 contains the conclusion and recommendations and here I seek to outline the main arguments of the thesis. I summarise the findings by stating that beneficiaries have failed to recreate any tangible livelihoods after land transfer, but rather the majority of beneficiaries are reliant on state provided social grants. I also add that land restitution has faced the risks, challenges and hardships that other resettlement projects have faced and that land restitution has largely failed to improve the lives of beneficiaries. However, I also add that the failure of restitution projects should not be used to infantilise the dignity restoration impact of these land restitution projects because beneficiaries are happy to be on their forebears' lands. I also try to relate my study findings to the current literature on land reform, as well as showing how my study contributes to the literature. In the end, I conclude that group-based projects such as restitution projects are likely to fail because of infighting, lack of support, lack of commercial agricultural and managerial skills, poor agricultural attitudes and other issues. I recommend an increase in decisive power of provincial land reform officials to limit red tape, provide proper support to beneficiaries, limit group sizes of land restitution projects through subdivision and other recommendations to improve the prospects of land restitution projects.

Chapter 2

2. Land restitution, resettlement theories, livelihoods and reconstruction

2.1 Introduction

The previous chapter discussed the background, rationale, context of the study and other important issues. It is important to stress that this study looks at land restitution as a form of resettlement, as well as a constitutionally-mandated programme to alleviate poverty. Not much sociological research has been done to understand the post-settlement experiences of land restitution resettlement. Indeed Brokensha (1963:286) was correct in his observation that there is a need for a “sociology of resettlement”. Therefore, this chapter seeks to explain the resettlement phenomenon and as a basis for interpreting findings on land restitution projects later in the data analysis chapter. As stated in the introduction, this study has used four theories to understand the post-settlement livelihoods experiences of land restitution beneficiaries. They are Thayer Scudder’s four stages model, Michael Cernea’s Impoverishment Risks and Reconstruction (IRR) model, Sustainable Livelihoods Framework (SLF) and Amartya Sen’s capabilities approach.

However, this chapter specifically deals with resettlement theories (Scudder and Cernea), and there is a separate chapter on livelihoods and Amartya Sen’s capabilities approach. Thus, this study looks at the post-settlement livelihoods experiences of land restitution beneficiaries in light of the fact that land restitution beneficiaries have been relocated twice (during forced removals and after land claims finalisation). Thus, this thesis investigated the ways in which land restitution in Macleantown and Salem, as a form of resettlement, exposed land beneficiaries to the risks identified by Scudder and Cernea.

The main question in this chapter is: how can one use these resettlement theories to understand the post-settlement livelihoods experiences of land restitution beneficiaries? The core of these resettlement theories is that risks and impoverishment are inherent in resettlement as resettlement is a complex process. Additionally, if there is insufficient planning after communities have been resettled, impoverishment and other risks become inevitable. However, with enough planning and preparation, such risks can be minimised and converted to development opportunities (Cernea, 2000a; Scudder, 2005). But generally resettlement is likely to make the reconstruction of livelihoods a difficult process and also lead to emotional problems, such as stress and anxiety (Vanclay, 2017). This is because resettlement that is meant

for development often involves externally initiated and imposed social spatial change, with people being moved away from one or several areas, where they have lived for many years, either to one or several new areas which have been planned for them, or being given compensation to fend for themselves elsewhere (De Wet, 2015).

The first section of this chapter demonstrates the importance of the resettlement theories used and how the theories are related, in other words, how the theories are going to help the study to understand the post-settlement livelihood experiences of land restitution beneficiaries. I then provide two sections, one that discusses Scudder's four stages model and the other that discusses Cernea's IRR model. The section that follows discusses the criticisms against the resettlement theories.

2.2 Linking the resettlement theories to land restitution

I find it appropriate to use the resettlement theories for a number of reasons. The resettlement of restitution communities means that land restitution beneficiaries were compelled to start new lives over again, twice, (during forced removals and after their claims were finalised). Therefore, development-induced displacement and resettlement (DIDR) involves a process wherein, "communities/people are plucked out of their old physical and social settings, environmental and institutional resource bases, and their relationship networks, out of their socio-spatial area and have to find ways to reconstitute themselves socially and economically in a new environment" (De Wet, 2015).

There is no doubt that land restitution beneficiaries were plucked out of their old physical and social settings, environmental and institutional resource bases, and their relationship networks, out of their socio-spatial area, meaning that they had to find ways and means to reconstitute themselves socially and economically in a new environment (twice). This is also in line with Dhuphelia-Meshrie's observation that land restitution beneficiaries often tell the story of forced removals, the battle to find a new home, as well as the whole point that they will have to start all over again (Dhuphelia-Meshrie, 2010:89). Thus, these two resettlement theories are closely related to land restitution as the restitution programme involves resettling the beneficiaries in a new place again (Walker, 2008:30-33).

I am aware that the above resettlement theories focus on DIDR, such as the construction of dams, but what is interesting about these resettlement theories is that they both argue that resettling is generally likely to lead to a drop in the living standards of the resettled (due to the

multidimensional stress that resettlers experience). Most importantly, the theorists also stress that the resettled families often struggle to start a new life (be it voluntary or involuntary resettlement) (Cernea, 2000a:12; De Wet, 2015; Scudder, 2005:48; Cernea, 2000b:3660). While Scudder (2005) advises planners to anticipate four stages of resettlement, what is important for this study are the livelihoods experiences of resettled communities that the theorists discuss and the importance of planning for risks that Cernea (2000a) talks about.

Scudder sees resettlement as a four-stage process through which relocatees pass, and to which they respond in behavioural terms. Furthermore, Cernea convincingly argues that relocatees are confronted with a range of interrelated impoverishment risks, which, if not addressed, will become actualised, but which, if anticipated and planned for, can be turned into development opportunities (De Wet, 2015). Material and cultural losses are also part of the impoverishment (Cernea, no date). In the case of Macleantown and Salem, although it is common knowledge that people suffered huge losses after forced removals by the apartheid state (Fabricius and De Wet, 2002), the question addressed by this research is whether the post-restitution resettlement was more beneficial for the returnees or whether they, in common with resettlement processes all over the world, have struggled to adapt and to establish successful livelihood practices.

Thus, impoverishment is seen as a central issue in development-caused population displacement and resettlement, and Cernea (1996:3) demonstrates that these risks of impoverishment and social disruption in resettlement and displacement often turn into harsh reality. In this way, in planning for land reform and resettlement of communities, it is vital to acknowledge the risks facing beneficiaries and their households and to integrate such risks into the settlement planning processes. Therefore, Tilley (2007:4) also adds that a predictive-cum-planning tool can help post-settlement support (PSS) officials to consider the risks communities will be faced with. Additionally, PSS should not be seen as something that is provided to beneficiaries after settlement, but rather beneficiaries must be seen as active participants in the whole process of land reform (Tilley, 2007).

2.3 Thayer Scudder's linear theory on resettlement

In this important section I discuss the main arguments presented by Thayer Scudder in order to understand the position of land restitution beneficiaries who were resettled twice. As I have stated in the previous chapter, in the 1960s a student from the University of Ghana, David Brokensha, called for the Sociology of Resettlement after being involved in the Volta Dam project at Akosombo (Brokensha, 1963:286; Scudder, 2005:31). Thus, the resettlement

processes have been dominated by two theories, which are Scudder's four stages model and Cernea's IRR model for resettling displaced populations (Scudder, 2005:33). Thayer Scudder's four-stages model describes how resettlers behave in the resettlement process.

Just like land restitution beneficiaries, the majority of development-initiated resettlement often involves group resettlement (Vanclay, 2017; De Wet, 2015). For land restitution beneficiaries in the post-settlement phase, it is important to ask whether there are any incidences of a decline in their living standards. Resettlement theorists have convincingly demonstrated that resettlement is often related (or leads) to a decline in the living standards of the resettled communities, rather than improving the living conditions of such communities. In the 1970s, Scudder studied 32 cases of voluntary and involuntary resettlement and found that the living standards of the majority dropped after the successful completion of physical removal from their habitant place to a new place (Scudder, 2005:34). For Scudder, people and sociocultural systems react to forced relocation in a predictable way because the extremely stressful and complex nature of relocating to a new place limits the range of coping responses available to the majority during the period that immediately follows removal (Scudder, 2005; De Wet, 2015).

2.4 Scudder's stages

Stage 1: Planning and recruitment stage

This first stage involves the pre-resettlement phase wherein the community will be dealing with government's decisions and any other agency to move them to a new area that they may not know. This also involves planning how community members will be removed and identifying the area they will be moved to. The anxiety and frustration about imminent removal makes the community members doubtful about investing in their area (livelihoods), since they will be removed from their area anytime. At this time, the community member will hear about the area that they will be moved to through rumours and political propaganda, leading to stress and uncertainty about the future (Scudder, 2005:34).

Stage 2: Adjustment and coping

Adjustment and coping to resettlement involves the initiation of physical removal that often drags on for many years. Transporting livestock can be very difficult. Grazing lands may be limited, forcing communities to sell their livestock at reduced prices. In Macleantown, during

forced removals, the community members were forced to sell their cattle and ordered to keep two cows only. However, in most instances the cattle they moved with died on their way to the area in which they were resettled¹. This stage often leads to a decline in living standards after removal. This stage also involves loss of income sources. There is also a tendency to behave conservatively in the first years after physical removal. This is shown through the risk aversion amongst community members for a few years after arrival at the new site (Scudder, 2005:34).

“Risk-aversion appears to be a coping response to the stress and uncertainty associated with moving into a new habitat-where settler families need not only to come to grips with a new physical and biotic environment, but also with new neighbours, and increased government presence and frequently with a new host population... They favour continuity over change and where change is necessary, they favour incremental change over transformation change” (Scudder, 2005:35).

During the first few years, labour resources may be inadequate or strained especially where everyone is expected to build a new home (Scudder, 2005:34; De Wet, 2015). In order to minimise the stress of forced relocation, relocatees behave as if a socio-cultural system were a closed system (De Wet, 2015) and cling to the familiar (Scudder, 2005:35). For instance, when the Macleantown community arrived in the areas in which they were resettled, they renamed the area Mpongo, which is an isiXhosa name for Macleantown. This was their way of acclimatising to the new environment and as a sign of expressing the bond that they have with Macleantown².

Stage 3: *Community formation and economic development*

The third stage involves the initiation of economic development projects to reduce the dependency syndrome and the culture of complaining. Some dependency and complaints are to be expected at this stage but once self-sufficiency has been achieved, the trend is to diversify economic activities and investments, as well as taking risks. The new generation of educated children contribute to improvement of living standards and diversification of economic activities. At this stage, living standards may rise and some people may begin to feel at home if proper government intervention is involved (Scudder, 2005:39-40).

¹ Interview with Vuyisislie Toli, Macleantown. 25 September 2016.

² Focus Group 1, Macleantown. 3 November 2016.

Stage 4: *Handing over and incorporation*

Once resettlement has been successful, the leading agency (usually the state) moves out and the community is given enough agency to allow it to come up with their own systems and structures for self-regulation (Scudder 2005:39-40).

2.5 Multidimensional stress and dropping of living standards in resettlement

The previous section has provided the stages of the theory and this section discusses the multidimensional stress, the dropping of living standards and the general hardships related to resettlement. On top of the multidimensional stress (psychological, socio-cultural stress, etc), an outbreak of diseases and a general decline in the health of relocatees is also common in resettlement projects. Living standards drop because of the multidimensional stress and also the whole point is that there are a large number of adjustments that resettlers have to make in order to adapt to a new area: “new neighbours, and more often than not, to larger communities, new economic activities that planners consider more appropriate and more government oversight” (Scudder, 2005:24-34).

Besides the scarcity of labour resources, it is also true that expenses are expected to rise after removal. Additionally, agrarian societies often moved to less fertile soils where more fertilisers are needed to implement meaningful crop cultivation. That was the case with the Lesotho Highlands Water project where resettlers from both Katse and Mohale reservoir basins struggled to cope in the new sites, as extra funds were needed to buy things they did not need to buy before resettlement (Scudder, 2005:34; De Wet, 2015). In South Africa, during forced removals in the then apartheid era, it is recorded that in some instances black people were moved to sandy and rocky soils that were less fertile which meant that they needed more fertilisers to do meaningful cultivation. Additionally, in “reserves” black communities found themselves needing cash to buy things they did not need to buy before forced removals (Levin, Solomon and Weiner, 1997:104-105). In Macleantown, increasing costs after land restitution are related to the lack of social amenities such as proper hospitals, schools and roads. This means that such social amenities are accessed elsewhere, which costs money.³

Stress after resettlement, which is derived from various sources, emanates from the trauma and the impotence of being uprooted against one’s will from the familiar, functional and

³ Focus Group 3, Macleantown 3 November 2016.

meaningful, and pushed into an undemarcated, strange and threatening environment. Communities cling to the known, while trying to adjust and cope with new neighbours, seeking to avoid the new and the unproved, such as new crop regimes, economic ventures or socio-political alliances while their living standards are likely to drop. Communities generally struggle to adjust to the new context (environment) and its demands, as well as the fact that they will still be under the pressure of settling in, building houses, struggling with food insecurities and health fluctuations (Scudder, 2005:34; De Wet, 2015).

After forced removals in the 1970s, the Macleantown community struggled not only to survive but also to understand the new environment and they did not have much land to survive. On top of that, they were often called names; the host population called them *amarhanukwa*, a derogatory Xhosa name referring to people who do not belong to that village⁴.

Living standards generally decline, at least for the first few years. This is particularly true when one is to consider projects such as the construction of Kariba dam in Zimbabwe, where the most affected were women and children, many of whom suffered from nausea and kept vomiting over the sides of trucks. They struggled to cook and eat and they regarded the new environment as wilderness (De Wet, 2015).

Most importantly, Scudder (2005:36) notes that where cash compensation is offered, the male head of household may be tempted to use it on consumer goods, which will not benefit the entire family, or he may use it to marry a younger wife, thereby leaving his older wife and kids destitute. In Macleantown, one beneficiary narrated a story of how the family member fought with him over the compensation money that he was given after land restitution⁵. Another problem as with the “land for land” compensation is that, if the head of the family dies, the eldest son may attempt to register that land in his name only, leading to a breakdown of the family (Scudder, 2005:36). Another form of stress amongst family members is that some families may be divided about where to relocate. Some family members may decide to stay in urban areas while some may prefer going to rural areas (Scudder, 2005:36). This also played out in some land restitution projects where there was a generational difference between the younger generation who were born in urban areas (preferring to stay in urban areas) and the older generation who usually want to go back to their ancestral lands (Walker, 2008:99). In the

⁴ Focus Group 1, Macleantown. 3 November 2016.

⁵ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

Macleantown restitution case, there are some beneficiaries who decided not to go back to Macleantown because they had established themselves in other areas after forced removals during apartheid⁶.

2.6 Cernea's IRR model of resettlement

I have presented Scudder's theory on resettlement, and I now discuss Cernea's IRR model in detail. Michael Cernea developed this theory in the 1990s when he chose not to apply Scudder's theory because he felt that a new theory had to be developed to appreciate and emphasise the impoverishment that occurs in the resettlement processes. Some of the reasons that lead to impoverishment include the failure by development planners to provide sufficient infrastructure, health facilities, housing and schools which make it difficult for relocatees to reconstruct livelihoods. This failure to provide adequate support after settlement on development projects resonates with the South Africa government's failure to provide sufficient infrastructure and PSS on time after land transfer which makes it difficult for land beneficiaries to practice proper farming (Xaba and Roodt, 2016b). For Cernea, resettlement exposes the relocatees to a range of interrelated impoverishment risks, which, if not consciously looked into and pro-actively countered, will leave the people affected impoverished and worse-off than before. In this way, many development projects meant to alleviate poverty have increased poverty by displacing huge numbers of people without re-establishing them viably despite the huge sums of money invested in those projects. From various case studies that he has worked with, Cernea has identified eight principal impoverishment risks, that is, landlessness, joblessness, marginalisation, homelessness, increased morbidity, food insecurity and mortality, loss of access to common property resources and community disarticulation (Cernea, 2000b:3660-3666; Cernea, 2003:1-3). Therefore, it is important to find out if land restitution beneficiary communities failed to have their livelihoods restored and whether their lives are worse than before restitution.

2.7 Earlier resettlement models that influenced IRR

The IRR model builds on and advances earlier resettlement models. For years, the students of planned resettlement projects have put forward various conceptual frameworks to chronicle planned resettlement processes (Cernea, no date). For instance, in 1969 Chambers came up with a three-stage model in the evolution of land settlements projects in Africa (Chambers,

⁶ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

1969:206-214). In the early 1970s, Nelson (1973) confirmed this pattern in a combination of numerous experiences with new land settlements in Latin America. However, Cernea is of the view that Chambers and Nelson's models generalised the experience of voluntary settlers (Cernea, 2000b:3660; Cernea, 2000a:14-15).

In 1982, Scudder and Colson developed a theoretical model of settlement processes, which identified four, instead of three stages: recruitment, transition, development and incorporation/handing over (Cernea, no date). The Scudder-Colson theory concentrated on settlers' stress and their particular behavioural reactions in each stage. Although the model was initially developed to be used on voluntary settlement, Scudder extended its use to some involuntary settlement as well, but only to those involuntary settlements that succeeded and moved through all four stages. In 1990, Emmanuel Marx formulated what he termed "the social world of refugees", a conceptual framework to interpret refugee situations after resettlement (Marx, 1990:189; Cernea, 2000b:3660).

While the above-mentioned earlier models helped researchers to understand the world of resettlement, these models were faulty in some respects. For instance, Cernea (2000b:3660) insists that, while there is merit in these earlier models, none of them placed at its centre the onset of impoverishment, its unfolding and the process of escaping impoverishment.

2.8 Core arguments of the IRR model

Having introduced Cernea's model above, as well as the background to his theory, I now move on to the core arguments of his theory. In general, Cernea sees these impoverishment risks as interlinked and reinforcing one another in a kind of vicious cycle. Cernea's IRR model sees resettlement as confronting relocatees with a plethora of interrelated impoverishment risks which, if not addressed, will become actualised, but which, if anticipated and appropriately addressed, can be changed into development opportunities. Thus, he says, "if impoverishment is the looming risk in displacement, the challenge is to organise risk prevention and provide safeguards" (Cernea, 2000:3660b). Importantly, these risks and losses do not only affect the relocating communities, but they also affect the local economy as well (Cernea, 1996:7).

Cernea's model is important for resettlement projects in that it examines and explains why an initially successful resettlement project may not be sustainable and why most major resettlement projects leave the communities worse off (impoverished) than before (Scudder, 2005:48). Thus, Cernea, (2000a:12) states that the danger of resettlement is that people may be

impoverished and may not be rehabilitated. The livelihoods of the resettled communities may not be restored and the resettled people's lives may be worse than before (impoverished) (De Wet, 2015; Cernea, 2000b:3659; Cernea, 2003:3; Vanclay, 2017). This gives a clear idea on how to properly implement future resettlement projects and to avoid risks. For Cernea, (2000b:3659) compulsory displacements that are initiated for development reasons become futile because the negative consequences often outweigh the positive results of the project. Thus, Cernea's model emphasises the importance of preventing such risks to occur through targeted strategies, backed up by sufficient financing (Cernea, 2000b:3662). This shows that land reform projects that involve resettlement should involve provision of sufficient infrastructure, health facilities, housing and schools so that beneficiaries will be able to reconstruct livelihoods and to create a "new" life after resettlement.

Cernea demonstrates that during displacement or resettlement people lose man-made capital (physical), natural capital, human capital and social capital (decapitalisation) (Cernea, 1996:8; Cernea, 2003:16; Cernea, 1999:17). Material and cultural losses may be experienced in the resettlement process (Cernea, 2000a:12). The fundamental cause of impoverishment is the loss of capital imposed by resettlement, which in turn causes disempowerment, helplessness and impoverishment of those affected. Resettlement involves taking people away from their familiar capital contexts to new capital contexts and resettlers have to start a new life altogether. There is no doubt that livelihoods of people are affected as well, especially if there are not sufficient activities to restore the livelihoods of resettled people or introduce income earning activities to improve their livelihoods (De Wet, 2015; Vanclay, 2017). This resonates with the plight of land restitution beneficiaries who were plucked out of their familiar contexts during land dispossession and dumped in poor overcrowded areas. Their plight is now worsened by the fact that the land restitution project has not had sufficient PSS and proper planning to reverse the loss of capitals. The failure of most resettlement programmes (realisation of impoverishment risks) and the ultimate decapitalisation are a result of what De Wet (2015) calls the "inadequate inputs". Therefore, Cernea correctly identifies an inadequacy, or lack of the following: national legal frameworks and policies relating to resettlement, political will, funding, pre-settlement surveys, planning, consultation and participation, careful implementation and monitoring (De Wet, 2015).

One of the reasons the resettlement theories are useful for understanding the post-settlement livelihoods experiences of land restitution is that all resettlers, be it refugees fleeing wars,

induced resettlers and land restitution beneficiaries are faced with one challenge, and that is to develop new livelihoods (or embrace the old ones, or a combination of both) strategies in a new area to survive. The IRR model focuses on the social and economic aspect of the process, the forced displacement and reestablishment. The core concepts for the model are *risk*, *impoverishment* and *reconstruction* (Cernea, 2000b:3661).

Since resettlement leads to loss of all types of capital (man-made capital, natural capital, human and social capital), reconstructive strategies should be multi-dimensional, taking the shape of a comprehensive and systematic resettlement programme (Cernea, 2000b: 3667). Another source of contention between host population, relocatees and external organisations is how development is perceived. For instance, outsiders such as government, the private sector, non-governmental organisations (NGOs), and development agencies are generally likely to have different views of what constitutes development, which the constituencies in development processes are and how to go about achieving that development. Local people are likely to have different views from outsiders concerning development and, as such, they may either embrace the developmental efforts or resist them (De Wet, 2015). Induced involuntary resettlement programmes must aim to halt impoverishment, as well as to reconstruct and improve the livelihood of resettlers (Cernea, 2000:35a). Reconstruction of livelihoods should entail re-capitalisation, that is, regaining all forms of capital (mentioned above) lost during and after resettlement (Cernea, 1996:8).

2.9 Risk identification and prevention

The main thrust of the IRR model is that in order to prevent and control the patterns of impoverishment it is prudent to act earlier to challenge the risks and stop them from becoming a reality. Thus, risk identification is meant for designing for action and for risk reversal. Importantly, in reversing the risk, the model shows which direction the action for safeguarding, reconstruction and development should take. In order to avoid homelessness, the housing reconstruction programme must be designed in advance and there should be various methods of housing that are acceptable to resettlers (Cernea, 2000b:3667; Cernea, 2000a:33-34; Cernea, 1996:8).

Thus, the IRR model relays two basic messages, that is, a policy message and a strategy message. The policy message contained in the theory is that the general risk pattern that is deep-rooted in displacement can be managed through a policy action that mandates and adequately finances integrated problem resolution (Cernea, 2000a:34; Cernea, 1996:23). If

these risks can be identified and anticipated, they can be addressed with appropriate counter measures and can even be converted to opportunities for reconstruction. Nevertheless, short cut remedies or palliatives cannot be used to control the risks. Thus, an appropriate policy response that anticipates these risks, as well as putting necessary resources and responses in place, can invert risk into reconstruction opportunities (De Wet, 2015).

The strategy message holds that particular resettlement programmes (plans) are needed each time to build the bridge from the general risk model to particular resettlement circumstances, as well as mobilising concerted responses by interested institutions and social groups. While it is expected that the government should play a bigger role in pursuing a policy of recovery, as well as allocating needed resources - financial, organisational, technical and so on - it would be unrealistic to expect the government alone to take a top-down approach to recovery. The relocatees themselves will have to partake in the process of recovery. It is also essential that all stakeholders, that is, relocatees, host populations, local leaders and non-governmental organisations take part in the reconstruction process (Cernea, 2000b:3667).

However, many African resettlement projects have been characterised by a general lack of consultation and participation and that resettlement projects have been planned and implemented on behalf of rather than by and with the affected people (De Wet, 2015). Importantly, in the South African land restitution programme, the land beneficiaries have not had enough space to participate in the process as the process is legalistic (courts driven and litigious) and manned by experts such as government officials and lawyers (Du Toit, 2000:84; De Villiers, 2003:144). Participation through consultation with the affected people is necessary. More importantly, dysfunctional communication between decision-makers and affected people is one of the roots of resettlement failures. A breakdown in information and communication between decision makers and communities has often led to “reverse participation” where communities fiercely oppose development programmes (Cernea, 2000a:51).

2.10 Criticism and comments on resettlement theories

This section provides criticisms of the resettlement theories used and I use the criticisms based on my experience with the two restitution areas I have been researching. There is no doubt that Thayer Scudder and Michael Cernea provide useful theories to understand the problems and risks associated with resettlement. The argument by resettlement theorists (Scudder, 2005; Cernea, 2005) that living standards normally drop after resettlement leading to impoverishment

because of lack of planning is very important, especially when one considers land restitution. In South Africa, many land restitution projects have largely not improved the livelihoods of beneficiaries partly because they have failed to function, leading to collapse of these projects. The main issue is the lack of planning for post-settlement, lack of adequate PSS, infighting, incompatible land reform designs, lack of skills, old age and poor attitudes towards farming by beneficiaries (Xaba and Roodt, 2016b). The emphasis on multi-dimensional stress relates to most restitution beneficiaries who were uprooted from their land through racist land dispossession policies (Levin, Solomon and Weiner, 1997:104-105), while post-restitution beneficiaries may realise that what they lost can never be returned (Du Toit, 2000). Therefore, the linear theory by Scudder (2005) does not capture the variations in individual and household responses to resettlement, but there is an assumption that the resettling community is homogenous and they respond to resettlement in the same way (Patridge, 1989). According to scholars such as Bilharz (1998), the first stage “planning and recruitment” creates an impression that resettlers are willingly recruited while it is known that resettlement is often a top-down approach wherein central agencies, such as government, initiate and tell communities what to do. Perhaps the first stage could be termed “Initiating and planning for resettlement”.

The conclusive argument by Scudder (2005) that resettlement communities respond a linear fashion is somehow faulty, in that not all kinds of resettlement will put resettled communities in these stages. Even Scudder (2005:43) admits that even if a resettlement project follows the stages that he presented, such stages may not happen in the same way they are presented in his theory. Scudder’s theory (2005) has been criticised for generalisation and failing to capture the differences from community to community (differences in cultures). For instance, resettlers may not behave as predicted by the theorist. The issue of the emergence of elite families or leaders who control access to resources - educational and other resources - after resettlement (Scudder, 2005) is very important. In Macleantown and Salem, part of the bigger problem is related to leadership squabbles with some leaders and influential individuals pursuing selfish interests⁷⁸⁹. Scudder (2005:42) was correct in his observation that, although there are variations, generally women’s roles become infantilised after resettlement. In my study, I found that women have somehow delegated their roles to males and males are at the forefront of restitution processes generally. I was in many cases told for instance that “*khawuthethe notata*,

⁷ Focus Group 2, Macleantown. 15 November 2016.

⁸ Interview with Mbewu Ntantiso, Salem. 4 April 2017.

⁹ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

nguye oyazi kak'hle lento” (talk to my husband, he is the one who knows this thing (restitution) very well)¹⁰. The theory does not fully capture the livelihoods mix of a resettling community and assumes that all resettlers are small farmers, yet it is now known that resettlers may have off-farm income sources such as remittances, social grants, seasonal employment, etc (Chimhowu, 2006;^{11,12}).

Cernea (2000a) provides a brilliant instrument to understand the inherent impoverishment on resettlement and the importance of planning for the post-transfer period. However, his thesis creates an impression that communities themselves are innocent victims who are subjected to incompetent development planners and that there is not much benefit from development projects. While this is partly true, one should also recognise that the communities themselves may ruin any possible chances of developing themselves, through infighting for instance. Thus, resettlement theorists have not captured issues such as infighting and with a voluntary resettlement such as land restitution, it is important to scrutinise the beneficiaries themselves. For instance, there are some cases wherein post-settlement support could not be provided in community development projects because of infighting¹³. In some cases, infighting has led to an impasse, wherein hardly anyone has any idea on what intervention is needed. Part of the infighting is related to group dynamics in that, in a resettlement, people are hardly communities, but rather they are individuals with competing interests, leading to unnecessary squabbles (Ntsholo, 2015; Claassens, 2016:74, 78). I would argue that there can be great plans and resources for a development project, but for as long as there is social conflict like I have seen in restitution cases, there can hardly be any progress. Thus, attitudes and interests of community members are not captured by the theorists, but rather the theorists largely provide a one-sided approach by explaining the failure of governments and development planners to provide proper planning for post-settlement. Therefore, just like Scudder (2005), Cernea’s theory does not factor in complexities and variations within communities such as gender, class, educational levels, etc. Some scholars such as Nayak (2000:105-107) have argued that Cernea’s IRR model lacks comprehensiveness in that there are risks other than the eight risks identified by Cernea that affect resettled communities. Therefore, some researchers have added some risks that are faced by resettled communities, which may include loss of education, loss

¹⁰ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

¹¹ Interview with Mbewu Ntatiso, Salem. 4 April 2017.

¹² Interview with Vuyisile Toli, Macleantown. 25 September 2017.

¹³ Interview with Zuziwe Nhlapho, Grahamstown. 3 March 2017.

of livestock, psycho-social-cultural risks, risk of loss of resilience and risk of migration (Kassahun, 2001; Downing and Gracia-Downing, 2009). Additionally, De Wet (2006) acknowledges the importance of planning in resettlement projects, but he argues that resettlement projects are often complex and unpredictable, so much so that what is planned may not materialise and things may not happen according to schedule. These arguments by De Wet (2006) are quite relatable to restitution projects in that the behaviour of beneficiaries and government officials is not always predictable and even when there are good plans, infighting, bureaucracy and other problems may undermine the project.

2.11 Concluding remarks

The two-resettlement theories employed above, that is, Thayer Scudder's four stages linear model and Michael Carnea's IRR model have demonstrated that resettlement, whether voluntary or involuntary, is likely to lead to a drop in the living standard of the resettled communities. Essentially, lack of sufficient planning, loss of forms of capital and multidimensional stress in resettlement leads to the failure of these projects. However, Carnea, (2000a) emphasises that if care is taken and proper planning is in place, impoverishment could be avoided and people could benefit from resettlement that way. In this way, this thesis investigates whether land restitution, as a form of resettlement, exposed land beneficiaries to the risks identified by Scudder and Carnea. The theorists provide overwhelming evidence to demonstrate that resettlement has often led to impoverishment because of lack of sufficient planning, risks, multidimensional stress and the whole point that the resettled communities have to start all over again. Planning for post-settlement support and implementation is a very important factor for resettlement and, as we shall see in another chapter, the lack of proper planning and provision of adequate support have led to the failure of most land restitution beneficiaries. Bureaucratic delays, lack of adequate PSS, infighting, lack of agricultural and managerial skills, poor land reform designs and poor attitudes towards farming have led to the failure of many land restitution beneficiaries to reap meaningful agro-based benefits. The next chapter discusses the SLF and Amartya Sen's "development as freedom" theory.

Chapter 3

3. Sustainable livelihoods, capabilities approach and land restitution

3.1 Introduction

The previous chapter on resettlement theories has argued that impoverishment is inherent in resettlement projects (both voluntary and involuntary) because of not only the multidimensional stress of resettlement, but also because of lack of planning and the whole idea that communities have to start over again. This chapter discusses the Sustainable Livelihoods Framework (SLF) and the capabilities approach, largely focusing on Amartya Sen's "development as freedom" theory. Sen's "development as freedom" theory captures much of the needed elements of the capabilities approach and I have also added contributions by other scholars such as Martha Nussbaum. The SLF and Amartya Sen's theory stress that poverty is a multi-dimensional phenomenon and that, as it is the poor who experience poverty, initiatives to address poverty should be people-centred. This study also seeks to understand whether (if so, in what ways) the post-land restitution period enables the creation of sustainable livelihoods that can help beneficiaries to avoid stresses and shocks or provide resilience to poverty. This study examined the kinds of livelihoods strategies pursued by beneficiaries to lessen poverty. These two theoretical approaches (SLF and capabilities) served as a way of measuring the human development aspect of land restitution projects in the post-settlement phase so that the livelihoods experiences of beneficiaries could be understood fully.

Amartya Sen sees development as a process of removing "unfreedoms" that stop people from leading the life they desire or a life they have reason to value. The South African government, through its land reform policies, envisages not only an eradication of the legacy of apartheid, but also the creation of opportunities for economic growth, job creation, livelihoods improvement of beneficiaries and contributing to reconciliation (RSA, National Planning Commission, 2011; High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017). Such state policy goals on land reform are related to the theories I used in that both state policies and academic theory I used show how there can be an improvement in the livelihoods of poor people. For instance, the capabilities approach stresses that development should enable poor people "choices", agency and "freedoms" for people to live the kind of life they have reason to value (Sen, 1999), while the SLF states that a livelihood is sustainable if it enables people to be independent in such a way that they can

withstand livelihood shocks, such as poverty and other hardships (Chambers and Conway, 1991:10). Therefore, the academic theory used and state policies show that an external agent, such as the government or non-governmental organisations (NGOs), must initiate and enable development of poor people. If the state has such impressive policies and academic theory poses some effective ideas on how livelihoods can be improved, what then is the problem? This thesis identified many issues such as the poor alignment/integration between state departments and other relevant stakeholders on land reform. Other problems include poor funding for land reform departments, the frustrating relationships between state officials and beneficiaries, group dynamics, lack of participation, lack of sufficient PSS, infighting amongst beneficiaries, old age and lack of skills (managerial and agricultural) of beneficiaries

I start by relating the theories to land restitution to show their relevance to the study. Next, I discuss the SLF, its origins, its main arguments, types of capital, vulnerability context, livelihood strategies, institutions and organisations, as well as the gender aspect of livelihoods. I then introduce Amartya Sen's theory by discussing concepts such as poverty, "unfreedoms" and "choices" in Sen's sense. I have also provided a section that discusses the criticisms of the SLF and Amartya Sen's theory in relation to this study.

3.2 Relating theories to land restitution

Besides the dignity restoration through the return of their forefathers' land (symbolic/sentimental aspect of land compensation), restitution beneficiaries should be able to support themselves after land transfer or at least benefit from land-based livelihoods activities such as farming. In other words, beneficiaries have to develop and construct livelihoods to survive, so that they are able to have agency in their lives. Therefore, as stated in the introduction, the SLF that is discussed in detail by Scoones (1998) and others is useful with specific reference to the Macleantown and Salem areas in understanding how people construct and maintain their livelihoods after land settlement. Since rural livelihoods are often reliant or dependent on the natural resource base (Scoones, 1998:11), by using the SLF the study seeks to explore whether or not the land restitution beneficiaries are self-sufficient and able to support themselves after land transfer and resettlement.

This model has also proved to be useful in assessing the capacity of households to resist shocks, such as epidemics, hunger or civil conflict. Further, the SLF is employed to identify, describe and understand the resources, assets and capitals (such as economic, social and symbolic), as well as actions and challenges which affect the sustainability of livelihoods in the face of any

shocks or economic hardships (Scoones, 1998; Ashley and Carney, 1999). McDowel (2002:2) adds that the SLF and impoverishment risks are pertinent and suitable in trying to understand the effects of disaster and forced displacement on the livelihoods of communities affected and the processes of post-disaster livelihood reconstruction.

According to a research report published by the Centre for Development and Enterprise (CDE), “land reform needs to make its beneficiaries and the country better off. Little is gained in the long run if justice turns out to be purely symbolic, leaves people poorer, or even aggravates grievances” (CDE, 2008:2). Thus, Walker (2012:818) adds that success on restitution projects requires more than the mere return of land or provision of cash compensation. Hall and Ntsebeza (2007:10) also correctly argue that if land reform is to succeed, those who are given land need to be able to use it in such a way that it contributes to improving their livelihoods. Therefore, while it is important to evaluate land reform quantitatively (numbers and statistics), it is important for one to look at the livelihoods impacts of land reform.

For Anseeuw and Mathebula (2008:2), development should address the quality of life in general, powerlessness, insecurity and low self-esteem, crowded homes, and alienation from the community. Van Wyk (2010:50) states that the master narrative on the land restitution programmes in South Africa has two themes. The first theme is the trauma of deep, dislocation from land in the past, while the second one is the promise of restorative justice through the return of land (Lahiff, Maluleke, Manenzhe and Wagerif, 2008:01; Anseeuw and Mathebula, 2008:04; Walker 2008). However, being happy about getting land back is not only about livelihoods; it is also about having the ability to choose and having a say about one’s life, hence the use of Amartya Sen’s theory. In addition, displacement represents social exclusion of certain group of people and Sen argued that different forms of social exclusion are contrary to the very nature of development (Cernea, no date; Sen, 1999).

3.3 Origins of the Sustainable Livelihoods Framework (SLF)

The SLF emerged as a result of the failure of modernisation theories to understand development deficiencies and the challenges in the then Third World countries (around the 1960s and 1970s). The SLF seeks to go beyond earlier definitions and approaches to poverty that were narrowed to simple concepts such as low incomes and did not include concepts such as vulnerability and social exclusion, because poverty is a multidimensional phenomenon (Krantz, 2001:1; Kessy and Aiko, 2008:11). The concept of SLF can be traced to the Brundtland Commission on

Environment and Development that was held in 1987, as well as the United Nations Development Programme (UNDP) Human Development Report of 1990 (Solesbury, 2003:vii).

The notion of SLF is also related to the environmental sustainability concept of sustainable development which seeks to meet the needs of the present generations without compromising the ability of future populations to meet their own needs (World Commission on Environment and Development (WCED), 1987:11, 27).

From the Brundtland Commission of 1987 to the Rio de Janeiro Conference of 1992 (The Earth Summit), the SLF (together with the notion of sustainable development) gradually became internationally recognised and transdisciplinary as it could be made relevant to theory, research, policy and practice (Knutsson, 2006; WCED, 1987; Drexhage and Murphy, 2010; Solesbury, 2003: vii, 3; 21; De Haan, 2012:347; Morse and McNamara, 2013:7-8). Since then, numerous development agencies started to advocate livelihoods approaches as key to their programming and organisational structures (Scoones, 2009).

Five years after Robert Chambers and Gordon Conway had formally introduced the concept of SLF in 1991, non-governmental organisations (NGOs) and donors' institutions such as Care, Oxfam, and the UNDP together with the United Kingdom (UK) Department of International Development (DFID) adopted the SLF as an instrument for their development programmes and practices (Knutsson, 2006:90; Solesbury, 2003:6,8; Carney, 2002:11; Ashley and Carney, 1999:5; Krantz, 2001:11; De Haan, 2012:346). This approach later won the hearts of many policy makers in donor organisations as it offered a new and fresh vision of a holistic and integrative model with the capacity to examine and understand the sophisticated nature of rural development (Chambers and Conway, 1991; Knutsson, 2006:90).

3.4 Understanding Sustainable Livelihoods Framework (SLF)

There is a significant amount of literature on sustainable livelihoods globally and in relation to Africa. The SLF is a way of thinking and a model of development that is meant to enhance progress in addressing poverty, with the people affected by poverty actively participating in poverty reduction initiatives (Carney, 2002:48; Ashley and Carney, 1999:1). The concept of SLF is increasingly becoming dominant in the debate about rural development, poverty reduction and environmental management (Scoones, 1998:3; Scoones, 2009). A livelihood is mainly understood as a way of obtaining a living (Chambers and Conway, 1991:5; Morse and

McNamara, 2013). The most accepted, classic and popular definition of SLF is that of Chambers and Conway (1991:6) who argued that:

A livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living: a livelihood is sustainable which can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next generation; and which contributes net benefits to other livelihoods at the local and global levels and in the short and long term.

Chambers and Conway (1991:10) also stressed that a livelihoods sustainability definition should include the ability to avoid, or to resist and recover from stresses, hardships and shocks. Their definition of SLF is based on three extant concepts (which are linked), namely capabilities, equity and sustainability. The SLF is thus a fusion of economic development, social equity and environmental protection (Drexhage and Murphy, 2010:2). SLF involves enhancing capabilities because, in facing change and unpredictability, it is required that people should be versatile, well informed, and quick to adapt, and be able to exploit diverse resources and opportunities.

In this study, it is important to check whether capability issues such as being sufficiently nourished, having comfortable clothing, avoiding escapable morbidity and preventable mortality, leading a life without shame, being able to visit friends, as well as keeping track of what is going on are being accessed by land restitution beneficiaries in Macleantown and Salem. The idea of capability focuses on the ability of (substantive freedom) individuals to lead a life they have reason to value and to increase the real choices they have (Sen, 1999:293). The exercise and enhancement of different forms of capability are intended to lead to the sustainability of a livelihood (Marazi, 2014:31; Chambers and Conway, 1991; Sen, 1999:293).

In addition, the SLF seeks to improve equity, that is, giving priority to the capabilities, assets and access of the downtrodden poor, including minorities and women. Equity is a means of obtaining the widening of sustainable livelihoods in various localities as it involves some form of socio-economic redistribution. There should also be an attempt to increase social sustainability and the vulnerability of the poor should be limited by reducing external stress and shocks and providing safety nets (Solesbury, 2003:6; Chambers and Conway, 1991; Scoones, 1998; Marazi, 2014:31).

The environmental sustainability part of the SLF approach is concerned with pollution, global warming, deforestation, the over exploitation of non-renewable resources and physical degradation. Environmental sustainability may include issues such as physical and biological aspects of sustainability, especially farming systems, common property resources, as well as raw materials needed for livelihoods. Social sustainability refers to the ability of a livelihood to cope with stress and shocks, while at the same time being able to retain its ability to continue and improve (Chambers and Conway, 1991:9).

In this way, the SLF approach helped this study to understand how people/communities in Macleantown and Salem meet basic needs and build up assets, as well as how those assets are used in two ways: as the engine for livelihood strategies, and as a buffer for alleviating vulnerability to shocks and stresses (Sanderson, 2009). Therefore, based on the above definitions, this study looked at all the efforts made by the Macleantown and Salem land restitution beneficiaries to generate and maintain not only a means of survival, but also means that improve their standard of living, combined with their capabilities to adapt ecologically (environmental sustainability), as well as non-natural stresses of their lives in maintaining their assets and passing them to the next generations.

To assess the potential of restitution projects to enable sustainable livelihoods for beneficiaries, the following argument by Chambers and Conway is important. Chambers and Conway (1991:19) argue that the sustainability of livelihoods may be difficult, but such assessment requires judgements about an unpredictable future that is increasing. Farrington, Ramasut and Walker (2002:1) add that successful strategies of SLF must strive to improve and consolidate poor people's access to and control over assets, thereby leading to an improvement in their livelihoods, as well as helping them to reduce vulnerability to shocks and stresses which can otherwise result in a downward cycle of indebtedness and impoverishment.

3.5 Importance of participation

As the literature has shown, the SLF and the capabilities approach recognises that poor people know and understand their situation best because they are the ones who feel poverty and therefore they must be involved in the design of policies and projects intended to improve their situation (Krantz, 2001:02). Therefore, development ought to be people-centred and participatory, as well as being based on local-level solutions obtained from community initiatives (Leach, Mearns and Scoones, 1997:7; Solesbury, 2003:14) because local people have capabilities that outsiders have largely been unaware of (Chambers, 1997:131). In other

words, rather than working on the poor, this approach seeks to work with the poor, using local people's initiatives for the benefit of the poor. Thus, it would be desirable for land beneficiaries to participate in the decision-making that affects their projects.

Participation, empowerment and mutual respect provides a platform for poor people to express and analyse their individual and shared realities (Chambers, 1997:162). Chambers, who argues that development and emergency practice should put people first and the things that matter to them, also famously supports this argument. These people are those who are poor, physically weak, isolated and vulnerable (Chambers, 1983; Chambers, 1997:211).

For the SLF, success is measured by whether there has been a presence of sustainable improvements on the part of poor people's lives (Ashley and Carney, 1999:5). This means that poverty alleviation strategies should be inclusive and people-centred for land restitution beneficiaries.

Hence, responses to such realities must not impose artificial categories and divides on sophisticated realities (Scoones, 2009). Singh and Gilman (1999:540) add that sustainable livelihoods are obtained from people's capacities to exercise choices, access opportunities and resources, and use them in ways that do not take away options for others to make their living, either now or in the future.

3.6 Core principles of SLF

Having described above what SLF entails, it is necessary to sum up the core principles of this approach. The SLF emphasises the importance of comprehending different livelihoods elements and factors, such as the priorities that people have, the different plans that are used by people to realise their priorities, as well as the policies, institutions and organisations that determine their access to assets/opportunities and the returns they can get. It is also necessary to understand people's access to capitals (economic, social, natural, physical and human capital) and their ability to put those capitals in use for their livelihoods and survival, and the context in which they live (shocks, including external trends and seasonality) (Ashley and Carney, 1999:7). Figure 1 below is a brief explanation or illustration of the core principles of the SLF.

Figure 1: Sustainable Livelihoods Framework

Box 1 DFID core SL principles

Poverty-focused development activity should be:

- **People-centred:** sustainable poverty elimination will be achieved only if external support focuses on what matters to people, understands the differences between groups of people and works with them in a way that is congruent with their current livelihood strategies, social environment and ability to adapt.
- **Responsive and participatory:** poor people themselves must be key actors in identifying and addressing livelihood priorities. Outsiders need processes that enable them to listen and respond to the poor.
- **Multi-level:** poverty elimination is an enormous challenge that will only be overcome by working at multiple levels, ensuring that micro-level activity informs the development of policy and an effective enabling environment, and that macro-level structures and processes support people to build upon their own strengths.
- **Conducted in partnership:** with both the public and the private sector.
- **Sustainable:** there are four key dimensions to sustainability – economic, institutional, social and environmental sustainability. All are important – a balance must be found between them.
- **Dynamic:** external support must recognise the dynamic nature of livelihood strategies, respond flexibly to changes in people's situation, and develop longer-term commitments.

SL approaches must be underpinned by a **commitment to poverty eradication**. Although they can, in theory, be applied to work with any stakeholder group, an implicit principle for DFID is that activities should be designed to maximise livelihood benefits for the poor.

Source: Ashley and Carney, 1999:7

3.7 Types of capital

The Macleantown and Salem restitution project will be studied in relation to the five types of household assets, that is, natural, physical, economic/financial, social and human capital. In this case, assets (such as land), which are the resources that are used by people or communities to carry out livelihood strategies, are crucial in the attainment of sustainable livelihoods. The land restitution beneficiaries need the capacity to pursue different livelihood strategies, which is reliant on the basic material and social, tangible and intangible assets that people possess. Such livelihood assets may be seen as the 'capital' base from which various productive streams are acquired and from which livelihoods are built (Scoones, 1998:7; Ellis, 2000:8, 31-36; Farrington et al., 2002:2). This study is interested in knowing how the land beneficiaries use the natural, physical, economic, human and social capital to pursue different livelihood strategies.

Natural capital refers to resources such as water, land and biological resources that are utilised by people to create livelihoods. Importantly, within natural capital there are two categories, namely, renewable and non-renewable resources. Renewable resources replenish themselves (such as fishery, trees used for firewood, water levels in underground aquifers, soils) whereas non-renewable resources are principally extractive resources such as metals, ores, and oil, stocks of which are permanently depleted according to the rate of extraction by people (Ellis, 2000:32; Scoones, 1998:7; Ellis, 2000:32; Farrington et al., 2002:20; De Haan, 2012:346).

Physical capital refers to the capital that was produced by the economic production processes, that is, the basic infrastructure and services needed to support livelihoods, such as secure shelter affordable transport and buildings, adequate water supply and sanitation, as well as clean affordable energy. Although they are seen as unproductive, these physical assets, such as a house, can be used as a source of livelihood if it is used to generate cash inflows, for instance, if a house is rented out. Noteworthy, physical capital can be substituted for natural capital in many situations (Ellis, 2000:32-33; Morse, McNamara and Acholo, 2009:5).

Economic or financial capital refers to assets such as cash, savings, credit/debt and other economic assets, including basic infrastructure and product equipment and technologies that are necessary for the pursuit of any livelihood strategy (Scoones, 1998:8; Morse, McNamara and Acholo, 2009:5). It generally refers to stocks of money that households have access to (Ellis, 2000:34).

Human capital refers to the knowledge, skills, ability to work, good health and physical capacity that is important for the fruitful pursuit of various livelihood strategies (Scoones, 1998:8; Farrington et al., 2002:20; De Haan, 2012:346). Human capital can be enhanced by investment in education and training and by the skills gained in pursuit of certain occupations (Ellis, 2000:34).

Social capital is the social resources such as networks, social relations, social claims, affiliations, associations that people use when pursuing various livelihood strategies that need coordinated actions (Scoones, 1998:8). Ellis (2000:36) concurs by arguing that social capital is the exercise of exchanging things with others for mutual benefit within community members and between households based on trust obtained from social ties. If people are to generate livelihoods, they should merge the ‘capital’ endowments that they have access to and control over (Scoones, 1998:8). Social capital is defined by the World Bank as “the norms and social

relations imbedded in the social structures of society that enable people to coordinate action and to achieve desired goals” (George, McGahan and Prabhu, 2012:336).

3.8 Vulnerability context

Land restitution or land reform should not leave beneficiaries vulnerable to poverty or any livelihood shocks but, rather, land reform in general is expected to improve the livelihoods conditions of beneficiaries. It is important to note that vulnerability conditions and events (shocks, trends and seasonal variations), structures (organisations) and processes (institutions) mediate access to these capitals discussed above (Farrington et al., 2002:3). Vulnerability refers to a state of defencelessness, insecurity or well-being of individuals when they are faced with changing environments, be it ecological, social, economic or political, in the form of sudden shocks, long-term trends or seasonal cycles (Moser, 1996; Farrington et al., 2002:2). The vulnerability context of poor people can affect their livelihoods, as well as their access and control of resources (Adugna, 2006:26).

The sources of these vulnerability conditions and events fall into three broad categories. The first category of shocks includes trends incorporating population growth and density, international economic trends and market prices, resource trends, technological trends and political governance trends. The second category includes natural shocks (such as floods, droughts and diseases), economic shocks (such as market crashes and inflation) and socio-political shocks (inconsistent election cycles, low personal and property security, human health shocks, livestock health shocks, crops failures). The third category refers to seasonality, which is related to variations in prices, production, health and job opportunities (Department for International Development (DFID), 1999:3). The capacity of households to avoid or reduce vulnerability and to increase economic productivity is reliant on their initial assets and on their capacity to turn such assets into income, foods and other basic needs. Meeting such basic needs can be achieved by intensifying existing assets, as well as coming up with new assets, or diversifying their strategies (Adugna, 2006:27). To escape the vulnerability conditions or to improve their livelihoods, land restitution has to employ different strategies to survive and the next two sections seek to detail the possible strategies available to beneficiaries.

3.9 Livelihood strategies

Livelihood strategies are actions and activities that people, and in this case land restitution beneficiaries, undertake to create their livelihood. Livelihood strategies involve coping

strategies that are designed for responding to shocks in the short term, as well as adaptive strategies that are designed to improve circumstances in the long term (Singh and Gilman, 1999:541; Farrington et al., 2002:3). Rural livelihood strategies usually involve activities such as crops cultivation, home gardening, share-rearing livestock, exploiting common property resources, family splitting and stinting by household members. On the other hand, urban livelihood strategies may involve substantial travelling back to communal areas where household members originate from and some complicated remittances arrangements involving other family members (Singh and Gilman, 1999:541).

There are three types of livelihoods strategies that are available, and these are agricultural intensification/extensification, livelihood diversification and migration. Therefore, livelihoods can be made from agriculture (including livestock rearing, aquaculture, forestry and others), through processes of intensification or extensification. Another way of gaining livelihoods is to diversify livelihood strategies by arranging off-farm activities to generate incomes. In some cases off-farm activities could be done by moving away to seek a livelihood, either for a short time or permanently, somewhere (migration). Alternatively, one can pursue a mixture of strategies together, or in a sequence (Scoones, 1998:9). It was also important for this study to identify livelihood resources (or a mixture of ‘capitals’) that are required for various livelihood strategy combinations as a crucial step in the process of analysis (Scoones, 1998).

3.10 Unpacking three core livelihoods strategies

Having discussed what livelihoods strategies are about, I now discuss the three types of livelihood strategies - agricultural intensification/extensification, livelihood diversification and migration - in more detail so as to fully understand the livelihoods strategies employed by land beneficiaries. Agricultural intensification/extensification usually happens through capital and technological investments (supported often by external inputs) and policy-led intensification or through extensification which involves more land under cultivation (Scoones, 1998:9).

Livelihood diversification entails an active choice by people or households to invest in different livelihood strategies through diversification for accumulation and re-investment. Diversification is often aimed at coping with (unpredictable or predictable) temporary hardships or more permanent adaptation of livelihood activities, in the event that other choices are failing to provide a livelihood. Thus, diversification involves coming up with a wide income-earning portfolio (diverse portfolio of activities and assets) to cover all types of shocks or stress jointly, more like a combination of fallback plans. Diversification strategy may

involve investing in the development of responses to handle a certain kind of known shocks or stress through well-developed coping mechanisms (Scoones, 1998:9).

In simple terms, diversification entails the presence of different sources of income at the same time in order to survive or to improve their living standards, thus also requiring diverse social relations to underpin them (Adugna, 2006:26; Ellis, 2000:27). Diversification reduces dependence on one source of livelihood and thus mitigates vulnerability of households to certain stresses and shocks as well (Farrington et al, 2002:28).

Migration involves moving away and seeking a livelihood elsewhere, be it on a temporary or a permanent basis. Migration happens because of different migration causes that can be voluntary or involuntary (Scoones, 1998:9).

3.11 Institutions and organisations

It is important to discuss the structures and processes that mediate the sophisticated and multifaceted processes of achieving a sustainable livelihood, because the ability of land restitution beneficiaries to pursue certain livelihood strategies is largely dependent on the support from land reform institutions and organisations. It is important to understand certain elements of the frameworks that inhibit or enhance livelihood outcomes for the land beneficiaries in Macleantown and Salem. Institutions are “regularised practices (or patterns of behaviour) structured by rules and norms of society which have persistent and widespread use” (Scoones 1998:12; Giddens, 1979:96).

Institutions might be formal or informal, usually fluid and unclear and often subject to various interpretations by different actors. Such institutions often influence the access to livelihood resources (directly or indirectly) which then affect livelihood strategy choices and, eventually, the scope for sustainable livelihood outcomes on the part of households. A livelihood is comprised of assets and activities, access to which is influenced by institutions and social relations (Ellis, 2000:15). Organisations are a group of people who are held together by some commonly held purpose to achieve certain objectives (North, 1990:5; Ellis, 2000:38).

The power relations that are immersed in institutions are very important. Institutions are constantly changing (continuously being shaped and reshaped over time), and the processes of social negotiations animated by power relations mean that institutional frameworks are not fixed entities or fully bounded systems (Scoones, 1998:12). In North’s words, institutional

processes are “rules of the game” whereas the organisational structures are the ‘players’ (North, 1990:3; Ellis, 2000:10, 38). In sum, institutions are the social link that link relevant stakeholders to access different types of capitals for the means of practising power and thus define the gateways through which they pass on the route to positive or negative (livelihood) adaptation (Davies, 1997:24).

Institutions are important for policy and practice of development for sustainable livelihoods in many ways. The first one is that understanding the institutional processes allows for the identification of obstacles and opportunities to sustainable livelihoods. It is necessary to understand the institutions and organisations in designing interventions that improve sustainable livelihoods outcomes because formal and informal institutions influence access to livelihood resources and in turn affect the composition of portfolios of livelihood strategies (Scoones, 1998:12). A “livelihood portfolio” is a combination of activities that are exercised by different individuals in households (Chirau, 2012:31).

Institutions for land restitution such as the Commission on Restitution of Land Rights (CRLR), agricultural departments, Department of Rural Development and Land Reform (DRDLR), NGOs, and others are important for the Macleantown and Salem restitution projects in that they can either frustrate or enhance the efforts for land beneficiaries to attain better livelihoods. For instance, provision of adequate PSS can enhance the efforts to improve their livelihoods, where lack of adequate PSS has frustrated/constrained chances of getting better livelihoods from the land. Secondly, understanding institutions sheds more light on the social processes that are key for livelihood sustainability. Getting sustainable livelihoods is not straightforward because there are always contestations, negotiations and trade-offs at every turn. Hence, understanding social relationships, their institutional form (both formal and informal) and the power dynamics that are immersed in them is important. There is therefore need for interventions in support of sustainable livelihoods if appropriate institutional entry points are to be found (Scoones, 1998:12).

Finally, an approach that stresses the importance of both formal and informal institutions and underlying rules and norms suggests a complex and ‘messy’ institutional matrix mediating the processes of livelihood change (Leach, Mearns, Scoones, 1997:26; Cousins, 1997; Scoones, 1998:12). For instance, by analysing institutions, one would examine the broader range of institutions and organisations that particularly influence people’s abilities to pursue combinations of different livelihood strategies, and the results for sustainable livelihoods

outcomes (Scoones, 1998:13). The next section seeks to demonstrate that development projects may have a gendered impact in that, although women may be active partakers in development projects, their voices may be thwarted by males because of patriarchal cultural norms and practices.

3.12 Gender and livelihoods

Male domination and women submission to men or oppression of women, rather, is the main feature of patriarchal societies. Gender refers to socially defined/constructed roles and relationships between men and women. These roles are usually unequal in as far as power, decision making, control over events, freedom of actions, ownership of resources and so on are concerned (Ellis, 2000:139). In the past, agrarian reforms were gender blind because it was believed that the benefits of agrarian reforms will trickle down to every member of the household, but evidence shows that women have been relegated to unpaid labour and subject to exploitation by males. Results from various countries indicate that projects that are meant to benefit women are hijacked by men who end up controlling (and owning) outputs, even though women are the ones who put a lot of effort into labour and inputs, and thus women are usually excluded from land inheritance (Ellis, 2000:140, 158-159).

Generally, in cases where women (wives) try to diversify their source of income (as a household), men (husbands) would in most cases try to control how that money is spent. This means that women are disadvantaged in terms of either assets or activities (or both), because there exists gendered, patriarchal and unequal power relations in terms of access to resources and income generating opportunities (Ellis, 2000:141). The point is that women do the majority of farm work in agriculture in most developing countries, yet they do not own or control either the means of production nor the produce. In this way, gender inequality becomes the pervasive feature of rural households. Different types of feminists (socialist, liberal, radical, Marxists, poststructuralist, eco-feminists) argue that the skewed male-female equation in a patriarchal society is biased in favour of men, which denies women equal access and leads to the general subordination of women (Chirau, 2016:24-31; Ngomane, 2016:31-35).

In a report by ACORD, Oxfam and Action Aid, (2012) based on findings from Kenya, Sierra Leone, Zambia, South Africa, Uganda, Malawi and Mozambique, researchers found that women still continue to struggle to access their land rights (ownership, access and control) and continue to be vulnerable to conflict, sexual violence and gender-based violence because of patriarchal attitudes. Customary laws in most African countries tend to discriminate against

women and there is hardly any political will from the states to protect women's land rights. Even if there is legislation in place, enforcement is often weak, and yet women produce most of the food that is consumed in their households. Studies on land reform in South Africa show that, in spite of the legislation to protect women, women continue to struggle to access land rights and their voices are largely ignored because of patriarchal attitudes and customary laws. Women are still expected to be submissive to their male counterparts and their access to land in some cases is still via their husbands or male relatives (Jacobs, 2004; Walker, 2005b:307-310; Ngomane, 2016; Lebitse, 2018; Shabodien, 2018). This is despite the fact that women work the land, and in the case where there is hunger, women are expected to provide food for the households (Jacobs, Hart, Motala and Nhemachena, 2013:64-65). The next section on capabilities seeks to demonstrate that developmental impact should be evaluated by the enablement of capabilities, choices and freedoms for people to live the kind of life they admire.

3.13 Introducing the capabilities approach

I have discussed the SLF, as well as how it will help this study understand the post-settlement livelihoods experiences of land restitution beneficiaries and I now discuss the capabilities approach. I have particularly used Sen's theory to represent the capabilities approach because his theory captures the most important aspects used for this study, but I have also highlighted Martha Nussbaum's contributions. In discussing Amartya Sen's arguments on development, the study wants to understand if the land restitution programme have led to development outcomes in Sen's sense. Put differently, has the land restitution processes led to the outcomes that the beneficiaries have reason to value? Are the land beneficiaries leading a life that they have reason to value after land transfer?

Basically, Sen argues that poverty should not be seen in low incomes only, but rather, poverty should be seen as a deprivation of "choices" of a poor person to live the life that a person values. Poverty involves the lack of capacity to exercise capabilities, because of issues such as low income, poor education and health, poor economic opportunities, neglect of public facilities, lack of human and civil rights, intolerance and repression (Sen, 1999). Hence, poverty is a result of a shortfall in terms of "basic capabilities" (Clark and Qizilibash, 2005:7). Sen thought that looking at poverty as a question of low incomes was a one-dimensional approach because poverty is a multidimensional phenomenon. He thought that the one-dimensional approach ignored the social aspect of poverty, and that poverty should not be seen

only as the deprivation of income and physical needs but should also be seen as a deprivation of “choices” (Sen, 1999; Lekezwa, 2011:42; Kessy and Aiko, 2008:11).

Thus, development in this case should be about enabling poor people to access “choices” so that they can access the kind of life they desire. While various scholars before Sen had largely described poverty as resulting from low incomes, Sen (1999) agreed but added that poverty must also be seen as a result of deprivation of choices on the part of a poor person to lead a life that they have reason to value. Therefore, this study seeks to understand whether the land restitution programme has led to access of “choices” on the part of land restitution beneficiaries to lead a life that they have reason to value.

The SLF approach discussed earlier is related to Amartya Sen’s theory in that both theories stress that poverty is not just a question of low incomes and that poor people know their situation better (Krantz, 2001:02, Sen, 1999). Sen’s central argument is that reducing poverty has to do with enabling people’s “choices” so that they can live meaningful lives or lives that they have reason to value. Therefore, poverty in Sen’s sense is seen as a “deprivation” of the capability to live a “good life” which needs basic physical conditions to be met (such as health and shelter) and the ability to make economic and political choices to be provided (Sen, 1999: xii, 01).

3.14 Defining poverty

The word “poverty” appears a lot in this chapter and since land reform (especially land restitution) is largely meant (among other things) to alleviate poverty, it is important for this study to define poverty clearly. It is important to note that the term “poverty” is a complicated one, and that different researches use this term in different ways. I now present a discussion on poverty.

Debates about development are largely centred on poverty (poverty alleviation). The bigger international institutions such as the World Bank, through its Poverty Reduction Strategies, as well as the UN through its Millennium Development Goals (MDGs) have committed themselves to addressing poverty (Case, Hosegood and Lund, 2005:467). However, poverty continues to be a multifaceted phenomenon and there has been no single measurement that has sufficiently captured poverty (Marais, 2011:206). For instance, when people talk about multitudes of people in South Africa who are suffering from poverty (in spite of the many efforts to address poverty) (Woolard, Harttgen and Klassen, 2010:3), or when others talk about

the falling poverty levels in South Africa, it reflects the different definitions of poverty by different institutions.

There are two types of poverty - “absolute” and “relative” poverty. One of South Africa’s popular sociologists, Webster, defines “absolute” poverty as “a situation in which people are barely existing, where the next meal may literally be a matter of life and death as the cumulative effects of malnutrition and starvation enfeeble all, particularly children” (Webster, 1990:16). Triegaardt (2005:251) prefers to define “absolute” poverty as “the inability to attain a minimal standard of living, measured in terms of basic consumption needs or the income required to satisfy them”.

On the other hand, “relative poverty” refers to a pronouncement of poverty of one’s entity in relation to another entity. It refers to people who are being afforded basic needs, but whom, in terms of their social environment, continue to lead a disadvantageous life. For instance, South Africa is relatively poorer when compared to a country such as America, while South Africa may be considered a relatively richer country when compared to a country such as Zimbabwe. In this way, absolute poverty refers to destitution or a desperate situation, the difference between life and death, while relative poverty refers more to a comparison of different groups of people (De Beer and Swanepoel, 1997:2). In addition, the challenge with definitions of absolute poverty is the meaning of “minimal standard of living”, and how it should be measured. For example, how much food can be regarded as “minimal”, and does the minimal standard include other things besides food (Webster, 1990)? Thus, defining relative poverty is even more complex.

3.15 Understanding Amartya Sen’s “development as freedom” theory

As I have said above, Sen’s major thesis is that poverty is a form of “deprivation” of the capability to live a “good life” on the part of a poor person; therefore, ending poverty means meeting basic physical (such as health and shelter) and social needs, and empowering citizens to be able to make meaningful economic and political choices. In this way, poverty is seen by Sen as “unfreedom” or inability, and a disabling proposition on a poor person in terms of their inability to lead a good quality life. Sen’s arguments suggest that there is need to look at policies, in terms of the effects on “well-being” of individuals (Sen, 1999; Des Gasper, 2002). Thus, poverty is not just a question of lack of access to basic physical needs such as food, water, clothing, education, health, but also to other social necessities. For this study, it would be prudent to check if the effects of land restitution lead to the “well-being” of beneficiaries.

Since poverty is viewed as a form of “unfreedom”, the challenge therefore is to remove “unfreedom” and promote people’s capabilities to make key life choices (Sen, 1999:87; Walker and Unterhalter, 2007:2). Moreover, the absolute poverty approach does not explain how households experience poverty and what they feel about it, or how deprivation affects other aspects of life beyond eating, sleeping and other basic physical needs. People’s needs are social because they are part and parcel of a society, and in this way the idea of relative poverty sheds more light on the importance of social considerations when defining poverty (Xaba, 2015:43).

For Sen, the main aim of an acceptable (desired, good, tolerable) society is to increase human capabilities, and the expansion of human freedom should be the “primary end...and principal means” of developmental efforts (Sen, 1999: xii, 1, 53, 285). Thus, development entails the ongoing removal of different types of “unfreedoms” that leave people with few “choices” and little opportunity to exercise their reasoned agency. “Development is indeed a momentous engagement with freedom’s possibilities” (Sen, 1999:298). Therefore, development is the enlargement or increase of the freedom to exercise the basic and in-born human capabilities requiring political freedoms, economic and social opportunities, security of the person and “transparency” (Selwyn, 2011:69; Sen, 1999). This freedom is needed so that poor people can have individual responsibility in their lives and own their destiny (Sen, 1999:53, 284). Thus, Sen added:

With adequate social opportunities, individuals can effectively shape their own destiny and help each other. They need not be seen primarily as passive recipients of the benefits of cunning development programmes (Sen, 1999:11).

Poor people should partake in decision making for development efforts, rather than elites or “cultural experts” because the “means” and “end” of poverty reduction is enabling individuals to make choices, and live meaningful lives (Clark, 2005:8). As I have shown above, the importance of participation is also emphasised by resettlement theories, as well as the SLF. Development should therefore strive to empower people, not just feeding them only because one can be adequately fed but still remain poor. Thus, solving poverty by making sure that that people have adequate food and have other basic needs met is not enough. “The general enhancement of political and civil freedoms is central in the process of development itself”, and these “freedoms include the liberty of acting as citizens who matter and whose voices count, rather than living as well fed, well clothed and entertained vassals” (Sen, 1999:288).

3.16 Defining capabilities terms

Functions are activities that people do and expected states of being. Examples of functions include health or well-being. Capabilities in this case would be opportunities to achieve those anticipated states or activities. These capabilities are reliant on the assets that are available to people (human, social, educational and financial), together with the social and political landscape that may augment or constrain capabilities (Graham, Moodley and Selipsky, 2013:326; Clark, 2005:4). When thinking about the land restitution programme, functions (achievement/outcomes) might include, for example, growing crops, eating healthy food (preference to be judged by an individual), feeding one's self without depending on handouts, being respected, affording preferred clothing, happiness and having good relations with neighbours. Capabilities in this sense would be the ability to achieve all these things. This ability to change resources (in this case land) to desirable outcomes is influenced by personal, social and environmental contexts that are better known as conversional factors (Wilson-Strydom, 2017:388). An important question to ask would be what land restitution beneficiaries are able to do and to be? Additionally, the capability approach states that one should not blindly analyse the functions (outcomes), but rather look at the real freedom or opportunities each individual has available to choose and to achieve what he/she values (Walker and Unterhalter, 2007:5). According to the capability theorists, the mechanisms that constrain capabilities, such as poverty, are called "unfreedoms" (Sen, 1999; Nussbaum, 2000).

Choice and judgement are entirely up to the poor people. People must choose what to do with their capabilities, and "the selection and weighting of capabilities depend (s) on personal value judgements" (Clark, 2005:5; Clark, 2003:178). For instance, one of the valued capabilities is the ability to "live long, escape avoidable morbidity, be well nourished, be able to read, write and communicate, take part in literary and scientific pursuits and so forth" although not everyone would be interested in exercising this capability (Sen, 1984:497, cited in Clark, 2005:5).

More importantly, different people value different things. People have alternative combinations of things that they can do, and freedom in this case means being able to achieve what an individual considers valuable after thinking it through (Walker and Unterhalter, 2007:2). For instance, many people believe that a "good life" should include the power to reason and make "choices", as well as develop "natural assets" such as determination, motivation and self-reliance (Clark, 2003:188). Usually, cash income from a job is a way to achieve certain goals,

most of them social and personal goals and relationships. Jobs provide access to better housing and living conditions, education, food and clothing, but also provide ways to access their family, friends, religion and church, free time and recreation, and the ability to live long and well (Clark, 2003:181-185).

3.17 Criticism and comments on the SLF and capabilities approach

There is no doubt that the SLF has been important for understanding the livelihoods of poor households, including livelihoods shocks and stresses, the ability on the part of people to deal with shocks (resilience) and the vulnerability context of the people. However, certain comments and criticism can be observed about the SLF and the capabilities approach in relation to this study. This critique and comments largely focus on the usefulness and importance of the theories in studying the livelihoods experiences of restitution beneficiaries. Because the focus of the SLF is on poverty, the model tends to focus much on the use of assets by the poor, and the model does not fully capture the actions and influence of wealthier players in the field (Small, 2007:31). Again, the model hardly conceptualises social structure and power relations (market, class, gender and ethnicity) and there is an assumption that the poor are a group of homogenous people (Moser, Norton, Conway, Ferguson and Vizard, 2001). Carney (2002) has also argued that the SLF does not give detail about the issues related to citizen rights, the environment and even poverty. My focus on the land restitution cases is to observe the reconstruction and attempts to reconstruct land-based livelihoods, so that beneficiaries are able to be resilient and withstand any livelihood shocks, as well as the sustainability and viability of these projects.

The use of the capabilities approach to evaluate the success of land restitution is important in that it helps the study to capture the voices and livelihoods experiences of beneficiaries. For Nussbaum (2000), a just society is the one that guarantees basic capabilities for people to live the kind of life they value, while Sen (1999) emphasises that a just society should enable not only capabilities, but also choices for people to live a life they value. Development should get rid of “unfreedoms” that inhibit people from living a healthy, well-nourished and happy life that people have reason to value. This helps the study to focus on the functions (outcomes) achieved by the beneficiaries and, most importantly, their abilities (capabilities) and choices available to them to achieve those outcomes. The capabilities approach as an evaluative framework would be helpful in evaluating the restitutions goals of reconciliation and broad land reform goals by capturing the “voices” of beneficiaries, their livelihoods experiences and

what they value. In other words, using the capabilities approach helps the study to understand the different choices and opportunities (if any) that came with restitution, and their (beneficiaries) feelings and judgments about the success of the restitution project.

3.18 Concluding remarks

The two group of theories used in the study are important for a number of reasons. The resettlement theories are predictive-planning tools for understanding the risks of resettlement and the importance of planning for the post-resettlement period. On the other hand, the SLF and Amartya Sen's theory are a good way of measuring the human development impact of the land restitution programme after resettlement through capturing the "voices" of beneficiaries, their lived livelihood experiences after restitution and what they have reason to value. The SLF and Amartya Sen's "development as freedom" theory stress that the poor feel poverty and hence the initiatives to address poverty should be people-centred (bottom up).

A sustainable livelihood is the one that can avoid stresses and shocks or provide resilience to poverty. In other words, does the post-land restitution period offer sustainable livelihoods that can avoid stresses and shocks or provide resilience to poverty? In summation, it is important to emphasise that sustainable livelihoods should include income and consumption, the ability to handle stresses and shocks and to satisfy human needs, as well as environmental sustainability and good effects on other people's livelihoods. Using Sen's theory, it would be important to understand whether land restitution offers "choices" that were identified by Sen to address poverty.

The following chapters will now discuss briefly the land dispossession from 1652 up until the end of apartheid and this is to demonstrate why South Africa has the land restitution programme. This is also meant to demonstrate that the processes of resettlement led to the de-development of the black communities through the destruction of the land-based livelihoods of black communities and the loss of different forms capital. The next chapter will also place land restitution in the broader land reform programme by discussing the debates on land and the progress of land reform to unpack the context under which land restitution is implemented

Chapter 4

4. The political economy of South Africa: understanding the history of land dispossession and the need for land reform

“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” (Plaatje, 1982:21).

4.1 Introduction

The theoretical chapters have explained two important issues: firstly, most resettlement projects often fail because of poor planning for post-settlement, and the multidimensional stress of resettling and the whole point that communities have to start life all over again. Secondly, the SLF and the capabilities approach are used as a tool to engage the the human development impact of restitution through capturing the “voices” and livelihood experiences of land restitution beneficiaries. This chapter explains the massive resettlement of black communities to “reserves” that occurred through forced removals by the segregation and apartheid governments. To some extent, this chapter also highlights the impact of such racially based resettlement.

The aim of this chapter is to explain that, before restitution (which is voluntary resettlement), these black communities were victims of racially-based forced resettlements which were meant to impoverish them. This chapter discusses the history of land dispossession from the arrival of Dutch settlers in the 16th century until the late 1990s when apartheid was finally defeated. Although this chapter is largely limited to forced removals during apartheid, an overview of the colonialists’ quest for land in the country and the various methods used to accomplish this objective will be highlighted. Racially discriminatory laws such as the Glen Grey Act, Natives Land Act 27 of 1913, processes of “Betterment” planning, forced removals and a plethora of policies that were meant to control the tenancy of Africans on white-owned land were instrumental in land dispossession.

In essence, this chapter presents the background to and history of land dispossession in South Africa that necessitated land restitution in the post-apartheid South Africa. While the history of land dispossession in South Africa has been discussed by numerous journals, books and other documents, I believe this thesis needs this chapter to understand why the post-apartheid South African government is implementing land restitution and, more to the point, why the post-settlement period in land restitution is not always smooth. For instance, one of the

problems in the land restitution processes is the illiteracy of claimants as a result of Bantu Education during apartheid. This is because policies such as forced removals were largely a form of disempowering black communities, inactivating their land-based livelihoods (impoverishment) and destabilising them by dumping them in overcrowded “reserves”, forcing black communities to seek jobs in mines, cities and farms to boost the then white owned economy¹⁴. These land dispossessions and the land laws broke up many families (sense of togetherness or social fabric), as well as eroding the agricultural skills that black people had because there was not enough land in the “reserves” for them to fully practice farming (Weiner, Levin and Chimere-Dan, 1997:46-48).

I first start by discussing the effect of racially-based resettlements that broke up many families. I then discuss the disempowering mechanisms of the colonial and apartheid government on black people. I do so by showing the consequences of the racist legislation, forced removals and the conditions in the black areas. The sections that follow show the emergence of land restitution around 1994.

4.2 The effect of racially based resettlements

The forced removals disrupted family unity as family members were scattered over the whole country (Walker, 2008) and some people even committed suicide during or after forced removals because of the bad conditions they were subjected to and due to the fact that they experienced feelings of powerlessness in the “reserves” (Trotter, 2009). In this way, some preferred death to dispossession (Trotter, 2009:51). Thus, people’s social capital was ruined, leading to the emergence of class structures that were not so apparent before forced removals. Scholars such as Ntsholo (2009:103;129) have shown that before land dispossession the interests of the whole community took precedence over the individual’s interests, but, post-restitution, community members have largely become egocentric and selfish individuals with different competing interests.

It appears that individualism and the material accumulation leads to clear cracks in the social fabric of many restitution communities (Agrisystems Consortium, 2008:16; Ntsholo, 2009:129). For instance, in the case of the Macleantown restitution case, while community members still know each other, they claim that they hardly assist each other because family

¹⁴ Interview with Mqondobanzi Qoboshiyane and Mziwamadoda Ndlovu, East London. 10 November 2016.

members are solely concerned with their family members¹⁵. In other words, the idea of a community or oneness is seriously weakened. In Salem, the weak cohesion or lack of oneness is evident¹⁶ mainly because community members seem to have different intentions, interests, assets and abilities¹⁷. This means that the social fabric is hard hit, as community members are not as united as they used to be¹⁸. Although this thesis looks at the post-settlement livelihoods experiences of land restitution beneficiaries, the chapters on post-settlement will reveal that the history of land dispossession has an effect on the post-settlement experiences of land restitution beneficiaries. For instance, the infighting of beneficiaries, destruction of community cohesion, the poor agricultural skills of beneficiaries and other challenges are a result of the fact that the social fabric of black communities (and the sense of community cohesion) were broken by the land dispossession. In this way, land reform, and more specifically land restitution, was necessitated by the unequal racist land dispossessions that happened first during the segregation governments and later during apartheid. Black impoverishment in South Africa was largely achieved through land dispossession, but land reform has failed to end black poverty.

The point is, there is some evidence that, before forced removals, black people used to eat directly from the land (complemented by remittances from jobs) and, therefore, food was relatively sufficient, but after forced removals life became harder as they were impoverished and landless (Platzky and Walker, 1985:85; Levin, Solomon and Weiner, 1997:97-99; Border Rural Committee, 1998). However, an attempt to alleviate their poverty through land reform has not ended their poverty as they have failed to till the land because of lack of post-settlement support (PSS) and other reasons¹⁹²⁰.

4.3 Being black during the colonial and apartheid era

In most parts of South Africa, the position of black communities after conquest in South Africa was that of a dispossessed, disenfranchised and deliberately impoverished ones to suit the needs of the white capitalist economy as wage labourers in mines and on farms. Therefore, Atuahene, is correct to term the period of land dispossession as the period of “dignity takings” as this

¹⁵ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

¹⁶ Interview with Nomvelo Dudumashe, Salem, 2018.

¹⁷ Interview with Vikintonga Mtandane, Grahamstown. 10 August 2018.

¹⁸ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

¹⁹ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

²⁰ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

period dehumanised and infantilised black people. Thus, land restitution should be a period of “dignity restoration” (Atuahene, 2014:12).

This chapter stresses that the arrival of the Dutch in the 16th century, the conquest of indigenous black communities, colonialism and apartheid not only disenfranchised Africans but they also limited the economic, political and educational opportunities for black people through policies and laws that limited access to land, and rights in land for black South Africans. This is exactly how Sol Plaatje, one of the leading members of the African National Congress (ANC) at the time, described (quote above) the impact of the Natives Land Act of 1913 (Plaatje, 1982; Platzky and Walker, 1985:85). Therefore, land reform, and more to the point, land restitution, seeks to close this inequality gap by redressing the historical wrongs of the past.

The Native Lands Act of 1913, the Urban Areas Act of 1923 and the Group Areas Acts were all intended to clear the so-called “black spots” in both rural and urban areas (Magubane, 2001:27). The Group Areas Acts were used by the National Party (NP) apartheid government to remove black, coloured and Indian people from designated “white areas” by force (Yanou, 2009:17; Kloppers and Pienaar, 2014:685). “Black spots” was used to describe “African freehold land and land owned by church or mission stations leased to individual Africans; in both cases land falling within what the government has defined as the white area” (Platzky and Walker, 1985:44).

Hall (2010b:71) notes that, “through a range of coercive measures - military, legal, administrative and economic - black South Africans were forced off and excluded from access to and ownership of land, and moved to or remained in what came to be known as ‘native reserves’”. Evidence indicates that both segregation and apartheid (legislation, policies and practices) were designed in such a way that it became impossible for black communities to develop themselves, but rather they were pushed into overcrowded “reserves/homelands”, so that they could be kept as cheap labour reservoirs for white capitalists (Bundy, 1988:3; Lewis, 1984).

This explains why many land restitution beneficiaries lack agricultural skills in the post settlement phase. In essence, the white racist government of the time wanted black people to submit to them or perish. Although there was a sizeable number of black middle-class families in “reserves”, the worsening conditions in “reserves” and the controlled urbanisation in cities strained the livelihoods of black communities so much that it became almost impossible for

black communities to be self-reliant and develop themselves. There were few options for black people, and they had to submit themselves to whites as wage labourers, living in conditions akin to that of slavery or fight the system (Magubane, 2001).

The resettlement of black people to “homelands” did not solve the woes of black communities but it worsened it as resettlement to “homelands” had a bad impact on the resettled black people’s livelihoods. Indeed, resettlement theorists have correctly noted that resettlement is generally likely to lead to a drop in the living standards of the resettled and that the resettled families usually struggle to start a new life in their new places (Cernea, 2000a:12, De Wet, 2015, Scudder, 2005:48; Cernea, 2000b:3660). In this case, forced resettlement through the creation of “reserves” was worsened by the fact that forced removals as a form of resettlement were racist and generally meant to create a labour reservoir for white prosperity. The interviews below that were conducted between 1980 and 1982 around different “reserves” countrywide describe the conditions in relocation camps:

We can’t do anything by ourselves without money. We live to die, slow death (Interview 1)

[Before] we had fields for the future of our children. Now we don’t (Interview 2).

We didn’t have money. We never did really but here we feel it more because we don’t plant anything and we therefore have to buy things we never used to buy (Interview 3).

It’s bad around at home, we just live by luck. Elvis [son] is the only one who is keeping the candles burning somehow. Otherwise the pension is a source of income. We’ve become popular beggars (Interview 4) (Platzky and Walker, 1985:328).

While studies show that it became very difficult for black people to practice subsistence farming in “reserves”, it was also difficult to operate businesses for black people in cities as they were pushed to “reserves” by the government. For instance, Magubane (2001:28) adds that the Group Areas Act empowered Afrikaners to expropriate the best real estate from coloureds and Indians, but also coloureds and Indians could not compete with white businesses in the retail sector in the so-called “native areas”.

Without land, black people were increasingly becoming squatters and wage labourers on white owned farms and mines. These oppressive laws created a situation whereby black people

became dependant on white property owners (farmers, mine owners, etc.) for low wages (Magubane, 2001:27; Union of South Africa, 1932; Coles, 1993:721).

Black people were reduced to wage labourers and tenants in a land they had communally owned and where they lived in a relatively happy manner with good livelihoods (living off farming) before the arrival of white settlers (Rungasamy, 2011:12). Although the argument that black communities lived happily before white settlement is debatable, hardly anyone can dispute that the conquest of black communities, segregation and apartheid left black people in a terrible position. The methods of land dispossession involved, among other things, coercive force, treaties, forced sales, cattle theft and taxation (Hall, 2010b:71).

In addition, it must be emphasised that no matter how competent some black farmers, communities and entrepreneurs were, it became almost impossible for them to access economic opportunities, as well as developing themselves. For instance, some competent and successful black entrepreneurs (in cities) and competent farmers who could outcompete white farmers were later pushed to the “reserves” to do their businesses there (Hall, 2010b:76; Magubane, 2001:27). Therefore, land restitution beneficiaries are communities which were historically impoverished by the resettlement (forced removals), disenfranchised so much that it was almost impossible for them to be self-sufficient after forced removals.

In fact, the main reason why the 1913 Lands Act was enacted was that black communities and black peasant producers were self-reliant (with less needs as compared to whites) and that black farming relatively outcompeted white farming (Plaatje, 1982:x; Bundy, 1988:13; Thwala, 2006:59; Plaatje, 1982:71; Rungasamy, 2011:14). The irony is that the descendants of these black communities who are beneficiaries of land restitution largely do not have the adequate agricultural skills to farm productively once they are given land (Aliber, Maluleke, Thagwana and Manenzhe, 2010:289). This is because time has moved on from the time of segregation and apartheid’s forced removals policy. Although some land restitution claimants are former farm workers, the many decades that black communities spent in “reserves” when they could not fully practise farming meant that the agricultural skills were generally lost (News24, 2014). It is also important to note that contrary to the massive state subsidies that commercial farmers enjoyed under apartheid, in the era of globalisation and liberalisation of the agricultural sectors post 1994, commercial farmers are now exposed to the vagaries of global competition (Vink and Kirsten, 2002:9-10; Helliker, 2013:76-82). Therefore, commercial farming does not only

require farming skills, but it also requires business skills, and many white farmers have been struggling or failing to sustain themselves through farming.

The whole idea was that “natives” or “Bantus”, as black people were called, were not allowed to grow their businesses in such a way that they could outcompete white entrepreneurs. This meant that there was limited space for growth on the part of black people, be it in businesses, mining, farming or whatever opportunities there were. Without land rights, black people were treated, at the whim of white racist governments, in the most inhuman ways, so as to push the idea of separate and unequal development. This is the basis for affirmative action policies such as land reform, especially land restitution, in a post-apartheid government in South Africa. Land reform entails the “redistribution of property or rights in land for the benefit of the landless, tenants and farm labourers” (Boyle, 2001:669). In summation, from 1652 to the end of apartheid in 1994, the colonial and apartheid governments employed a well organised group of laws and brutal force to dispossess black communities (Atuahene, 2014:12).

4.4 Legislation for land dispossession

Land dispossession in South Africa started with the arrival of the Dutch colonialists led by Jan Van Riebeeck in 1652, who later turned indigenous groups into slaves in mines and farms (Kepe, 2012:393; Magubane, 2001:5; Maseko, 2015:68; Coles, 1993:706; Thwala, 2006:58). The main laws that were passed for land dispossession were the Glen Grey Act that was passed in 1894, the Native Lands Act 27 of 1913, The Native Trust and Land Act 18 of 1936 and other racially based laws (Magubane, 2001:27; De Villiers, 2003:47; Hall, 2010b:72; Khan, 2013:2). Another law for “betterment” was the Control and Improvement of Livestock in Native Areas Proclamation of 1939, also known as the “Betterment’ Proclamation which was effectively implemented in the 1950s and 1960s which took place in homelands (Kepe, 2012:394; Hall, 2010b:84). The “betterment” planning forced many people to live on small pieces of land, and it led to cattle-culling (destocking), fencing off fields and grazing lands from the areas of residence, the movement of people into villages set away from farming areas and restricted use of arable allotments, including selective prohibitions on farming. However, at the end of the day, the problem of overcrowding in black areas was not solved because there was simply not enough land and the problems of soil erosion, deforestation and declining yields were not solved either (Thwala, 2006:58). Although “betterment” was possibly meant to reduce land degradation in homelands, it led to land dispossession as crop fields were reduced to fit as many people as possible into the homelands (Kepe, 2012:394).

By the end of apartheid in the 1990s, 13 percent of the South African population (whites) owned about 87 percent of the country's land and mineral resources (Belinkie, 2015:220; Coles, 1993:701). According to Bundy, the settlement of white people in South Africa changed the lifestyles of indigenous people and the consequences of this shift were dire for black communities (Bundy, 1988:1). Land was the foundation of tribal life and the introduction of the cash economy destroyed the old self-sufficient tribal economic order, while rising consumption needs put a burden on the subsistence economy that it could not bear (Bundy, 1988:2). The new settlers disregarded the African communities who regarded land as a community resource and replaced it with the private property idea and practice (Mngxitama, 2005:43; Belinkie, 2015:221).

4.5 The destruction of African peasantry

Although there was some fight for independence on the part of black communities through peasant farming, such independence was thwarted by the governments through various mechanisms. Additionally, the competition between white farmers and mine owners for cheap black labour after the discovery of gold and diamonds in the late 19th century led to the weakening of the relatively successful and independent black peasants (Bundy, 1988; Hall, 2010a:18). Sharecropping also undermined the independence of black farmers. Sharecropping was a system whereby the black farmer would till the land and grow crops on it, usually using his inputs (usually unpaid family labour) but they had to share the produce with the white farmer. Different systems of sharecropping were eventually outlawed because it was seen as empowering black farmers, inevitably making black farmers independent and competitors to white farmers by keeping them on the land. The termination of sharecropping meant that black people could only access land through the labour tenancy system (Ditlhake, 1997:221; Rungasamy, 2011).

Under labour tenancy, black people would then be given a piece of land to plow and keep some livestock in exchange for unpaid family labour on the white farm. On the other hand, black workers clung to the farms because it was not cash that ensured their service, but rather, it was the security of their tenure on land, the crops they reaped, and the stock they grazed (Ditlhake, 1997:221; Bundy 1988). These developments largely led to the fall of black peasantry in South Africa. What destroyed peasant farming was the destruction of the peasant's "independent" position, commercialisation of agriculture and the demand for African labour (Bundy, 1988:115). Regarding Bundy's conception of the destruction of African peasantry by industrial

capitalism, Jacki Lewis, while acknowledging that Bundy provided a good thesis, argues that Bundy tended to romanticise the prosperity of African peasantry and that African peasants were not a homogenous entity (Lewis, 1984).

4.6 Forced removals

The forced removals laws that were targeted at removing black people were among the most immoral and brutal violations of human rights during apartheid (Walker, Bohlin, Hall and Kepe, 2010:01). Forced removals which were implemented by the Union government and apartheid government took a variety of forms and included “black spot” removals of Africans from freehold land deemed to be in white areas, “betterment planning” removals in the “reserves”, Bantustans consolidation removals, farm worker and labour tenant retrenchments and evictions, removals to ensure white control over quality soil and water, as well as privatisation of state owned land (Levin, 1997:235).

Forced removals were implemented in different stages, each stage serving to further dispossess, disempower and impoverish the black majority, both urban and rural (Levin, Solomon and Weiner, 1997:98). Forced removals had immense psychological, social and economic effects on the part of black people. Black people were forced to leave homes that they had lived in for generations, only to be dumped in places with almost no facilities (under appalling conditions) and with further to travel to their places of employment (Harley and Fotheringham, 1999:43). Recounting their experiences after forced removals, some villagers in Marite Village explained:

We were ploughing potatoes and we were removed, we left our grandfathers’ graves and the trees that we planted... We stayed in Madras now, the land is small, we cannot plow or plant anything. There is no space. We are staying like pigs (Levin, Solomon and Weiner, 1997:98).

Similar interviews in Mahushu, Marite, and Phola Villages revealed the same sentiments:

Whites have taken over the fertile land. There is no irrigation scheme for blacks. Rocky areas only are allocated to blacks.

Apartheid has negatively affected land use and productivity because there were forced removals from good farming land and people were placed in overcrowded places with no water and poor land.

We have no water, and not enough productive land. The Boers have taken all the land (Levin, Solomon and Weiner, 1997:98).

Throughout the 20th century, black communities were brutally forced off their lands while independent black farmers were turned into tenants or workers because of landlessness or they were displaced. Many indigenous communities lost their land through the creation of conservation projects as large regions were proclaimed as “protected areas” (Hall, 2010a:18).

Those who could not get employed by farms, factories and mines were derogatorily called “discarded” or “surplus” people and, because of urban influx control laws, these “discarded” or “surplus” people were often restricted to “homelands” (Hall, 2010a:18), where it was believed that their forefathers lived (Magubane, 2001:27). Most importantly, as I have indicated, although this did not apply to all areas, the apartheid regime ensured that fertile soils were given to white farmers while black people were pushed to ‘reserves’ which were characterised by poor soils, rocky land, sandy soils, but in general, land in ‘reserves’ was not really the best for farming. This was also worsened by overcrowding, lack of infrastructure, financing, access to markets and the lack of other forms of support for agriculture. Life in the ‘reserves’ generally meant that black people could not live off farming as they used to before the force removals period which damaged their livelihoods (Levin, Solomon and Weiner, 1997:104-105).

Lahiff adds that the homelands/reserves were characterised by terribly low incomes and high rates of infant mortality, malnutrition, as well as illiteracy, in comparison with the rest of the country (Lahiff, 2009:170). Without water and with small pieces of poor quality land, black communities could barely survive. This was succinctly captured in the following interviews in Malekutu after forced removals:

The government pushed us into sandy areas. We cannot produce food in such areas. Such sandy areas are more susceptible to soil erosion. They put us on mountains and in sandy areas. Such areas need a lot of fertilisers or manure every year. Without these inputs, nothing grows (Levin, Solomon and Weiner, 1997:104-105).

Another resident in Malekutu added:

Soil degradation is underway and rivers are blocked by sand because of overpopulation in dense location-type settlements. Malekutu is now a location...unsuited to farming way

of life. There is no soil erosion where there is low population density like on the Boer farms. The way in which we have been forced to live have generated land degradation through soil erosion (Levin, Solomon and Weiner, 1997:104-105).

The Surplus People Projects (SPP) estimated that from 1960 to 1983 approximately 3, 5 million people were forcibly moved off their homes (Platzky and Walker 1985:10) while a further 1,9 million people were under threat of removal in 1983 (Walker, 2005c:660). Writing in 1985, Laurine Platzky and Cherryl Walker had this to say about forced removals:

The government's policy of relocation is part of a policy of deliberate dispossession of black South Africans, of excluding them from their birth right. The people who are removed are, almost entirely, black. They are moved out of what is claimed to be white South Africa into small, impoverished and separate areas, the ten Bantustans in the countryside and separated group areas in the cities. In the process they are being systematically stripped of their land and, ultimately, of their South African citizenship itself (Platzky and Walker, 1985: xxi).

The reasons for forced removals from the victims of forced removals varied:

People who were moved off white farms said it was because a new farmer had arrived and was cutting back on his labour force, or because the farmer had been told by the magistrate to get rid of some of the people living on his land. Some people said they were moved because the government or private businesses had wished to plant forests on their land or establish new industries there, or because a dam had been planned for that area. Others said they were moved because their land fell outside a Bantustan, or because it had been declared a white or coloured or an Indian group area, or a slum, or because they did not have papers to be in town-they were illegals. Many people know only that the government had wanted their land and had the power to take it (Platzky and Walker, 1985:61).

The effect of forced removals was that it led to overcrowding in rural areas and terrible poverty. These policies forced black males to work in mines and on farms (Kepe, 2012:394; Thwala, 2006:59). This meant that rural agriculture suffered (Kepe, 2012:394). As an alternative to escaping poverty in "reserves", black people had to seek jobs on white farms or move to towns. On the other hand, settlement in towns resulted in the overcrowding that they ran away from in "reserves", leading to urban slums and control measures. Those people who resided on farms

as sharecroppers and cash tenants were threatened by the provisions of the 1913 Native Lands Act which intended to restrict sharecroppers and cash tenants. This resulted in a situation whereby many black people could no longer keep their livestock on white owned farms. Eventually, black people had to leave such farms for the “reserves” and black freehold farms (Harley and Fotheringham, 1999:16).

In addition, education during apartheid was also used to oppress the black people who were only given limited educational opportunities. In the post-apartheid South Africa, many land restitution beneficiaries are illiterate because of poor Bantu education during apartheid. The Bantu Education system was initiated to limit intellectual development amongst Africans, at the same time preparing Africans for certain subordinate positions in the “white” economy (Magubane, 2001:29). As Magubane (2001:26) adds, Verwoerd (the then prime Minister of apartheid South Africa) completely disapproved of the mingling of “Europeans” and “Natives”. The then Minister of Bantu Administration, MC Botha once said that the Bantu (Africans) were only allowed in “white South Africa...to sell labour and nothing else” (Magubane, 2011:27).

4.7 Fall of apartheid and emergence of land restitution

Through a series of negotiations, (armed struggle, international boycotts and sanctions, international protests and making townships ungovernable, the defeat of SADF in Angola, militant trade unions, civil war in the 1980s and other forms of resistance), apartheid was finally defeated in 1994 (Harvey, 2001). Prior to its defeat, the apartheid government had tried to implement some piecemeal land reform policies when they realised that they were facing defeat. However, all the land reforms initiated by the National Party (NP) led apartheid government were rejected by the ANC, civil society organisations and black would-be claimants because, practically, a small amount of land was given to black people (Hall, 2010a:19). Therefore, the ANC rejected these reforms and proposed that there should be a Land Claims Court to settle disputes and conflicts over land claims and to facilitate redistribution (Coles, 1993:733).

During the transition negotiations, the National Party (NP) was largely pre-occupied with making sure that the property rights clauses were included in the Constitution and generally the protection of property rights was crucial to them (NP). However, the NP’s concern with the protection of property rights for white farmers contrasted with the apartheid state’s denial of and disregard for the property rights of black communities (Claassens, 1991:12, cited in Hall,

2010b). The intention of the NP was to ensure that the property of white owners would not be compromised in a future democratic South Africa. At the end of the negotiations, the NP won the fight to have the entrenchment of the property clause in the Constitution (Ntsebeza, 2007:113).

During the constitutional negotiations the biggest contention was how to redress the massive land dispossession suffered by black South Africans under the racist past and protecting rights held by the white minority, leading to a compromise that endeavoured, judiciously, to provide for both. According to the outcome of this arrangement, the people who were removed off their land after the promulgation of the Native Land Act of 1913 could lodge claims for restitution. “This restitution could take the form of restoration of the original land, provision of alternative land or other state benefits, or payment of financial compensation” (Walker, 2005c:647).

By 1993, the ANC had backed down from its nationalisation demands and therefore the 1993 Interim Constitution affirmed the right to private property and protection from deprivation of property (Hall, 2010a:20). In fact, by the end of 1991 when formal negotiations between the NP and the ANC had begun, the ANC had agreed that compensation must be paid for expropriated property. Thus, the negotiators began to find ways to fund a programme that would now involve substantial costs to the state and emphasised that nationalisation was no longer their policy (Yanou, 2009:67; Hall, 2010b:145). For Yanou (2009:67), the ANC permitted the inclusion of the provision of the requirement of compensation as a matter of political expediency. The World Bank pushed for a land restitution process that was facilitated by the judiciary (governed by specific cut-off dates) and also targeted issues of historical injustice related to particular parcels of land (Atuahene, 2014:59).

4.8 The Reconstruction and Development Programme

In 1994, the post-apartheid government repealed all discriminatory laws, acts and decrees that were previously passed to limit the mobility of black people and their access to land (Hebinck, 2013:29). In the context of extremely high levels of poverty, worsening unemployment and inequalities in levels of income (Kloppers and Pienaar, 2014:689), the ANC government came up with the Reconstruction and Development Programme (RDP), an integrated-socio-economic policy framework which sought to remove the legacies of the past through the removal of inequalities, as well as building a vibrant and democratic South Africa (Kloppers and Pienaar, 2014:689).

The RDP programme realised that land represented the most basic need for the rural population, and there was a need for land because of the past racially discriminatory practices of apartheid (Kloppers and Pienaar, 2014:690). Therefore, the land reform programme was initiated in the context of high levels of inequality, poverty and landlessness created by the “injustices of forced removals and the historical denial of access to land” (Kloppers and Pienaar, 2014:690).

Thus, the RDP aimed at coming up with a land reform programme that encourages the use of land for agricultural purposes and providing productive land to raise incomes and productivity. Land reform has three legs: restitution, tenure reform and redistribution (Cousins, 2013:49). In 1997, the South African government adopted a *White Paper on South African Land Policy* with the aim of producing a broader land reform plan to deal with restitution, redistribution and tenure reform. The *White Paper on South African Land Policy* envisioned a land policy, which is “just, builds on reconciliation and stability, contributes to economic growth and bolsters household welfare” (DLA, 1997; De Villiers, 2003:51; Kloppers and Pienaar, 2014:693). Most importantly, this White Paper made it clear that no priority would be given to land invaders (DLA, 1997). Amongst the three legs of land reform, the restitution programme was the clearest and most straightforward approach, as it was a legal, claim-driven process (De Villiers, 2003:51). The RDP set a target to transfer 30 percent of commercial farmland in the first five years of democracy (Agrisystems Consortium, 2008: xi).

4.9 Emergence of land restitution in South Africa

According to the 1993 interim Constitution, an individual or community who had lost property during apartheid under racially discriminatory laws and practices after 19 June 1913 would be entitled to claim restitution of a right in land from the state (van Wyk, 2010:591).

Therefore, this shaped the restitution programme in that the land restitution process was now dependant on private land ownership. Thus, restitution became a process of transferring the land from current landowners or the state to previous owners. In contrast with the vision of the Freedom Charter, land was not going to be shared amongst those who work on it, but rather, it was now going to be redistributed in the market or, where possible, restored to a limited designated group of people who had been unfairly dispossessed within a specific period (Hall, 2010a:20).

The post-apartheid Government of National Unity (GNU) set out to correct the legacy of apartheid rule through the passing of the Restitution of Land Rights Act 22 of 1994 to deal with

restitution matters (Hall, 2010a:21; De Villiers, 2003:51). This act established two core institutions of restitution which are the Commission on Restitution of Land Rights (CRLR) and the Land Claims Court (LCC). The CRLR was created in 1995 with its role being that of assisting claimants, investigating the validity of claims and preparing them for settlement and adjudication. Post Settlement Support (PSS) for beneficiaries was initially the responsibility of the Department of Land Affairs (DLA). The CRLR is headed by the chief lands claims commissioner while the regional land claims commissioners (RCRLRs) are responsible for overseeing restitution work at provincial level (Hall, 2010a:21).

During the first ten years of the introduction of the land restitution programme, many rural claims remained unresolved and the requirement that all land claims had to go through a court was seen as an impediment to the restitution progress (Kepe, 2012:396). In the years between 1997 and 2003, the restitution programme was reviewed many times. One of the significant amendments was that the Minister of Land Affairs, working with the Land Claims Commission, was given powers to settle land through negotiations, rather than through courts (Kepe, 2012:396). The minister was also given powers to expropriate land without always requiring a court order and these amendments accelerated the land claims process (Kepe, 2012:396).

The restitution programme has had modest achievements if compared to the ambitions of the programme in 1995, but in terms of historical reach, developmental impact, contribution to rural land reform, the programme has fallen short of what was hoped for. The programme has not been consistent with the goals of social justice, redress and community building (Walker, 2005c:664). The failure of the land reform programme to achieve social justice, redress and community building is related to low budgets for land reform departments, poor, inconsistent and insufficient PSS, poor skills, infighting amongst beneficiaries, poor political will on the part of the state to fully implement land reform as well as poor land reform designs wherein large groups of beneficiaries are expected to run large-scale commercial farms (High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017).

4.10 Concluding remarks

It is evident that from the period of conquest to the end of apartheid the position of most black communities was that of a deliberately impoverished one, which made it almost impossible for them to develop themselves. When the white settlers had defeated black people, they made it

their plan to destroy the livelihoods of black people. One should also emphasise that black farming had outcompeted white farming before conquest and there was a shortage of labour on white farms and mines. Hence, the best way to have a source of cheap black labour was to impoverish black people first, destroy the black peasantry, move them off their land (as the land made them to be self-reliant) and make them destitute. Once they were destitute in their overcrowded “reserves”, then they would feel the need for cash to survive as they could not live off farming in “reserves” due to overcrowding, poor soils and other reasons discussed previously. Without land rights, the impoverished black communities had the only option of submitting to whites as wage labourers. Thus, segregation governments and apartheid governments created conditions that meant that black people could not survive without the hand of white farmers and miners. Pushed into overcrowded “reserves” black people could hardly live off farming, and for the first time they saw themselves needing cash, and having to buy the food that they could easily grow before forced removals. Part of the bigger plan was to force black people to submit to the authority of white settlers. The most important instrument that was used by segregation and apartheid governments to establish and enforce the system of racial segregation was legislation. The next chapter deals with the broader context of land reform and the debates and attempts to show the context in which land restitution is implemented.

Chapter 5

5. The post-apartheid land reform programme in South Africa: a struggling land reform

“We therefore make bold to say that South Africa is a country of two nations. One of this nation is white, relatively prosperous, regardless of gender or geographic dispersion. It has ready access to a developed economic, physical, educational, communication and other infrastructure...The second and larger nation of South Africa is black and poor, with the worst affected being women in the rural areas, the black rural population in general and the disabled” (President Thabo Mbeki, 1998).

5.1 Introduction

The previous chapter on the historical land dispossession mechanisms has demonstrated how vicious successive white racist governments were towards black communities until the fall of apartheid in 1994. The South African post-apartheid land reform programme has been a contested terrain, a very sensitive, political and emotional subject.

These land contestation and land debates have been worsened by the continuing slow pace of land reform amid fears that it may lead to chaotic land grabs, as was in the case in Zimbabwe from the year 2000 onwards (Hall, 2010b:42; Atuahene, 2011). Indeed, scholars such as Boyle (2001:665) have correctly noted that land reform is an international phenomenon that frequently sparks revolutions and can divide a nation. Although the ANC was formed because of, among other things, the struggles over land, the irony is that the ANC is struggling to fully implement the land reform programme because of the legacy of apartheid property rights, the acceptance of market based “willing buyer willing seller” approach, lack of sufficient support for beneficiaries, poor planning, social conflict, lack of skills on the part of beneficiaries and other reasons (Roodt, 2003; Levin and Weiner, 1997:254; Xaba and Roodt, 2016b). The current constitution provides the government with powers to expropriate land “for public purpose” and in the “public interest”, and in the case of a deadlock a court should decide “just and equitable” compensation (RSA, 1996a, Section 25 (sub-section 2)). However, the government has not used these powers in any meaningful way (SABC Digital News, 2013; Feketha, 2016). Additionally, the 2017 ANC Conference endorsed “expropriation without compensation”, although it is still unclear whether such a policy is constitutional and practical (Mahlakoana, 2017).

The Centre for Development and Enterprise (CDE), (2008:8) and Brink, (2015) have even described the South African land reform programme at a “crossroads” because of the agitation for land reform amongst landless claimants, the general perceived threat to commercial farming posed by land reform, as well as the slow pace of land reform. Even the South African government has acknowledged that land reform in South Africa is in disarray and the government has admitted that it was on a “learning curve” regarding the implementation of the land reform programme (Walker, 2012:809).

I have decided to borrow former South African president Thabo Mbeki’s historic “two nations” speech (quoted above under the heading) because South Africa is still characterised by racial inequalities largely because of the history of land dispossession (New Age, 2016). Sithole, (2014:358) also adds to Thabo Mbeki’s “two nations” speech by arguing that “white privilege and black dispossession” is still an existential reality in South Africa. In addition, the idea that land reform will necessarily solve poverty is not entirely true given population growth, urbanisation, the marginality of farming business and other issues (Cousins, 2016b).

This chapter deals with the broader issues related to land reform in general. The sections that follow zoom into the failing land reform programme by looking at the targets that were set in 1994 and the problems with meeting those targets, as well as issues around the hotly contested market-led approach. That section is followed by sections that deal with the aims and progress of the three legs of land reform, that is, land redistribution, land tenure reform and land restitution. I then provide sections that discuss the perceived land hunger amongst black communities. The last sections engage with and review the perceived land hunger in South Africa, by showing the hardened feelings against apartheid on the part of black communities, the racially-based inequalities and farm killings.

5.2 Post-apartheid government: dealing with huge expectations on land reform

The post-apartheid ANC government took over a racially-based ownership of land in 1994 (Makhado, 2012:3). Murisa and Helliker, (2011:09) state that during apartheid “60000 white South African farmers who form only 5 percent of the population owned almost 86 percent of farmland”. Around 15 million, mostly the African population, lived in the “Bantustans” on some 14 million hectares, about one-sixth of the area fenced by 60000 white farms (Lahiff, 2007a:07, Bernstein, 2013:26; Boyle, 2001:674). By 1994, white South Africans owned most commercial farms and agribusinesses, while black people were predominantly restricted to subsistence farming and survived on working on farms and agribusiness for white people

(Makhado, 2012:3). This was clearly a result of the systematic discrimination and land dispossession of black people from the 16th century as it has been discussed above.

The dismantling of apartheid meant that everyone had to be treated fairly and equally. The 1996 South African Constitution clearly states the rights of everyone who lives in South Africa. For instance, section 7 (1) clearly enshrines the rights of all people in South Africa and affirms the democratic values of human dignity, equality and freedom (Makhado, 2012:3). Section 25 (7) explicitly provides for the restitution of racial land dispossession. “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” (RSA, 1996a, Section 25 (7)). Therefore, academics across the globe have described the post-apartheid South African Constitution as the most progressive and admirable in the history of the world (Belinkie, 2015:226).

In 1994, the ANC government through its Reconstruction and Development Programme (RDP) and the 1997 *White Paper on South African Land Policy*, pledged to redistribute 30 percent of commercial land in five years (1994-1999) (DLA, 1997). However, by 2010, only 5 percent of commercial farmland had been transferred through land reform (Bernstein, 2013:24; England, 2015; Ntsholo, 2015; Atuahene, 2011; Makhado, 2012:3). In 2000, a new land minister, Thoko Didiza, came in to replace Dereck Hanekom and she set a target of redistributing 15 percent of farmland in five years and subsequently 30 percent of farmland in ten years, but only a tiny fraction of that target has been achieved (Walker, 2005a:818). A new revised land document was launched to offer higher subsidies to those buying land via the redistribution programme, together with those who wanted to start commercial farming (Hall, 2007:89).

Due to the pressure for land reform, the then Department of Land Affairs (DLA) decided to hold a land summit in 2005 to fast track land reform but the pace remained slow. During the land summit in 2005 delegates argued that there was need for land reform to reduce poverty and to contribute to economic growth, as well as to secure land tenure for all. Also needed was the introduction of a system of land management that would ensure sustainable land use patterns together with faster land release for development (Bernstein, 2013:24; Ntsholo, 2015; Lahiff, 2008; Hall and Ntsebeza, 2007:16). In general, the South African government has struggled to meet land reform targets (Roelf, 2011). Research reveals that even those who benefited from land reform, especially the new, small and cash strapped farmers, were not fully

supported by the government. The Department of Rural Development and Land Reform (DRDLR) estimates that over half of the land redistribution projects have failed (IRIN, 2009).

5.3 Willing buyer willing seller approach, GEAR and the Constitution

The 1994 elections signalled the end of apartheid albeit with the introduction of a neoliberal economic order, which has continued the perpetuation of unequal economic relations of the apartheid past (Thwala, 2006:72). According to Murisa and Helliker (2011:06-07), the principle of the “willing buyer willing seller” is based on the view that a fair land market exists, or it could be created in which the value of land would be maximised. The rationale for using the market-based approach is that it is efficient, so it can maintain or improve the current production levels and ensure self-sufficiency as well as improving investor confidence (Thwala, 2006:67).

The “willing buyer willing seller” principle (liberal concept) is also in line with the government’s macroeconomic programme called Growth, Employment and Redistribution (GEAR), a neoliberal policy document which adopted liberal macroeconomic policies on marketing and international trade, foreign exchange controls and conservative fiscal policies, as a shift from the pro-Keynesian and pro-poor RDP policy (van Leynseele, 2013:77; Mngxitama, 2005:66; RSA, 1996b; Andrews, 2007:206).

The GEAR document reinforced the “willing buyer willing seller” principle, as it clearly states that land should be bought in a land market. The GEAR programme is shaped by the International Monetary Fund (IMF) and World Bank’s stabilisation and structural adjustments programmes, which were applied in various African countries, albeit with disastrous effects. GEAR is based on the neoliberal free market policy prescriptions. It influences other social and sectoral policies, including land reform (RSA, 1996b; Andrews, 2007:206). Thus, in line with the neoliberal macroeconomic policy, the approach to land reform in South Africa has been based on free market instruments, tightly controlled public spending and minimal state intervention in the economy, that is, the market-based, demand-led approach (Kahn, 2007:10). However, expropriation has also been used in some cases, although it has not been widely used (Lahiff, 2009:175).

There exists a misleading argument that the “willing buyer willing seller” approach, together with the Constitution in South Africa (that protects property rights) has slowed the land reform and has been less effective in speeding up land reform in that it is contingent on the willingness

of white farmers to agree to sell their land (Ntsebeza, 2018). While there is some truth in that argument, it is important to note that the state has not fully utilised its expropriation powers under Section 25 of the Constitution. Rather, what has been lacking on the part of the state has been the political will to fully use the expropriation powers under Section 25.

For instance, the Mala-Mala restitution case is a classic example of how the state has failed to fully use its expropriation powers enshrined in the Section 25 of the Constitution. In that Mala-Mala case, the state did not exercise its expropriation powers, but rather the state opted to pay R1billion to settle the land claim, rather than using the courts to determine the amount of compensation that was “just and equitable” (Joubert and Hofstatter, 2013). This is despite the fact that at the time of the huge payout the Mala-Mala case was at the Constitutional Court for the Court to provide some legal clarity on what is “just and equitable” compensation. But the then Minister of Department of Rural Development and Land Reform (DRDLR), Gugile Nkwinti, withdrew the case from the Constitutional Court, opting to pay compensation to one white family. Such a massive compensation that was not even “just and equitable” wiped out about one third of the national budget, and yet the government continues to throw the populist rhetoric (Hall, 2018). Clearly, what has been lacking in the South African land reform is political will on the part of the ANC-led state to fully implement land reform rather than the Constitution or the market-led policies.

Noteworthy is that the power relationship between farmers and prospective black buyers is unbalanced and weighted against black farmers (Agrisystems Consortium, 2008:14). This has led to the perception that current white farmers largely influence when, where and at what price land will be made available (Makhado, 2012:1; Hall, 2007:98). However, the reality is that the government’s capacity to implement land reform policies, particularly to find state valuers to bring prices down, has been lacking (Cousins, 2013:13). The government has argued that some current white land owners are generally not willing to sell their land, while those who have decided to sell their land have done so at high prices to make it difficult for buyers to buy land (Hall and Ntsebeza, 2007:16; Makhado, 2012:3; Lahiff, 2007d:1581) but independent research reveals a variety of factors, including complex application procedures, corruption by state officials, budgetary limitations and bureaucratic inefficiency.

Therefore, while it is true that under the “willing buyer willing seller” approach land reform is contingent on the willingness of white farmers to sell land (Hall, 2007:98), it would be misleading to entirely blame the white land owners for the slow land reform. For instance, there

is evidence that suggests that there has been a lot of land available with many white farmers who were not making much money wanting to sell their land to the Land Reform Department (Greenberg, 2010:5). Most importantly, one should also mention that there are a number of white farmers and the private sector at large who have driven land reform initiatives wherein small-scale farmers have been established as independent producers (Agrisystems Consortium, 2008:14). Therefore, there are other factors contributing to slow land delivery such as administrative inefficiency, rather than the perceived reluctance of white farmers to sell their land.

In this case, although the ANC government had committed itself to a pro-poor land reform programme, the macroeconomic strategy presents a contradiction to the commitment to land reform. Unlike Zimbabwe's "fast track" programme where the state expropriated land from the white farmers without compensation, South Africa has followed the market-led land reform approach by using the "willing buyer willing seller" scheme (Moyo and Chambati, 2013:01). Thus, the South African land policy is shaped by the neoliberal dogma (Lahiff, 2007a).

5.4 Three legs of land reform in South Africa

The South African Constitution provides for three rights to land, that is, the right to land restitution for victims of land dispossession, the right to equitable access to land through redistribution to address land hunger and needs, as well as the right to security of tenure by providing security of tenure for farm workers and farm dwellers (Brown et al., 1998:01; De Villiers, 2003:48; Walker, 2005a:805; SABC Digital News, 2013; High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017:201). Land restitution is mainly implemented to restore land rights and to provide other solutions to people (communities) who were dispossessed by racial discriminating legislation and practice (such as black spots removal) during apartheid (Hall, 2003:01; Roodt, 2003:202).

Land tenure reform is a rights-based approach targeting those who own and use the land and it refers to terms and conditions of leasehold, communal ownership and type of land holding that is insecure. Land redistribution is mainly implemented to provide land for the poor people with land for residential and productive purposes in order to improve their livelihoods (Boyle, 2001; Rwanedzi, 2013:02). The main objectives of land reform in South Africa are to undo the injustices and wrongs of apartheid, foster national reconciliation and stability, underpin economic growth, redistribute wealth and opportunities, as well as improving household welfare and to alleviate poverty (De Villiers, 2003:48; Lahiff, 2008:1; Boyle, 2001:676). Thus,

land reform seeks to achieve among other things, a more equitable pattern of land holding/ownership, the alleviation of rural poverty (including self-employment), the economic development of rural areas and reparations (both symbolic and material) for historical injustices (Lahiff, 2008:32). There are three reasons that are often raised to justify land reform. The first one is that redistributing land to the poor is important for the whole nation. The second reason is that it is believed that redistributing land to the landless will increase productivity. Additionally, land transfer wins political support of those that receive land, especially those who support radical change (Boyle, 2001:672). This is particularly true in South Africa where there is more agitation for land reform to address poverty.

5.5 Land redistribution

According to the 1996 South Africa Constitution, “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” (RSA, 1996a, Section 25 (5)). The legal framework that supports land redistribution is the Provision of Certain Land for Settlement Act of 1993 that was amended in 1998 and is currently called the Provision of Land and Assistance Act which empowers only the Minister of Lands to provide funds for buying land (Lahiff, 2009:175).

Redistribution was also meant to ease overcrowding in communal areas, as well as diversifying the ownership structure of commercial farmland (Hall, 2007:89). The main aim of land redistribution is to “foster conditions which enable citizens to gain access to land on an equitable basis” in line with Section 25 (5) of the South African Constitution (Lahiff, 2008:21).

Since 1994, land redistribution has undergone different shifts (Lahiff, 2009:175; High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017:207-208). Under Minister Derek Hanekom from 1994 to 1999, through the Settlement/Land Acquisition Grant (SLAG) programme, the landless poor South Africans could come together and apply to buy and develop farmland (PLAAS, 2016:9). SLAG was given to qualifying households to be used for land acquisition, improvement of tenure rights and investments in infrastructure, home improvements, and farm capital investment based on the plans put forward by applicants (Lahiff, 2007a; Lahiff, 2007b; Lahiff, 2007d). SLAG was set at R15 000 per household, in line with the state housing grant, and could also be utilised to invest in farm infrastructure and equipment. SLAG was means tested and qualification for the grant included a maximum household income of R1500 (Lahiff, 2007d). It was expected that

many people would buy land in groups and jointly hold land under a formal title deed (Cousins, 2013:49).

However, the small size of state grants compared to the price of land led to a situation whereby large groups would come together and combine their grants to buy farms on the market. This became known as the “rent a crowd” syndrome wherein large groups of beneficiaries were created, leading to fears of overcrowding and unsustainable land use (Hall, 2007:89). Another challenge was that projects did not get post-transfer support in terms of training, infrastructure, credit, extension or market access, with the then Department of Land Affairs (DLA) assuming, incorrectly, that the provincial Departments of Agriculture would provide these (Cousins, 2013:51).

SLAG was available for three projects, which were settlement, tenure, and non-agricultural projects, e.g. ecotourism projects. The objective of SLAG was to improve land tenure security and to extend property ownership and/or access to land to the historically disadvantaged individuals and the poor. The SLAG programme ended in 2000 and then the Land Redistribution for Agricultural Development (LRAD) programme was started in 2001 under the then new Minister Thoko Didiza and it targeted “full time farmers”. There are various reasons why the SLAG programme was ended. The first one is that, under SLAG, the limited intervention of the Department of Agriculture before, during and after project approval badly ruined the prospects of success for those redistribution projects, which aimed to support agricultural production. The second reason for ending SLAG was that projects that were implemented in groups had a high failure rate in terms of generating income. The third reason was that the lack of own contribution made it difficult to screen applicants. Additionally, means testing under SLAG was restrictive for the target group so much so that the emerging commercial farmers could not qualify (van den Brink, Thomas, and Binswanger, 2007:175).

Just like the SLAG programme, the main objective of LRAD was to help the historically disadvantaged individuals to be effective farmers, so as to create a class of black commercial farmers, also called “emerging black farmers” (Jacobs, Lahiff and Hall, 2003:1). Unlike SLAG, the LRAD programme is not means tested, and the programme offers grants on a sliding scale from R20 000 to R100 000 depending on the level of money or loans the applicants are able to raise (Hall, 2007:90).

LRAD's stated intention was to integrate land reform and agriculture, which had previously been poorly linked. The aim of LRAD is to create a class of black commercial farmers, but without leaving out the rural poor, for whom a food security net programme would cater, as well as providing support for farming in communal areas. Individuals rather than groups were targeted to be the main beneficiaries, although most applicants continued to pool their grants because of the small size of their grants. The insufficient post-settlement support continued to be a problem, partly because the investment in farm infrastructure through the Comprehensive Agriculture Support Programme (CASP) was not "synchronised" with LRAD, suggesting that poor co-ordination between government departments and different levels of government had not yet been addressed (Cousins, 2013:51). The CASP was developed to complement LRAD (Rungasamy, 2011:46).

Beneficiaries were required to contribute R5000 (US500) but this requirement was criticised as it excluded the poor majority (Thwala, 2006:68). The LRAD programme makes land available for four different purposes: first, those who want to supplement household food security can apply for land under the food safety net programme. Secondly, under the equity scheme, applicants can receive equity in a farm that is equivalent to the value of the grant (including their own contribution). The third project is focused on large scale commercial farming that is geared towards production for markets. The fourth project under LRAD involves assisting communal farmers who lack the means to engage in the productive use of the land. However, the land redistribution programme has generally focused on the third aspect (large commercial farming) (Naidoo, 2011:193).

Under the LRAD programme, farm workers and dwellers who wanted to own land for productive use could only access the food safety component due to their low financial base and subsequent low contribution (Naidoo, 2011:193). Land redistribution in South Africa is based on the availability of grants from the DLA to purchase land on the open market (Lahiff, 2008:3).

However, the government of South Africa adopted the Proactive Land Acquisition Strategy (PLAS) in 2006 through which it buys up farms that are available on the market directly from owners for redistribution. The prospective owner may not have a say in the purchasing decision or in the immediate post-acquisition planning for the land, indicating a top down (statist) approach to both implementation and beneficiary selection (Lahiff, 2008:3). This is a way of combining both a 'needs based approach' and a supply-led approach, although this approach

is almost entirely supply-led, as it is state dominated (Lahiff, 2008:21). Through the PLAS programme, the state buys land directly from owners on the open market, rather than giving grants to applicants. Land will then be leased to black farmers, with an option of buying that land upon showing evidence of success after a three-year test period (Greenberg, 2010:5).

However, by 2013 the promise of title holding or ownership after a three-year test period had been abandoned because of a huge problem of non-payment of rentals. Through the State Land Lease and Disposal Policy (SLLDP) black farming households and communities may get a 30-year lease that can be renewed for a further 20 years before the state can consider giving ownership to them. To qualify for PSS, the emerging farmer will have to strike a deal with a “strategic partner” or a mentor (Hall and Kepe, 2017:2-3).

During those three years, the land beneficiary will need to show that their farm is profitable; failure to do so will lead to the farm being repossessed by the land reform department. After the land beneficiary has proven to be successfully, the successful land beneficiary can get a 30-year lease that is renewable (Binswanger-Mkhize, 2014:260). Under the PLAS programme, farm workers, dwellers and people living in former homelands are identified as priority groups for land redistribution (Naidoo, 2011:194).

In 2010 a moratorium on LRAD projects was imposed and only the PLAS programmes appeared to be operational by 2013 (Cousins, 2013:54). Another weakness of the PLAS model is that the farmers hardly get timely support, which prevents them from farming productively. In addition, this model excludes the poor who cannot afford farm rentals and the state is required to administer the leased land (Greenberg, 2010:5). Cousins (2013:55) demonstrates that many PLAS beneficiaries are relatively well off and have other business interests, but they often fail to pay rentals, without this proving to be a barrier to renewal of their leases.

Another form of land redistribution is the provision of funding to municipalities to buy commonage land for public use, primarily to poor livestock owners. By the year 2002, the land that was transferred under the municipal commonage scheme accounted for three quarters of the land redistribution programme (Hall, 2007:91).

In 2009, when President Jacob Zuma came into power, the government identified rural development, food security and land reform as priorities, and a Comprehensive Rural Development Programme (CRDP) was launched (PLAAS, 2016:12). The aim of the CRDP was to create jobs through which para-development specialists would train community

members to be gainfully employed in rural development programmes to create “vibrant and sustainable rural communities (Cousins, 2013:54). The CRDP programme targeted ‘nodes’ in areas where there is deepened poverty and this programme involves para-development specialists who train community members to be gainfully employed in numerous micro-projects (Cousins, 2016b:5). Broadly speaking, there still exists a concern that the new black farmers still lack the capacity, skills and expertise to farm commercially (Agrisystems Consortium, 2008:3).

5.6 Land tenure reform

Land tenure reform is mainly designed to protect the tenure of people who live in areas where their tenure of security is weak, such as in communal areas, former coloured “reserves” and private properties such as farms (PLAAS, 2016). Following the introduction of democracy in South Africa, the state saw it as appropriate to regulate the labour relations in farms to protect the farm dwellers and farm workers from exploitation by their employers, evictions, retrenchments. This was also done in the context of a rise in casualization and labour broking, as farms were shifting towards global competition (Greenberg, 2010:viii). Responding to a question on a TV programme called “The Big Debate”, Ruth Hall, a land expert, noted that farm labourers and dwellers are not only workers on commercial farms, but they are now also exposed to the vagaries of global capitalism as the effects of neoliberalism manifest themselves (SABC Digital News, 2013).

The Constitution of South Africa provides for land tenure reform and thus obliges the state to make efforts to secure land tenure rights in the context of insecurity among people living on commercial farms, in informal settlements and in the communal areas of the ex-Bantustans. According to the South Africa Constitution of 1996:

A person or 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 tenure which is legally secure or to comparable redress (RSA, 1996a, Section 25 (6)).

Thus Greenberg (2010:16) observes, “The paternalistic power structure on farms was replaced partially by a regulatory regime that established a formal labour relations framework, which sought to modernise labour relations on commercial farms”. Land tenure is meant to protect

farm workers and dwellers from exploitation by their employers, as well ensuring the protection of their land rights (Greenberg, 2010:viii).

Low wages, tenure insecurity and job insecurity continue to be the cause of disagreement between farm labourers and white commercial farmers. The promulgation of the Land Reform (Labour Tenants) Act 3 of 1996 was created to solve the plight of labour tenants living on farms. This Act also allowed labour tenants to claim ownership of their land through the restitution process (Harley and Fotheringham, 1999:155). Labour tenancy is a result of mass land dispossession amongst black people. A labour tenant is a black person (who because he/she wants of his/her own land) offers his/her labour (usually including his/her dependants) to a white farmer in exchange for a place to live, as well as land to plough or graze their cattle. The plight of farm workers and other people living on farms who were not registered are protected by the Extension of Security of Tenure Act 62 of 1997 (ESTA) and the Prevention of Illegal Eviction from Unlawful Occupation of Land Act 1988 (Yanou, 2009:78).

In the 1990s, the core labour laws were extended to farm workers. These were the Labour Relations Act 66 of 1995, the Basic Conditions of Employment Act (BCEA) 75 of 1997 (Greenberg, 2010:16), as well as the Unemployment Insurance Act of 2001 (Naidoo, 2011:200). The minimum wages regime for farm workers was introduced in 2003 although lack of monitoring has hampered the enforcement (Greenberg, 2010:16).

The ESTA and the Land Reform (Labour Tenants) Act 3 of 1996 (LTA) provide for procedures to be followed on evictions, as well providing for farm dwellers' tenure security rights (Mngxitama, 2005:38; Greenberg, 2010:17; Naidoo, 2011:197). Additionally, the Communal Land Rights Act of 2004 (CLARA) was launched to provide tenure security to communities living in communal areas by transferring land ownership from the state to communities. This Act also seeks to ensure the democratic administration of this land via the creation of land administration committees. However, communities have been left to decide what role traditional authorities would have to play (Agrisystems Consortium, 2008:28-29).

Although legislation has been put in place to protect the rights of farm workers and dwellers, Mngxitama (2005:38) notes that most farm workers in a democratic South Africa are still living as semi-slaves on white farms, unprotected by democratic changes, constitutional rights and that, generally, the new legislations have largely not protected farm workers and dwellers from arbitrary evictions, brutal assaults, denial of burial rights, racism and a plethora of other human

rights violations, yet they are primary producers of food. Thus, the attempts to protect the rights of farm dwellers and of farm workers through legislation has not stopped large-scale evictions, indicating a weakness in the legal system and lack of political will (Binswanger-Mkhize, 2014:253; PLAAS, 2016:12; High Level Panel on The Assessment of Key Legislation and the Acceleration of Fundamental Change, 2017:204). However, this is not to imply that all white farmers are evil and racist because there are many white farmers who have introduced shareholding schemes to their farmworkers, provided good houses and done other good deeds (Kahn, 2007:26; Claassen, 2014; Kgosana, 2018).

By 2007, it was reported that farm dwellers were still evicted in the same manner that they were evicted during apartheid. These evictions are also evidenced by the increase in informal settlements outside farms (Hall, 2007:95). Thus, the agricultural system in South Africa is still based on a semi-slavery kind of relationship (SABC Digital News, 2013).

“Houses are still demolished, livestock impounded, water access points closed, schools closed down” (Mngxitama, 2005:38). Greenberg (2010:17) adds by noting that from 1994 to 2004, about 2, 35 million people were forced off farms in South Africa, while approximately a million were evicted. The high incidences of farm evictions were largely published in the land mark Nkunzi/Social Surveys study of 2005 while the abuse of farm workers and farm dwellers continues to be reported by the South African Human Rights Commission (SAHRC, 2003) and land reform NGOs (Lahiff, 2008:4). By 2016, evidence indicated that, in spite of the available laws to protect the tenure of farm workers, such as the ESTA, farmers have managed to find ways to cheat the system, while in communal areas some corrupt traditional leaders have threatened the tenure of villagers (Cousins, 2016b:9).

Moreover, the unintended consequence of the introduction of ESTA was the increased tendency of the movement of farm labour off the farms into rural areas and sometimes into informal settlements (Greenberg, 2010:17). The seasonal workers who used to live on farms are now transported daily to farms and taken back to where they live by the end of the day. Even some of the permanent farm workers are subjected to this trend with an increasing number of farm workers living off farms and commuting every day (Greenberg, 2010:17).

In 2013, many farm owners responded to increased minimum wages by cutting down the number of permanent employed workers, cutting working hours, moving workers off farms and charging fees for non-wage benefits such as housing (Paton, 2015). Although it is reported

that the majority farmers comply with minimum wage labour laws and basic rights for workers, farmers have found other means of cutting labour costs (Paton, 2015). In the context of tensions between CPAs and traditional authorities, the proposed Communal Land Bill (CLB) seeks to protect the tenure of communities by giving them an option to have their land registered under a traditional council or CPA (Land and Accountability Research Centre, 2016:50-51). The confusion is that traditional leaders have vowed that they will not allow CPAs in areas that they control. The Communal Land Rights Act (CRLA) of 2004 gives traditional leaders the right to obtain title deeds of land restitution cases in former Bantustans. However, the Constitutional Court struck down the CRLA in 2010 because of faulty legislative processes (Claassens, 2016:74-78).

5.7 Land restitution

Restitution is the acknowledgement of some previously committed wrong against a certain group of individuals and the granting of some form of redress (Roodt, 2003:73). Put differently, restitution is an act of granting some form of redress or reparations to a certain group that was previously unjustly discriminated against. The legal basis of land restitution in South Africa was provided for in the Interim Constitution of 1993 and according to the 1996 Constitution of South Africa Section 25 (7):

A person dispossessed of property after 1913 as a result of past racial 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 (RSA, 1996a, Section 25 (7)).

In South Africa, restitution is often seen as a “right” to redress earlier “wrongs” of the past (Fay and James, 2010:53). According to Lahiff (2001:4), the purpose of the land restitution programme is to resolve past injustices or “heal the wounds of apartheid” in such a way that it supports reconciliation, reconstruction and development. The restitution programme seeks to provide for the return of land or equitable compensation to people who had been dispossessed of land due to past racially discriminatory legislation and practices (van Wyk, 2010:591). The cut-off date for lodging claims was initially March 31 1998, but, because many people had not filed their claims because of certain reasons, the deadline was extended to 31 December 1998. Atuahene (2014:68) argues that some people were in a moment of disbelief, hesitant and doubtful in filing land claims because the end of apartheid was like a dream come true and many people thought that they were still lost in the slumber when they heard that the new government was going to give compensation to those who were dispossessed of their land.

The motivation for the restitution programme came from the people who were forcibly removed from the “black spots” into homelands/reserves, mostly within living memory. However, the restitution programme has also included a wide range of claimants, including those evicted in urban areas, former labour tenants on commercial farms, and those who lost land and livelihoods through “betterment” planning policies in homelands (Hall, 2007:92).

One of the biggest problems for restitution claimants is to show proof that they were removed from the lands by racially discriminating legislation (James, 2007:81). A related challenge is the illiteracy of some claimants, which is a result of the apartheid Bantu education system and this often leads to a lack in the knowledge and understanding of the restitution process (Links, 2011:75; Kahn, 2007:10).

Restitution can involve some or all of the following components: the restoration of a right, the restoration of physical property lost, and/or the compensation of victims, the reconciliation of victims and the perpetrators (that is, the beneficiaries of original dispossession), as well as the expectation that restitution will somehow contribute to economic upliftment and development (Roodt, 2003:74). It is also important to state that there are tensions and contradictions between the symbolic aspect of restitution and the development aspect of land restitution. Those who favour the symbolic aspect (sentimental value) of land restitution may argue that returning the land that beneficiaries lost is somewhat sufficient and leads to dignity restoration for the beneficiaries to feel restituted. On the other hand, those who favour the developmental aspect of land restitution expect land restitution to lead to some form of material benefits and development for beneficiaries (De Wet, 1997; Atuahene, 2014:165).

According to the 1993 interim Constitution, an individual or community who had lost property during apartheid under racially discriminatory laws and practices after 19 June 1913 would be entitled to claim restitution of a right in land from the state (van Wyk, 2010:591). Land restitution seeks to redress the loss that happened during apartheid which led to land dispossession amongst the black communities and, most importantly, restitution seeks to give these former land holders access to the land that formed the basis of their identities and livelihoods (Fay and James, 2009:1).

According to Hall (2003:01), the main aim of the restitution programme is to “give land rights or provide other redress to those unfairly dispossessed since the introduction of the Natives Land Act 27 of 1913”. Land restitution is meant to reverse the racially skewed land patterns of

land ownership as well as to redress the historical dispossession and to heal the nation (Hall, 2010a:17). As part of a wider land reform programme, land restitution is also meant to break up the racialized privilege in property rights (Hall, 2010a:17). In general, the whole restitution programme recognises the history of injustice and its impact on individuals, families and communities (Hall, 2010a:17). The main goal of the restitution programme set out by Derek Hanekom in 1994 was reconciliation and reconstruction (Walker, 2008:209).

In this way, the restitution programme has been understood as a healing process. This has given the restitution programme an iconic status, albeit with huge expectations (Hall, 2010a:17). As the former Minister of Land Affairs, Derek Hanekom, once put it “land restitution is about justice and reconciliation” (Dhupelia-Masthrie, 2010:86). Walker (2008:141) observes that land restitution has also contributed towards a sense of reconciliation because some restitution beneficiaries are now respected and regarded as landowners. Their dignity, respect and culturally specific environment have been restored.

Most importantly, Fay and James (2010:41) add that land restitution offers former black landholders the opportunity to reclaim the land that formed the basis of earlier identities and livelihoods. However, critics have generally argued that land restitution has not been fully prioritised by the ANC government and that post-settlement support (PSS) is inadequate (Walker, Bohlin, Hall and Kepe, 2010:02).

The Restitution of Land Rights Act ushered in 1994 came with high hopes of redress for the families that were dispossessed during the apartheid forced removals period (Walker, Bohlin, Hall and Kepe, 2010:01). This law included the court led restitution process and the setting up of cut-off deadlines as suggested by the World Bank (Atuahene, 2014:60). South Africa has witnessed numerous land claims and this shows how serious land restitution is in South Africa (Lahiff, 2008:11) both rural and urban. One of the biggest and recent land claims in South Africa is that of the Zulu monarch King Zwelithini which dates back to 1838 (Ntuli, 2014). Hall (2003:07) notes that the “willing buyer willing seller” principle that is applied to land redistribution has in practice also been applied to the land restitution programme, even though it is not formally part of restitution laws or policy.

By 2009, the state reported that it had resolved 75 787 claims, of which the majority were urban claims that were resolved through cash compensation, through standard settlement offers of about R40 000 (PLAAS, 2016:11). The restitution process continues to be slow and by 2014

the DLA had a backlog of more than 8000 claims (Daily Maverick, 2014). The government tried to extend the deadline of filing claims to 30 June 2019 for those who missed the deadline, but a recent Constitutional court case has put that on hold (eNCA News, 2016a). By March 31 in 2014, a total of seventy-seven thousand six hundred and twenty-two (77 622) claims had been settled in South Africa (Commission on Restitution of Land Rights, no date: 2; Makinana, 2014). Thus, at the rate of settling claims (560 claims per year), it could possible take 35 years to settle such unsettled old order claims. This means that new land claims that have been lodged according to the repealed Restitution of Land Rights Amendment Act of 2014 may take 143 years to settle, and the reopening of land claims will mean that 397 000 claims will be lodged, which can take 709 years to settle (High Level Panel on The Assessment of Key Legislation and the Acceleration of Fundamental Change, 2017:233). In spite of the slow pace of the finalisation of land claims, the current land reform debates are characterised by a huge chorus for land acquisition and the next section engages such debates on land hunger.

5.8 Land reform and perceptions of land hunger

Land reform and rural development are generally presented as major components of the poverty reduction strategy driven by the government. Although the Constitution allows for protection of property rights, it also provides for expropriation of property, including land, in the public interest (and not only for public purposes) and clarifies that this includes the “nation’s commitment to land reform, and to reforms, so as to bring about equitable access to all South Africa’s natural resources” (RSA, 1996a, Section 25, Sub-sections 2, 4, 6 and 7). Expropriation of property should be subject to payment of “just and equitable” compensation. Compensation with regards to expropriation of property should strike a balance between the public interests and those affected, having regard for all circumstances, including the current use of the property, the history of the acquisition and use of the property, the market value of the property, the purpose of the expropriation, as well as the extent of direct state investment and subsidy in the acquisition and beneficial and capital improvement of the property (RSA, 1996a, Section 25 (3)).

The perception in South Africa is that the majority of black people are generally yearning for land that is presently occupied by white farmers. However, I also highlight that this land hunger has been taken out of proportion, but rather the land hunger is largely a result of black people’s bitterness over land dispossession, poverty, and racialized inequalities. A combination of the general dislike of white farmers, black people’s poverty and the general bitterness over the

racialized land ownership patterns have led to many farm killings in the post-apartheid era as land continues to be a contested terrain. It is clear that the racially skewed land ownership in South Africa has long aroused bitterness among black communities and one of the passionate demands made by black communities during the days of white rule was the return of their land (Dawood, 1998:1).

Given South Africa's violent history of apartheid racist land practices, which largely led to deep racial inequalities and persistent poverty (Walker, 2008:230), land was very central in the fight for political and economic liberation (Walker, 2005a:805). The argument that land was part of the liberation struggle in South Africa has also continued to dominate the debates on land reform since 1994 and land acquisition is seen as one way of breaking whiteness (Walker, 2008:230). For instance, during the negotiations for liberation in the 1990s, many South Africans expected that liberation would bring back the land that they had lost during colonisation and apartheid (Hall, 2003:01). The yearning for land amongst many black South Africans has been revealed by various studies. Studies in South Africa have indicated that many black South Africans, whether living in rural or urban areas, both young and old, are yearning for land reform (Atuahene, 2011; Cele, 2015).

However, I show that while land hunger is there amongst poor black people it seems this land hunger has been blown out of proportion because this yearning for land is primarily driven by black poverty, unemployment and bitterness at colonisation and apartheid.

Hall and Ntsebeza (2007:7) point out that the number of people who want land for agricultural purposes has not been adequately addressed at national level. Despite the argument that land hunger has been taken out of proportion, Hall and Ntsebeza (2007:7) still insist that there is some evidence that there are people who are in need of land to farm. For instance, research in the Xhalanga magisterial district in the Eastern Cape reveals that even with hard circumstances, some people have opted for land-based livelihoods, rather than waged employment (jobs). The literature consulted reveals that the majority of landless black people view land reform as a step towards addressing poverty and that black people generally see farms held by white farmers as the land of their forefathers (Nicolson, 2014; Walker, 2008:24; Belinkie, 2015:221).

Thus, the topic of land continues to arouse strong emotions and a growing desire amongst young South Africans to restore the customs their elders held in high regard (Cele, 2015). Judging from the stories in the literature consulted, it seems that the forced removals in the

1970s brought misery, shame, trauma, heartaches and bitterness for those who were removed (Walker, 2008:30). Dhupelia-Masthrie (2010:88) adds that forced removals brought “sadness, grief, and a sense of hopelessness toward the government” (the apartheid government). As De Villiers (2003:47) puts it, the impact of forced removals on the whole “social, economic and political fabric of South African society is impossible to measure, the resentment it caused is too deep to fathom, its scars too sensitive to touch”.

5.9 Hardened feelings against apartheid influence land hunger

The feelings of bitterness and injustice from forced removals seem to contribute to emotions around land debates. The study by James Gibson reveals that the majority of South Africans are bitter about the history of South Africa (Gibson, 2010 cited in Atuahene, 2014). In the study by James Gibson, 85 percent of black South Africans believe that the land that is held by white farmers was taken unfairly from black South Africans and hence white South Africans are seen as not having a right to that land (Atuahene, 2011).

Since South Africa has a history of unfair land dispossession, there is a strong feeling among black people that land should be returned to black people no matter what the consequences are (van den Brink, Thomas and Binswanger, 2007:153).

According to Walker (2008:48), many restitution claimants and of course many black people often say “we were forcibly removed. Before we were removed, we lived in happiness and peace, we received peanuts for compensation, we are starving”. Therefore, the idea that land must be returned to black South Africans no matter what consequences is popular amongst black South Africans (Belinkie, 2015:221; Walker, 2005a:806). Additionally, while land is demanded as an economic asset, ownership of land in South Africa also represents a source of identity and symbol of citizenship (Hall and Ntsebeza, 2007:8).

These feelings of bitterness against colonisation and apartheid are worsened by the fact that a big chunk of black South Africans still live in abject poverty, a scenario that was largely caused by apartheid. Thwala (2006:62) postulates that “black South Africans have the worst unemployment rate compared to all the races in South Africa”.

Importantly, the people who are hardest hit by poverty, low incomes and poor living standards in South Africa reside in the rural areas (Thwala, 2006:63). In rural areas, land is still considered as an asset as it provides income through farming, as well as shelter (Thwala,

2006:63). There is also a commonly held belief that the white community is better off than the black community (Mngxitama, 2015). The High Level Panel on The Assessment of Key Legislation and the Acceleration of Fundamental Change (2017:102-104) even noted that the income of an average white person is seven times higher than that of an average black person because of the history of colonialism and apartheid.

The wider poverty and struggles of black community members was also revealed in 2015 by the Department of Higher Education and Training (DHET) through its report titled *Statistics on post-school education and training in South Africa: 2013*. It showed that there is a very tiny percent of black students at tertiary institutions who manage to complete their education, while white students (and other races) generally have a slightly higher completion rate for both contact and distance modes of study. African students have the lowest success rates at higher and tertiary institutions compared to other races in South Africa (DHET, 2015:17-18). There is also evidence to suggest that there are a number of black students who are financially excluded at tertiary institutions. In addition, hunger, lack of academic preparedness and lack of support from universities have also been cited as causes leading to failure (Mngxitama, 2015; Mtshali, 2013). Indeed, some scholars such as Thomas Piketty, a French Economist specialising in wealth and inequality, have argued that a failure to embark on forced large-scale land redistribution in South Africa from the rich to the poor has created one of the world's widest income gaps. Thus, the legacy of apartheid is still very much alive and intact in terms of racial inequality, more than two decades after independence (Vollgraaff, 2015).

However, although scholars such as Hall and Ntsebeza (2007:7) indicate that there is evidence that some black people want land to farm, this yearning for land reform seems to be largely driven by poverty, unemployment and feelings of bitterness against colonisation and apartheid. Again, there is a convincing argument that rural South Africans have little interest in farming, but rather they prefer to go to cities to look for employment (Jeffery, 2015; Kane-Berman, 2016; Philip, Tsedu and Zwane, 2014:27) partly because the state has not provided sufficient support to rural agriculture. The former South African President, Thabo Mbeki has for instance narrated how in his rural area there exists fallow uncultivated land because people need tractors to farm because they do not have cattle to farm and that, because of urbanisation, many families are sending their children to school, rather taking care of livestock and farming (Mkhize, 2017). Mbeki has also decried what he called a bad attitude towards land by South Africans because most land claims have been settled through cash, rather than tilling the land and keeping it. He

was referring to a case of land in Malmesbury in the Western Cape where five Zimbabweans, who are graduates, took over land that was left fallow by a white man and the farm is now thriving (Washinyira, 2016). The project was so successful that it stunned the neighbours. Thabo Mbeki was trying to explain that Zimbabweans have a positive attitude towards land, while the majority of South Africans are now too urbanised to think about tilling the land.

Although Thabo Mbeki was right to say that most South Africans have chosen money over land because they are now urbanised, he omitted the fact that some land beneficiaries who chose cash were coerced and frustrated by the system of land reform, and hence they resigned themselves to cash compensation, albeit with bitterness (Xaba and Roodt, 2016a). I will explain in another chapter the reasons many land restitution claimants chose cash instead of land.

Many rural people have been urbanised and “de-culturalised” in terms of tilling land. People have shifted from peasants to wage earners. For instance, in the 2013 official figures it was reported that out of the 76 000 successful claimants, only 8 percent had chosen to have their land restored to them, while the remaining 92 percent had chosen cash compensation (Jeffery, 2015; Cronje, 2015; SABC Digital News, 2015). “We thought everybody, when they get the chance to get land, would jump at it, but they had become urbanised and “de-culturalised” in terms of tilling and preferred to earn wages” said Gugile Nkwinti, the Minister of Lands (Kane-Berman, 2016:6).

Therefore, land hunger has been exaggerated in a way. The ‘de-agrarianisation’ argument is demonstrated in the controversial report by the Centre for Development and Enterprise (CDE), which stipulated that there is little demand for agricultural land among the rural poor, and that land reform has less potential to alliviate poverty (Hall and Ntsebeza, 2007:19). Even the Minister of Rural Development and Land Reform conceded that land hunger was much lower than the ANC had supposed. One of the black veteran journalists, Mondli Makhanya, has famously written that:

At the risk of being lynched, tarred, and feathered by ideologues, I will posit that South Africans have little interest in land...Should we be expending so much energy and effort on land redistribution when the instinct of rural South Africans is to head for the city and seek employment and upward mobility? (Jeffery, 2015).

Makhanya's assertion is also backed by Jeffery (2016) who notes that South Africa is already 65 percent urbanised, with 8,6 black people who own their homes, while most people want jobs in urban areas, and not the toil of ploughing land to grow food.

5.10 Land hunger debates and empowerment deals that have collapsed

According to a Mail and Guardian report in 2011, some new black farmers who were given land by the government under the land reform programme were reportedly selling the land they were given, in most instances back to the original owner (Reolf, 2011). The article does not elaborate the reasons for this behaviour but I would want to speculate that maybe the "farmers" were fraudsters who wanted to get money out of the government system or it is also possible that these "farmers" left farming after realising that farming is much more difficult than they expected. Even the Secretary General of the ruling ANC has argued that most land beneficiaries have sold their land and that their children were not interested in farming or studying agriculture (Kane-Berman, 2016:6).

Stories of empowerment deals on land reform that faltered when black farmers left farming have been widely narrated. In the Western Cape, for example, one white farmer promised his workers that if they produced good award-winning wine, he would give them a portion of his farm's land. Indeed, the workers worked hard, and the wine got an award. The white farmer honoured his promise by giving a portion of his farm to farm workers. The 16 families of black farm workers that were awarded the portion of farmland then pooled their resources together with the intention of producing their own wine, and they named it New Beginnings. Although the project was initially a success, the project later faltered and failed. Members of New Beginnings eventually asked the white farmer to reincorporate the land. It soon emerged that running a farm, marketing and successfully producing on a relatively small area, once the land was divided amongst 16 families, was a difficult task (Kahn, 2007:25-26). The failure of such projects, when beneficiaries have been given land but fail to prosper demonstrates one of the major difficulties of land reform. I would like to also emphasise that such cases demonstrate the idea that it does not follow that if a black community/individual takes over a farm, they will simply take over from where the previous farmer left off. It also points to the importance of not only production skills but also marketing and day-to-day skills necessary for the smooth running of a farm.

In some cases, for instance in Limpopo, white farmers are renting the unutilized land from new black farmers to grow their crops (England, 2015). One is also reminded of a similar scenario

happening in Zimbabwe where black farmers who grabbed the land are inviting the former white landowners to assist them with agricultural expertise. “The problem now is that we have the land, but they have the experience”, said Tracy Mutinhiri, a Member of House of Assembly for Marondera East (Zimbabwe African National Union Patriotic Front ZANU PF) (Sieff, 2015).

It has also been speculated that some rural people (not all of them) in South Africa do not really want to till land. An interesting example is that of a research project led by Eddie Webster that found that most people in Cofimvaba area in the rural Eastern Cape no longer grow crops or keep cattle because they get social grants and as such social grants provide a reliable cash income. This allegedly led people to avoid the hard labour of farming. Thus, it many people claimed that the receipt of these grants is a choice, rather than a result of vulnerability to poverty (Webster, 2014). Kane-Berman (2016:6) of the South African Institute of Race Relations (IRR) has noted that there is a big amount of high quality land in the former homelands that is not farmed and yet the government is determined to acquire more land for land reform.

However, one should read this argument carefully because the choice to avoid farming does not entirely imply that black people cannot farm. Choosing to go to the cities and running away from farming is also related to the policies of forced removals, which eroded the agricultural skills of black communities. Mondli Makhanya explains:

It is not that black people cannot farm. It is because time have moved on from the time the apartheid government was carrying out its forced removal policies. The money and energy that is spent on getting people back into subsistence farming would be better used to create a strong class of black commercial farmers who actually do farm for commercial rather than sentimental reasons (News24, 2014).

When white settlers came to South Africa, they found indigenous South Africans and they destroyed the productive systems, while changing South African communities into wage labourers and tenants (SABC Digital News, 2013; Aliber, Maluleke, Thagwana and Manenzhe, 2010:289). Hall and Ntsebeza, (2007:7) conclude by arguing that more research is needed to ascertain the nature of the demand for land in South Africa.

As I will show in another chapter, opting for cash compensation does not entirely indicate that black people are not interested in farming per se. Opting for cash compensation is driven by poverty, unemployment, income want, old age and in some cases coercion by government

officials, together with claimants' leaders who have sinister motives in the land claiming process (Jeffery, 2015; Hall, 2010a:24; Bohlin, 2010:125; Walker, 2008:219; IRIN, 2015).

5.11 Racially-based inequalities and race in South Africa

Racialised inequalities in South Africa have led to feelings of racism from both white and black communities. Many black people see racism because of the racialized inequalities while the white community generally see affirmative action programmes such as land reform as a form of what they call "reverse racism". For instance, soon after the then deputy president of South Africa, Thabo Mbeki, read his "two nations speech", many people from the white community described Thabo Mbeki as a president who harboured "reverse racism" (Mail and Guardian, 2007; Mkhabela, 2018). There is no doubt that the racialized inequalities, white supremacy and black poverty in South Africa are a result of decades of land dispossession in South Africa.

There is no doubt that race is becoming a major issue across social and mass media. There is even a view that South Africa is becoming more racist (Savides, 2016). Responding to the racism woes on social media in 2016, Mngxitama (2016) argued that "the only way to break the back of white supremacy is to give back the land" to black people. Indeed, Hendricks and Ntsebeza (2011:213) are at pains to demonstrate that South Africa is characterised by opposing camps of white landowners and the black dispossessed.

Even ordinary South Africans appear to be politically aware in terms of the racialized inequalities in South Africa that were created by years of racialized land dispossession. Responding to the #Zuma Must Fall campaign photos which showed many white people, one of South Africa's most celebrated black entrepreneur and DJ, DJ Sbu wrote on his Facebook wall, "you will join white people for #Zuma Must Fall but they won't join you for Bring Back our Land" (DJ Sbu Online, 2015).

This demonstrates the deep-seated anger amongst some black people regarding racialised land dispossession in South Africa. Opinions such as this one posted on social media appeared to be related to land reform in the context of the high unemployment rate, poverty and bitterness on the part of black people about the racialised land dispossession. Indeed, one cannot be punished for arguing that in the midst of slow economic growth, high unemployment and poverty, especially amongst the black population, land reform appears to be largely seen as a solution to address these challenges.

The violent and bloody fights between striking black workers and students against white students who were watching a rugby match at the University of Free State (UFS) in 2016 indicate that South Africa is still strongly fractured along racial lines because of a racist history. I think that while the bloody racial fights that happened at the UFS were between black protesters and white rugby supporters (Eaton, 2016; Stanley, 2016), this was clearly an indication that South Africa is sitting on deep-seated racial inequalities and that national reconciliation was/is threatened. Thus, I agree with Pithouse's assertion that in South Africa racism has been largely appeased rather than confronted. Pithouse's argument that South Africa has been "engulfed in a cacophony of contestation as anger bubbles to the surface of our unequal society" is thus justified (Pithouse, 2016). It appears that in the context of perceived slow land reform, slow transformation, high unemployment rate, high rates of poverty and slow economic growth, anger is growing amongst the poor South Africans.

The incident in UFS was not simply a fight between annoyed rugby supporters against protestors, but it was a fight between white privileged students and underprivileged black students who are fed up with slow transformation. I am aware that the source of fights might be located elsewhere, but I see this as a revolt against slow transformation and that the divide between whites and blacks that was largely created by land dispossessions has not been dealt with effectively. Through a range of racial spats across South Africa spanning from the late months of 2015 to 2016, the perception created (on both social media and mass media) has been that South Africa was on the verge of a race war (South African Race Relations, 2017:1-2).

Bond (2016) correctly argues that the South African transition into democracy involved compromises that left white privilege intact and black poverty undiminished. Even the former South African president, Thabo Mbeki, has reiterated that South Africa is still racially divided. Addressing delegates at the South Africa Human Rights (SAHRC) Conference, Mbeki said, "consequently, we are not becoming one nation and the objective of becoming one nation is not being achieved" (New Age, 2016). Hence, it is believed that racism in South Africa will flourish as long as white people still own resources and are relatively better off, while black people are still largely landless and relatively poor. Thus:

To end racism, we have to go back to the beginning ...white supremacy in South Africa was created from land theft. A return of the land, as part of acknowledgement and part

of reparation would break the back of white racism at the economic level, and at the symbolic level that proceeds on the basis of white is right (Mngxitama, 2016).

The assertion that racism in South Africa is related to the racist history is acceptable. This is also related to Magubane's argument that European Christianity, philosophy, biology and other social sciences were used to defend the barbarism of slavery, orchestrated contempt and sub-humanity of the African, so much that today the degradation of an African has become accepted as well deserved. "White supremacy and racism are but expressions of measures European adventurers and colonisers deemed necessary to colonise, expropriate and exploit and rule colonised people" (Magubane, 2001:3-4).

However, while I accept that redistributing the country's wealth will break the core of racism in South Africa, to think that racism can be ended by giving back the land to black people is rather simplistic. More than 350 years of black oppression and white supremacy means that there is a big chunk of white people who are living off farming and hence land is the base of their livelihoods and social world. Taking away the land they have been sitting on for many decades means that they are likely to be aggrieved in as much as the black dispossessed communities are, but this does not mean that land reform should not continue. The point to be made here is that racism can be ended by persuasion (and not coercion) and responsible parenting as racism is a learnt behaviour. Additionally, I also agree with the view that better education and more jobs will likely remove the differences amongst races (Haffajee, 2016).

However, for as long as poverty is largely racialized (wherein black people are largely hard hit by poverty more than other races), racism will be an issue. However, in spite of all this pessimistic talk (both on social media and mass media) that South Africa is on the edge of a race war, the South African Institute of Race Relations (IRR) has produced an interesting survey which indicates that 85 percent of South Africans are not interested in race card issues and that things are not as "black and white" as presented in the media (IRR, 2017:2).

5.12 Farm killings in South Africa

There has been an increase in the reports of farm attacks and killings on farms. The majority of these attacks have been directed at white farmers, although there are a number of cases of indigenous African farm workers being affected (Ka Plaatje, 2003:297; TMG Digital, 2016). In 2015, the AfriForum Research Institute reported that 62 farm murders were recorded in the

270 farm attacks while in 2014 61 farm murders were recorded in 279 attacks (Shange, 2015; Claasen, 2015).

A combination of dislike for white farmers by farm workers, farm workers' poverty, as well as the general yearning for land reform has led to sharp divisions between white farmers and farmworkers. There exists an argument that some of these attacks might have been carried out by black tenants living on farms who have been unfairly treated by white farm owners (through other means, including unfair farm evictions). White farmers in turn also formed vigilante groups, which directed violent attacks at African farm dwellers (James, 2007).

Thus, Ka Plaatje (2003:299) prefers to call this form of violence "revenge killings". The attacks on indigenous African people on farms have largely been caused by the oppressive relationship between white farmers and black workers. In 2001, a group of rugby players attacked and killed Tshepo Matloha for hunting on their farm. Two men were later jailed for 18 years for murder (Butcher, 2001). However, it is not clear whether this is an act of criminality or political motivated acts, but it could be a combination of both factors (criminality and politics). Additionally, there are far more black farm workers killed than white farmers and this white genocide myths is perpetuated by left-wing elements and racists (both local and foreign) (702 Radio podcast, 2017). The South African Police Services (SAPS) and the South African Human Rights Commission (SAHRC) have often argued that the farm attacks are not politically related, but rather these attacks are motivated by pure criminality (Boyle, 2001:668; Ka Plaatje, 2003:297). This is the same statement that the SAPS also released regarding the looting of foreign owned shops (Moftah, 2015).

The script has often been the same: if hate crime is committed, the SAPS are quick to claim that such an act was an act of criminality. For instance, agricultural unions, such as the Agri South Africa, once claimed that some of these attacks might have been instigated by the former ANC MP Peter Mokaba's "kill the farmer, kill the boer" slogan (Ka Plaatje, 2003:297-299).

It is also alleged that there were informal reports that Agri South Africa sought to link the killings of white farmers to the Pan Africanist Congress (PAC)'s former military wing, the African People's Liberation Army (APLA). During the years from 1989 to 1994, APLA increased their campaign of attacking white farmers, more especially in the Free State, Natal, and the Northern Province (Ka Plaatje, 2003:297-299). I think the SAPS are afraid of saying

that these acts are political motivated acts because that would be putting a country in a panic and jittery mode, which is a security risk.

Referring to farm murders, Transvaal Agricultural Union (TAU SA) president, Louis Meintjes, argued that the South African government was deliberately ignoring the farm murders crisis but prefers to describe the police murders as a national crisis (Tmg Digital, 2015). Thus, according to Louis Meintjes, white farmers in South Africa were on their own and hence vulnerable to murders as the black ANC led government does not protect them (white farmers) (Tmg Digital, 2015).

“We white farmers are on our own and we have simply become more focused on our own safety and, in the process, deal mercilessly with the terrorists who prevent us on our own land from placing food on the table for the population of South Africa”, complained Meintjes (Tmg Digital, 2015). In this view of TAU SA, the South African land reform is biased and that white farmers are vulnerable to this bias or favouritism as the ANC government seems to be favouring black people. “As long as land reform is forced and as long as demands are made that farmers and businesses must give more than half of their shares to blacks, it becomes clear that the Constitution’s clause is simply a sweetener covering a bitter pill” argued Meintjes (Tmg Digital, 2015). This makes farming one of the most dangerous professions (for white farmers) in South Africa (Boyle, 2001:666).

5.13 Concluding remarks

Land continues to be one of the most emotive subjects in South Africa, largely because of bitterness against racialized land dispossessions. This chapter has demonstrated that the South African land reform programme is fraught with racial undertones. The land restitution programme occupies a particular place in the wider land reform programme in South Africa. There is a desperate plea to get land reform implemented quickly but without harming the economy to avoid going the Zimbabwean route where slow land reform led to chaotic land grabs which hampered the economy. Many landless poor black people believe white people living on farms do not have a right to be living on those farms. This is because land was unfairly taken from black people; hence, many black people strongly believe that land should be given to black people no matter what consequences. On the other hand, white farmers still want to maintain the status quo, by arguing that land reform is likely to dent the South African commercial farming. Land reform is generally slow, largely because it is market led and the property clauses in the South African constitution inhibit fast land reform. The next chapter

dwells on the debates on land reform in South Africa, with a view to situating land restitution in the land acquisition debates in the context of massive failures of land reform projects.

Chapter 6

6. Larger debates on land reform in South Africa

6.1 Introduction

This chapter builds from the previous chapter that discussed the broader land reform context, which included the land hunger, the emotive nature of land reform and the slow land reform process among other issues. The purpose of this chapter is to explain that land restitution settlements happen within a context of emotive and contested land reform, sparking many debates. Although the post settlement phase has demonstrated that land reform in South Africa has been a failure, land claimants, land activists and black communities feel that they have waited for a long time to get land. On the other hand, land beneficiaries are battling with post-settlement problems such as failure to realise meaningful livelihoods gains, lack of adequate post settlement support (PSS), infighting and other problems. Therefore, land reform in general continues to be fraught with racial undertones in South Africa.

In these larger land reform debates, the main source of contention is between the power of markets (which is supported mostly by white farmers) and the agitation to get land reform implemented to correct the historical injustice of apartheid. However, in 2017, the government showed intentions to employ a radical stance on land reform because the South African government believes they have been soft on land reform with their “willing buyer willing seller” approach. In their January 8 2017 statement, the African National Congress (ANC) vowed to use the 1975 Expropriation Act clause to expropriate land without compensation and to drop the “willing buyer willing seller” which has slowed land reform. Part of the radical plans by the ANC was to stretch the restitution cut-off dates to pre-colonial times, before 1913 (Bendile, 2017a; Bendile, 2017b). Although the ANC’s December Conference in 2017 endorsed expropriation without compensation for land acquisition (Mahlakoana, 2017), it is not clear how such an approach is practical or even constitutional given the importance of property rights.

As I stated in chapter 4, the compromise that the ANC and its allies made during the transition negotiations in the early 1990s regarding land reform was the acceptance of a property clause in the Constitution. This clause legitimised and entrenched over 350 years of colonial dispossession, where over 87 percent of land was in the hands of the white minority, and this clause also forced the state and the dispossessed black majority population to undergo

complicated and legalistic processes to buy the land back for purposes of restitution and redistribution. Essentially, land has to be bought by the state on the market and then be redistributed to indigenous people, a feature that was favoured by the World Bank and other neoliberal institutions during the transition negotiations (Roodt, 2003:14).

Although there exists an argument within the ruling ANC that the Constitution is a hindrance to land acquisition, senior ANC officials such as the then Parliamentary chief whip, Jackson Mthembu, correctly argued that the Constitution, particularly Section 25, is an enabler of land reform, rather than a hindrance. Section 25 does provide for expropriation “for public purpose” and “in public interest” and should there be a deadlock, a court should decide “just and equitable” compensation (RSA, 1996, Section 25), but the South Africa government has been reluctant to use those powers (Du Toit, 2017a; Du Toit, 2017b).

In spite of the failures of land reform there is a desperate chorus for land acquisition by elements of the state, the land claimants and leftist organisations. Such a chorus for land acquisition is influenced by the hardened feelings against the racist past and because black poverty is viewed as a direct consequence of land dispossession. Therefore, reversing dispossession is seen as a cure for poverty (Kane-Berman, 2016:9).

Judging from the literature consulted, one can easily infer that there is a general agreement that land reform is necessary and that the implementation of land reform is morally justified although different groups of people differ on the approach that needs to be followed. In general, the literature on land reform is characterised by three standpoints, that is, the “modernist conservative”, “neo-liberal” and the “radical-populist”.

I start this chapter by discussing debates related to land acquisition, including expropriation without compensation. The next section discusses the argument for radical transformation on land reform and the need to fast-track land reform in South Africa, including the debates on the Expropriation Bill. The last sections deal with the argument that the Constitution is an obstacle to land reform and that it legitimises past land dispossession.

6.2 Debates on land reform in South Africa

Although these land reform debates largely speak to the acquisition stage of land reform, the failure of many land reform projects in South Africa has indicated that land reform is not only about acquiring land and giving it to black people. Rather, land reform is an integrated process

of acquiring land and seeing to it that beneficiaries get adequate post-settlement support (PSS) so as to reap benefits from the land (Tilley, 2007).

The modernist approach holds that land reform should not weaken the commercial backbone of developed farmland. Partnerships are touted as the realistic means of keeping agricultural and managerial skills, knowledge and the business experience required to produce commercial crops and compete in local and international markets (Agrisystems Consortium, 2008:11). There are a number of land restitution projects that have been settled through strategic partnerships. Strategic partnerships are usually arrangements between claimants (would be beneficiaries) and white commercial farmers or agro-business experts to enter into partnerships rather than land occupation (Cousins, 2016a; Cousins, 2016b; Cousins, 2016c). A case in point is the Maluleke restitution project where beneficiaries chose to partner with Kruger National Park to get shares, rather than living in the Kruger National Park from where they were original removed (Lahiff, 2008:19; Robins and van der Waal, 2010).

The liberal position holds that the transfer of land should aim to give opportunities for the introduction of a class of black commercial farmers, managed by small independent families just like the “traditional” South African commercial farm, if not smaller in size and scale. This position argues that the land markets should not be disrupted by land reform and that property ownership rights should be respected. Both the “modernist” and the “liberal” perspective hold that the market is the most constructive platform to transfer ownership. Thus, both the “modernist” and “liberal” approach oppose land expropriation without market related compensation (Agrisystems Consortium, 2008:11-12).

The populist perspective holds that the land reform should re-create the lost, that is, the pre-1913 black South African peasantry by allocating land rights to individual households to farm on a small-scale basis. Land should first address livelihoods needs of people, rather than productivity. The populists and neoliberals argue that the small-scale farming is labour efficient and that given the adequate technical and financial support small-holder farming has a competitive advantage over the large-scale size farm (Agrisystems Consortium, 2008:12). The populist view is largely supported by poor and landless organisations such as the Landless People’s Movement (LPM) (similar to Brazil’s Movimento dos Trabalhadores Rurais Sem Terra-MST), NGOs that are associated with the former National Land Committee (NLC) and the newer Alliance of Land and Agrarian Reform Movements (ALARM), together with grassroots members of the ANC (Lahiff, 2007d:1584).

Therefore, land reform continues to be a hotly debated subject in South Africa with the dispossessor and the disposed not sharing the same views on the matter (Makhado, 2012:2). Marais (2011:2178) notes that land reform appears to be a politically and emotionally charged issue because there is need for justice and reparations. Ruth Hall, a land expert, also correctly notes that land remains an unresolved historical grievance, but the irony is that the ANC has chosen not to use its powers and concessions that the country fought for. These include the powers to expropriate, and to pay compensation other than the market value (SABC Digital News, 2013).

Essentially, there are two major challenges for land reform. The first one is the need to speed up the transfer of land to the landless black people and the second challenge is the need to make sure that transferred land is supported to be productive (Greenberg, 2010:4). In South Africa, land reform still remains painfully slow due to financial, infrastructural and capacity challenges (Makhado, 2012:1). According to the Department of Rural Development and Land Reform (DRDLR) together with land activists, the main issue is the inflated cost of land, which the state is compelled to accept because of the “willing buyer willing seller” approach that was recommended by the World Bank during the negotiations for democratic transition (Greenberg, 2010:4).

However, landowners and commercial farmers’ unions remain in favour of the market-led approach and still insist that the main problem with land reform is state bureaucracy, the incompetent buyer (new black farmers) and institutional incapacity. In addition, the argument that the slow pace of land reform is largely caused by the lack of resources has been challenged (Lahiff, 2008:40).

For instance, studies by Greenberg (2010:5) suggest that available resources for land purchase were not being used, suggesting that there are deeper problems that should be addressed before more money is demanded. For instance, during the first six months of the 2009/2010 financial year, the DRDLR only used 31 percent of its land reform budget. The Treasury had to redirect a piece of DRDLR’s budget to funding the new rural development function and as a top-up for the restitution programme, which had already utilised 81 percent of its budget share in the first six months. Therefore, for the redistribution programme, this example suggests a lack of capacity, instead of a lack of resources (Greenberg, 2010:5).

Most importantly, some analysts ask what land beneficiaries will do after land has been transferred, and whether land reform is enough to reduce poverty, and whether land reform should be for resettlement or livelihoods improvements. Thus, some scholars doubt whether land reform will reduce poverty because agriculture contributes little to the GDP of the country and employment in the context of rising urbanisation. Scholars ask, then, whether land reform is not likely to fail if there is not a broader intervention in the agricultural and rural economy, as well as the provision of proper PSS. Such narratives are couched within the need for proper agrarian reform. Another challenge is whether land reform should favour large-scale commercial entities or small-scale farmers. Restitution cases have also been fraught with contestations between traditional authorities and CPAs, with most communities rejecting traditional leaders. With CPAs and trusts becoming more dysfunctional, questions have been raised about the viability of such strategic partnerships. Other scholars have asked whether tenure security is self-defeating as the implementation of ESTA has led to large-scale retrenchment of workers and some white farmers have found numerous ways to evade the laws (PLAAS, 2016:7-8).

6.3 Proponents of radical transformation on land reform in South Africa

At the Land Summit of 2005, which discussed land issues, the President and the then Minister of Land Affairs openly criticised the market-led approach, while the civil society and landless peoples' organisations demanded that the "willing buyer willing seller" approach should be scrapped (Lahiff, 2008:33).

The attitude of white commercial farmers at the Land Summit was reportedly negative as they passionately rejected the scrapping of the "willing buyer willing seller" method. Thus, they threatened that if the government interfered with the market, there would-be far-reaching consequences and pointed to the chaotic Zimbabwean land reform as a reference case. White farmers also added that those who defy the world, which is currently dominated by neoliberal policies, would be isolated by the world with terrible consequences (Hall and Ntsebeza, 2007:16).

The proposal of the Expropriation Bill was then tabled (Greenberg, 2010:6; Lahiff, 2008:33) and in the following year (2006) the President announced in his State of the Nation Address (SONA) that government would no longer automatically use the "willing buyer willing seller" principle, but would consider expropriation in certain cases (Hall and Ntsebeza, 2007:16). The Expropriation Bill is based on the constitutional provisions that allow the state to expropriate

land in the “public interest” and for a “public purpose” while still paying reasonable compensation that is “just and equitable” to the expropriated white farmers (Lahiff, 2008:34; Tolsi, 2012).

Therefore, there is a strong debate on whether land reform should be market assisted (willing buyer, willing seller) or the state should be given more powers to actively intervene in land reform matters to fast-track land reform (PLAAS, 2016:7). The Expropriation approach offered the potential of increasing the range of land available for redistribution beyond what the markets offer, while reducing the compensation paid to owners (Lahiff, 2008:34). However, the Expropriation Bill was shelved in 2008 after land owners had complained that the Bill gave too much authority to the executive to determine how owners would be compensated, rather than leaving this to the courts. Additionally, farmer unions were worried that this would ruin property rights (Greenberg, 2010:7).

The Expropriation Bill was eventually passed in 2016, which is clearly a victory for the proponents of radical transformation. The passing of the Bill means that the state will be able to pay for land at a value determined by a government adjudicator and then expropriated for the “public interest”, thereby ending the “willing buyer willing seller” approach (BBC News, 2016). By 2018, the ANC led government had endorsed expropriation without compensation in spite of criticisms and concerns, largely from investors and right-wing elements (Hornby and Royston, 2018).

Proponents of expropriation propose that the state should expropriate land without compensation as land was stolen from black people some 300 years ago (Makinana, 2015; PLAAS, 2016:7). “So how do you buy back stolen property?” Andile Mngxitama, a land activist, asked (SABC Digital News, 2014). Atuahene (2014:6) concurs with Mngxitama’s argument by stressing that “when property rights are systematically acquired by theft, it is difficult to justify state protection of these illegitimately acquired rights”. Andile Mngxitama just like other radicals argue convincingly that when whites landed in South Africa (1652) they disturbed a peaceful indigenous population and then slaughtered black people. While the radicals are right in claiming that the entrance of white people in South Africa put the black communities in a painful position, before 1652 black indigenous communities clashed over territory and dominance. In fact, history is a narration of conquest, dominance and conflict over territory and even white communities in Europe slaughtered each other before 1652; the English slaughtered the Scots, the Germans killed the Romans (Bruce, 2016).

Therefore, proponents of radical transformation see no need to buy back land, but rather they argue that land should be expropriated without compensation because indigenous people were not compensated for land dispossession (Atuahene, 2011). Although I would not use the word “stolen”, there is no doubt that land was grabbed from indigenous groups unfairly by white settlers and, most importantly, the effects of land dispossession are largely manifesting in racialized poverty (black people’s poverty). This is largely the reason land reform debates have been emotive and sensitive. Proponents of radical land reform or leftists/populist and other indigenous groups such as Khoisan have also expressed disgust at the 1913 cut-off date for restitution as land has been grabbed from black people since 1652 (PLAAS, 2016:7).

During Julius Malema’s time as the influential leader of the African National Congress Youth League (ANCYL), he often called for nationalisation of all resources and expropriation without compensation to speed up land reform (Roelf, 2011; Makhado, 2012:2; Herskovitz, 2011; Walker, 2012:810). Speaking to an enthusiastic crowd in Kimberly in 2011, the then ANCYL president Julius Malema said:

We must take the land without paying. They (whites) took our land without paying. Once we agree they stole our land, we can agree they are criminals and must be treated as such... Political freedom without economic power means nothing. You can vote until you turn yellow, but without economic freedom it means nothing (IOL News, 2011).

However, the ANC often brushed aside Malema’s militant speeches for nationalisation to keep the confidence of foreign investors (Herskovitz, 2011). Having been expelled from the ANC, Malema went on to form the EFF in 2012 with other expelled members of the ANCYL after a bitter fallout with Jacob Zuma, the then leader of the ANC (BBC News, 2014). The EFF won six percent of the South African parliamentary vote in 2014 and nationalisation still remains their core policy (BBC News, 2014).

With over 50 billion spent, R69 billion to be specific, on buying back only eight percent of land held by whites, proponents of radical land reform have fumed that the South African government is spending a lot of money on buying back stolen land (Cronje, 2015; SABC Digital News, 2014). According to Cronje (2015), “the amount of money already spent is very close to the net value of all agricultural land in the country (R71 billion), but 19 million hectares still remains to be transferred”. Proponents of radical transformation are basically against the

“willing buyer willing seller” policy which is based on the view that land should be bought on the land market.

6.4 Is the Constitution an obstacle for faster land reform?

Persuasive arguments have been put forward, notably by Professor Lungisile Ntsebeza, a famous South African land expert, that the South Africa Constitution is the main obstacle to large-scale land redistribution in South Africa (Ntsebeza, 2007:107-108). This argument has also been captured by Ntsholo (2015) who also is at pains to explain that the conceptual problem of land reform lies in Section 25 (1) of the Constitution of South Africa, which requires the state to pay current white landowners for land that is targeted for land reform. In this way, Makinana (2015) also adds that Section 25 legalises “land theft” and colonialism that happened some 300 years ago. Thus, most land activists argue that Section 25 is a mechanism that serves the white community as it protects white property rights while at the same time derailing efforts to get land for the landless poor South Africans. During the proceedings leading to the 1996 Constitution, one of the biggest areas of contention was the property clauses issue. In the Convention for a Democratic South Africa (CODESA) negotiations, the issue of property rights was hotly debated and unsettled at some point, which led to a Constitutional deadlock in 1996 (Roodt, 2003:20-21; 29). The contention “was whether or not property, already regulated through statute and common law, should be given constitutional protection in a Bill of Rights and, if so, how the powers of the state to enact land reform and the rights of citizens to claim land rights would be balanced against the rights of existing property rights” (Hall, 2010b:199).

Academics at the University of Western Cape (UWC) were adamant that property clauses should not be included in the Constitution as that would justify and legitimatise the racist past under apartheid (Kahn, 2007:4). The property protection clause was eventually enacted in the South Africa Constitution Act 108 of 1996, despite considerable protests. The National Party (NP), farmers’ associations and political parties representing white interests, big businesses and mining houses strongly argued for constitutional protection of property rights (Hall, 2010b:200). Thus, the market-led approach is deeply reinforced by the protection of property rights in the Constitution. Commenting on the proposal of the Expropriation Bill, Ben Cousins, a land expert based in the PLAAS institute in the University of Western Cape, was quoted in the press saying, that the “government knows large scale expropriation isn’t feasible, even if they pass the Expropriation Bill later this year. They realise that if you expropriate, you’ll end up in courts, so it won’t be cheaper or faster anyway” (IRIN, 2009). Moving a motion in

Parliament, one of the firebrand EFF MPs who is also EFF's vice president, Floyd Shivambu, strongly argued that the negotiations for freedom in South Africa betrayed the ideals of the Freedom Charter in that the liberation movement at the time of negotiations was pursuing the principle that "let's get political power first and the rest shall follow" (Jacob Zuma is not my president video, 2014).

Some South African leftists and land activists mistakenly argue, therefore, that the section 25 of the South Africa Constitution which compels the state to apply the "willing buyer willing seller" approach was never about redistributing land but about securing political compromise (Makinana, 2015; Lamola, 2016). One such leftist, the leader of Black First Land First (BLF) organisation and former EFF MP, Andile Mngxitama, has argued that the state should delete section 25 of the South African Constitution and acknowledge the truth that land is stolen property in South Africa (Makinana, 2015; Lamola, 2016). Other scholars such as Ntsebeza (2018) argue that section 25 is fundamentally conflictual in that it protects property rights which favour white farmers, while promising to return land to dispossessed black communities.

The argument that the Constitution was a hindrance to proper land reform eventually led to the current expropriation debates. However, it is important to note that the High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change (2017:51) noted that the government did not fully use its expropriation powers (lack of implementation and enforcement) enshrined in the Constitution and that the provisions that allow the state to pay compensation that is below the market value were ignored in some cases. The Panel boldly noted that the problem was not the Constitution per se, but rather the main problem was the lack of political will to implement Section 25 and other problems such as corruption by state officials, diversion of land reform budgets to elites, as well as lack of training and capacity on the part of state officials.

In spite of this evidence and the facts provided, other scholars such as Atauhene (2014:170) argue that the ANC has adopted policies that privilege current owners (who are mostly white) rather than the dispossessed communities that constitute the political base for the ANC. This is because the ANC is afraid of upsetting the markets and alienating its sources of capital. The ANC depends on white capital from white South Africans and foreign investors to maintain economic growth. In fact, when Nelson Mandela, the then president in waiting for democratic South Africa came out of Robbin Island in 1991, he told business people in a private dinner that the best way to end inequalities in South was nationalisation (Atuahene, 2011). Soon after

that, the Johannesburg Stock Exchange (JSE) plunged by 5 percent and the ANC had to drop the nationalisation plans. Mandela and ANC had to change their tune on nationalisation (Atuahene, 2011).

The market-led approach is a voluntary process and farmers demand payment of full market determined prices, upfront, in cash, a reduced role of the state and the removal of various distortions in the markets (Lahiff, 2008:33). There are also widespread reports that even the land that is being offered on the market is of low quality. Even if white land owners decide to sell land, they sell it at exorbitant prices to make it difficult for buyers to buy it, although little evidence has been provided for this argument (Lahiff, 2008:33; CDE, 2008:2). Also, one should bear in mind that the government of South Africa has a limited budget. So, the government would not spend much money on buying land at inflated prices (Makhado, 2012:3). The “willing buyer willing seller” approach also enforces or reinforces a class society or inequalities because those who can afford to buy high priced land are the rich (Makhado, 2012:3).

In his state of the nation address (SONA) in 2012, president Jacob Zuma admitted that land reform has been slow as the government had managed to redistribute only eight percent of the 30 percent target of land redistribution as set by the government (Makhado, 2012:3). In the same SONA speech, the president noted that the “willing buyer willing seller” principle has not been the best principle for land redistribution (Makhado, 2012:3). Celebrating 103 years of African National Congress’s existence in 2015, President Jacob Zuma revealed plans to abandon the “willing buyer willing seller” principle, so as to “fast track” land reform in South Africa (Mataire, 2015).

The previously discriminated black people were promised land, but they are still waiting for full land reform (Atuahene, 2011). This is particularly unfair to the previously dispossessed land claimants because, when they were forcibly evicted during apartheid, they were not compensated, or even if they were compensated, compensation was just too small and insignificant (Makhado, 2012:4).

While I agree with the proponents of radical transformation that land was unfairly taken from black people, to argue for expropriation without compensation is calamitous and unfair - calamitous in that the world is characterised by a strong reliance on neoliberalism and respect for property rights, particularly in South Africa. Expropriation without compensation may lead

to economic problems, as happened in Zimbabwe and the government may end up in court to defend expropriation without compensation (Murisa and Helliker, 2011). This would also be unfair in the sense that there might be a possibility that some current white land owners are not direct beneficiaries of land dispossessions (Fay and James, 2010:45). In this case, it would be unfair for them to suffer for the consequences of people that they do not even know. Thus, while acknowledging the presence of white privilege, there is need for a compromise so as to avert a possible crisis.

The cut-off date for lodging claims has been subject to considerable debate and it appears to be sensitive. Critics, such as Ntsholo (2015), argue that if land restitution is meant to redress past land dispossessions, then the cut-off date should not be 1913 as this policy legitimises pre-1913 land dispossessions for which there is a compelling amount of historical evidence. The government has insisted that the cut-off date should be 1913 because the further one goes back, the more likely it is that it would create ground for inter-ethnic wars in South Africa. In fact, dispossession (especially the San) started as early as 1652, but of course other African tribes conquered other African tribes. Again, one piece of land may have more than one dispossession (Fay and James, 2010; Hall, 2010a; Atuahene, 2014:76; Parliamentary Monitoring Group, 2016; Walker, 2015:235).

Commentators have argued that the aboriginal title that was used in countries such as Australia, New Zealand and other countries in West Africa must be used to address the pre-1913 claims, but the government has argued that it is not possible to address these claims (pre-1913) through a judicial process such as the Aboriginal Title Claim. This is because an Aboriginal Title claim would create intertribal wars and many claims will overlap and compete with one another, rather than focusing on white owned land (Hall, 2010a:18-23). Again, families have multiplied after land dispossession, and many families are scattered all over. The Parliamentary Monitoring Group (2016) has argued that the cut-off date should be extended beyond 1913 to accommodate the Khoi and San who lost land before 1913. This proposal from the Parliamentary Working Group is important yet concerning because, if the cut-off date could be extended to pre-1913 land dispossessions, it would mean land reform would be a catalyst for ethnicism and this could be bloody (Hall, 2010a:23).

Additionally, the South African state has showed some signs of embracing a radical land reform, including arguing for expropriation to include land that was grabbed from black communities before 1913. In 2016, the South African parliament passed the Expropriation Bill

that will enable the state to pay for expropriated land at a value determined by a government adjudicator and then expropriate it for public interest (Reuters, 2016).

This Bill has generally drawn much criticism since its tabling in 2013. While this move might concern investors and the safety of property rights, I think it presents an opportunity for the government to fast-track land reform in South Africa but given the poor post-settlement support (PSS) in South Africa, this move is likely to be met with harsh critiques from academics and other relevant stakeholders. The proposed Expropriation Bill is likely to boost the pace of land reform but there is much concern as to the practicability and constitutionality of such a radical approach. Law experts, Marais and Slade (2016), argue that the fears about and criticism against the Expropriation Bill are exaggerated and misplaced because the state may not limit or take away property in any way it likes. The Bill compels the government to first try to acquire property through consensus on reasonable terms; only when such agreements have collapsed, then the government may expropriate the property without payment of just and equitable compensation, which should be able to achieve an equitable balance between owner's interests and public interests (Marais and Slade, 2016).

6.5 Land expropriation

In 2009, the government drafted legislation that would enable the state to expropriate land if negotiations through the “willing buyer willing seller” approach have failed (Marais, 2011:217). The Restitution of Land Rights Amendment Act 48 of 2003 gives powers to the minister to expropriate land without a court order (Hall, 2007:99). The then Department of Land Affairs (DLA) emphasised its intention to use its constitutional powers to expropriate land for land reform, including restitution, and developed what they call the “Proactive Land Acquisition Strategy” (PLAS). By 2018, the calls for land expropriation from leftist organisations such as EFF were growing louder, while the government had agreed to use expropriation (Hornby and Royston, 2018). According to a constitutional law expert, Pierre de Vos who teaches law at the University of Cape Town (UCT):

The constitution allows for expropriating property even in cases where the owners of that property are unwilling to part with the property...if the expropriation is aimed at redistributing land to address the effects of widespread colonial and apartheid era land dispossession (IRIN, 2015).

Expropriation can be done as a last resort (SABC Digital News, 2013), and a “just and equitable” compensation must be paid for the expropriated property (IRIN, 2015). This is a slight shift of focus from the “willing buyer willing seller” (pure market led approach) concept where private land can be bought by the government (interventionist approach) only on behalf of landless poor on the market (Walker, 2008:201). It is important to add that the government has always been allowed to expropriate land in the “public interest” where a restitution case has been approved by a court, according to Section 25 of the Constitution. Therefore, the “willing buyer willing seller” approach only applies to alternative land and redistribution, and expropriation is used only as a last resort (RSA, 1996a; Du Toit, 2017a; Du Toit, 2017b).

Although the state still advocates for the “willing buyer willing seller” concept, it also reiterated in its 2006 framework that land can be expropriated, with “just and equitable” compensation as provided for in the Constitution and other opportunities such as auctions (Walker, 2008:201). However, the debate between the role of the market and state’s role remains a matter of fierce debate (Walker, 2008:202; Ramutsindela, Davis and Sinthumule, 2016:73-75). Upon realising that the “willing buyer willing seller” was taking too long, the government then shortened the negotiation timeframe to six months and reserved the right to expropriate the land if negotiations proved to be unfruitful (Belinkie, 2015:230). However, Professor Ben Cousins, a land expert based in the PLAAS institute in the University of Western Cape, was quoted saying that:

the government knows large scale expropriation isn’t feasible, even if they pass the Expropriation Bill later this year. They realise that if you expropriate, you’ll end up in courts, so it won’t be cheaper or faster anyway (IRIN, 2009).

Murisa and Helliker (2011) share the same sentiment by arguing that the radical programme of expropriation without compensation would mean that the South African state would wake up the next morning in courts, defending land reform cases and, given the protection of the private property clause in the Constitution, such litigation may be fraught for a long time. They (2011) believe that land expropriation would mean that the government would be violating the Constitution and undermining the rights to property for white farmers. This scenario has led scholars such as Ntsebeza (2007:120-121) to conclude that the provisions of Section 25 of the Constitution are contradictory in that they protect the property rights while at the same time making a commitment to redistribute land to the dispossessed majority. The contradiction is between right to expropriate and the right to private property protection (Roodt, 2003). During

the transitional negotiations, the property clause was accepted by the ANC after long disagreements. At the time, the Pan Africanist Congress (PAC) and Azania People's Organisation (AZAPO) and a significant number of black people rejected the acceptance of the property clause by the ANC and they argued that the property clause was going to commodify land through the market, thereby impeding proper land reform (Ramutsindela, Davis and Sinthumule, 2016:73-74). At the time, the ANC argued that the property clause was a common feature across the world, and that it served to maintain confidence in the market (Roodt, 2003:16-17).

Disputed cases on expropriation can be settled in courts. The South African Constitution makes provision for expropriation with "just and fair" compensation, taking into consideration a number of factors in setting the compensation, including the manner in which land was obtained. Section 25 (2) of the South African Constitution stipulates that expropriation should be done for "public purpose" or in the public interest, and that expropriation should be followed by compensation that is just and fair (RSA, 1996a, Section 25 (2)). Since South African law works through precedent, all it could take is a few court cases to set the precedent and how expropriation and compensation must work. In the case where the state and the farm owner fail to reach an agreement on a "fair and just" amount of compensation, a court of law has to determine the amount of compensation, and such compensation (according to legal experts) is wide enough to even allow zero compensation (Ngcukaitobi, 2018). Thus, the view that the Constitution is a barrier to land reform is misleading. The High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change (2017:206) clarified that the Constitution of South Africa is not a barrier but rather that it is progressive for land reform, but the challenge is lack of implementation (and political will) and enforcement on the part of the state.

6.6 White land owners versus black claimants

The problem with land restitution is that land may be bought on the market over generations, which may "wash away the guilt of dispossession", and the current landowners may claim that they bought the land from someone else (Fay and James, 2010:45). In this case, current landowners may claim that land restitution may create new injustices, reverse racism as some say. The Constitution affirms the property rights of both current land owners and the disposed (black communities), but the trend has been that if these rights come into conflict, the land owners win as they may refuse to sell land (Hall, 2010a:25).

Although the government has powers to expropriate land for restitution, by 2008 the government had only expropriated land in four cases and in two cases the government revoked its expropriation notices for negotiations (Hall, 2010a:25). In this way, the claimants (landless black people) have “an enforceable right to restitution but not an enforceable right to their original property” as the current owner (white farmers) may refuse to sell his/her farm (Hall, 2010a: 25). In this case, the state has allowed a situation where the return of claimants to their original/ancestral land is somehow dependent on the willingness of the current landowners to sell their farms at the price offered by the Commission. In this sense, landowners have a somewhat veto powers over on land restitution (Hall, 2010a:25). However, while accepting that white farmers have some power to fast track or delay land acquisition, it is important to add that the state has been hesitant to use their expropriation rights fully and effectively, because, according to the Constitution, the state has a right to expropriate for “public interest” and in the event that there is a dispute, a court of law can determine the amount of compensation (RSA, 1996a; Du Toit, 2017a; Du Toit, 2017b).

Thus, the challenge for land restitution is the dilemma between the need to fulfil the ‘constitutional priority’ of giving land to the disposed communities with the unrealistically small budgets (Fay and James, 2010:45; Walker, 2005c:651). In addition, the budget for land reform has been generally insufficient, under 0,4 percent of the total national budget (Walker, 2005c:651). Low budgets for land reform demonstrate that either land reform has not been a priority for the ANC-led government or that the Treasury has been reluctant to increase the budget for land reform because of scepticism around its impacts and benefits (PLAAS, 2016:63). However, while it is true that the budget for land reform has been too small to cover the costs of land reform, the government often does not spend all the money budgeted for land reform. For instance, the Restitution Commission has consistently underspent its budget, thereby suggesting that the main problem is capacity and systems (High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017:50, 245).

6.7 Defending the status quo on land reform in South Africa

According to Magubane (2001:31), the white community who benefit from white supremacy do not want to be reminded about the terrible things that the apartheid government did to the black communities. For instance, when Thabo Mbeki, the then deputy president, argued that South Africa was characterised by “two nations”, one that is white and prosperous and the other that is black and poor, Mbeki was accused of being divisive and pushing a reverse racism

agenda. Referring to the racially-based inequalities of South Africa, the South African president Jacob Zuma argued that the South African problems started with the arrival of colonialists and Jan van Riebeeck. This was met with harsh criticism from the white community who argued that Jacob Zuma and the ANC are pushing a reverse racism agenda (Steward, 2015).

However, Magubane (2001:31) suggests that the argument that the ANC was pushing a reverse racism agenda through affirmative action policies was/is a deliberate ploy to avoid the fundamental issues facing South Africa. In South Africa, the beneficiaries of land dispossession are largely white people who believe that they are entitled to the ownership of land they have, while the majority of black people are still struggling to get their land back (Makhado, 2012:2).

I do not think that South Africa was as peaceful and idyllic as many Africanist commentators portray because there were intertribal African wars before the arrival of Jan van Riebeeck and the colonial regime. However, I think they lived a better life than was the case after white conquest. Bundy convincingly demonstrates how black indigenous tribes/communities managed to live off farming and how the traditional African economy managed to support indigenous groups. All that was destroyed after the white conquest (Bundy, 1988:1-3).

Although Zuma might have used that statement to evade his own failures as a black president of South Africa, his statement that South Africa's problems started with the arrival of Jan van Riebeeck is not a bad one. His argument is that the South African government finds itself having problems of trying to reverse the problems created by segregation and apartheid. Segregation and apartheid are all at least partially the result of the settlement of Jan van Riebeeck in South Africa. The effects of colonialization, segregation and apartheid manifests itself in racialized poverty in South Africa.

In this way, land reform is seen as threatening the status of South Africa as the net food exporter and there are concerns about sustaining the agricultural levels of production (Marais, 2011:218; Lotriet, 2015). Thus, Grain SA has rejected the Ministry of Rural Development and Land Reform's 50/50 land ownership plans, citing food insecurity concerns (Lotriet, 2015). The 50/50 policy would imply that workers who have lived on farms for many years would be eligible to acquire a share of the farm, up to 50 percent (England, 2015).

Additionally, protecting the status quo on land is also based on the argument that massive land acquisition would lead to an economic crisis and other related problems. It is also reported that

more than 60 percent of farmland is covered by debt while 83 percent of farmers produce food with production loans because farmers do not get government subsidies. Thus, if the 50/50 plan is to be implemented, 83 percent of farmers will not be able to produce food (Lotriet, 2015). Bearing in mind that a big chunk of white farmers in South Africa are so much in debt that expropriation without compensation would mean that it would hit the banking sector hard. “The financial institutions... would lose all our farms, and the whole financing structure would collapse, where would that take us?” fumed Dr Theo De Jager of AGRI SA, a federation of agricultural organisations in South Africa (SABC Digital News, 2014).

In this case, expropriation without compensation would not be fiscally sustainable. Although Dr Theo De Jager appeared to be biased towards white farmers, he raised a very good point because farming in South Africa has become expensive and competitive since there are no agricultural subsidies and thus farmers are resorting to borrowing from banks. Helliker (2013:76, 80-84) explains that in the post-apartheid era the commercial farming sector moved from a highly protected and regulated sector to almost total liberalisation free of state regulation. In this way, expropriation without compensation would have a negative impact on the banking system.

According to Cronje (2015), South Africa’s remaining 35 thousand commercial farmers are crucial for the food security of 54 million South Africans. South African commercial farmers also contribute 3,9 percent of the country’s gross domestic product (GDP), employ more than 650 000 farm workers and help to boost exports and to hold down the current account deficit (Cronje, 2015), but the irony is that almost all farm workers cannot afford three meals a day (SABC Digital News, 2013). Thus, there exists an idea (which I agree with) that even though successful commercial farming leads to food security, commercial farm workers are still living in poor conditions (SABC Digital News, 2013). Although not all farm workers are treated unfairly, it appears that food security is often achieved through unfair working conditions for farm workers.

6.8 Land: a contested terrain and a time bomb?

In South Africa, land continues to be an emotive, political and contested terrain. Fay and James (2010:42) argue that land continues to be a contested terrain as it is a vexing form of property. Land remains both material and symbolic, and a factor of production (Fay and James, 2010:42). In the context of massive land dispossession that happened during apartheid in South Africa, many people in South Africa expected the ANC government to bring back the land that they

had lost during apartheid (Lahiff, 2001:1). The signs of impatience with slow land reform progress are visible and there are calls for nationalisation of natural resources amongst land activists (Makhado, 2012:2).

In the early 2000s there was a rise of popular mobilisation around land issues and a growing tendency or willingness amongst landless people to directly acquire land following the slow pace of land reform (Lahiff, 2001:1). This general discontentment about slow land reform has continued and there are fears that poor landless people might take things into their hands and acquire land directly (SABC Digital News, 2015).

In the context of slow land reform in South Africa and the recent land reform without expropriation with compensation of land in Zimbabwe, many observers have asked: could South Africa be next? (Atuahene, 2011; Makhanya, 2015). One should also bear in mind that the presence of unaddressed land inequality was used by Robert Mugabe's government to embark on the controversial land reform programme (Atuahene, 2011).

Thus, Bernadette Atuahene has argued that "South Africa's failure to rectify its land inequality is like a sea of oil waiting for a match" (Atuahene, 2011; Atuahene, 2014:6). I strongly agree with Atuahene's argument because, although the black population seems to be 'de-culturalised' to living off farming (Jeffery, 2015), unemployment, poverty and the general bitterness against colonisation and apartheid seem to be pushing the focus onto land reform. Land reform is widely seen as one of the solutions to addressing poverty (RSA, National Planning Commission, 2011).

One white South African farmer who watched as his son was murdered in an ambush on the family farm said that he was "under a murderous siege and that land (was) being grabbed just surely as commercial farms were seized by aggressive war veterans in neighbouring Zimbabwe" (Boyle, 2001:666). In an interview in 2013 aired on the South Africa ETV television channel in a programme called 'The Big Debate', one farm worker had the same sentiments:

'We are going to come to a point where we become like Zimbabwe. People are going to start taking land by force'.

'At the end of the day, the land is ours, and when we will take it back, it will create an uncomfortable situation. There will be chaos', fumed another.

‘The people of South Africa, the landless people have been patient for too long now. The government promised to move 30 percent of land back to black people by 2014, but as we know, only 5 percent of land that land has been transferred’, said Petrus Brink, the secretary for Food Sovereignty Campaign (SABC Digital News, 2013).

Makhado (2012:2) adds that international experiences with land reform (especially Zimbabwe) has shown that failure to adequately address land reform can lead to violent land dispossession and armed conflict. Van den Brink, Thomas and Binswanger (2007:160) are in agreement with this argument, noting that unresolved land issues often lead to violence, civil unrest, or even civil war. This has been the case in countries like Algeria, Brazil, Colombia, El Salvador, Honduras, the Philippines and others where land-related conflicts have plagued these countries. In fact, some scholars even speculated that there is no such thing as a peaceful and orderly land reform.

Additionally, in 2016, the Namibian government vowed to take land by force after the “willing buyer willing seller” policy had failed to adequately redistribute land (News 24, 2016). The reasons for this argument are that land markets need help, land acquisition and resettlement can be slow and costly, and that large-scale farmers will always lobby against land reform (Van den Brink, Thomas and Binswanger, 2007:162). This is also worsened by the fact that there are some South African politicians who have encouraged South Africans to occupy land illegally, creating an explosive situation (Kloppers and Pienaar, 2014:679).

The argument that slow land reform in South Africa can lead to civil unrest in South Africa is really convincing. In this case, I concur with the view of Moeletsi Mbeki (2011) that South Africa is sitting on a time bomb because in South Africa most poverty and inequality debates mention the slow land reform, racially based land dispossession during the past and there is evidence that poor people are becoming impatient with slow land reform (Mbeki, 2011). The ANC has also argued that land hunger is the cause of unemployment and poverty, hence the push for the Expropriation Bill (Jeffery, 2016). The contours of black poverty in South Africa are traced in relation to land inequality and land remains at the heart of the struggle for both livelihoods, as well as citizenship (Hendricks and Ntsebeza, 2011:213).

Popular South African political analyst Professor Somadoda Fikeni said that while the South African government had available laws to act, they lacked courage of conviction and clarity of purpose, thereby slowing land reform and frustrating ordinary people, at the same time also

expressing the argument that South Africa may be sitting on a time bomb. Addressing the ANC Umrabulo round table discussion in 2016, Fikeni warned that the lack of courage of conviction and clarity of purpose on the part of the state is quickly sowing seeds for people to engage in land grabs or more radical and populist formations to lead land reform programmes if the government does not move quickly (Feketha, 2016).

In general, I would say, this would be caused by the fact that there exists a belief amongst many black people that many black communities are poor largely because of land dispossession. One needs to bear in mind that land and agricultural policy reform in South Africa promises to increase efficiency, equity and creation of jobs (van den Brink, Thomas and Binswanger, 2007:162). Therefore, I agree with the argument that “black poverty is seen as a direct consequence of land dispossession, so reversing land dispossession is seen as the key antidote to poverty” (Kane-Berman, 2016:9).

In my conversations with old South Africans, there is always a sense of displeasure at the past because the past manifests itself in the obvious racialized inequalities. Land dispossessions are still fresh in the black people’s minds (especially the old) and the land subject continues to be emotive. The script is always the same, “these people (white people) used to abuse us during apartheid and we were suffering, even today they are still doing that because our government is afraid of them because they have money”.

Referring to his anti-white hate speech, Julius Malema said that black people do not owe white people an apology, and that black people should invade land owned by white people:

Please we do not owe white people an apology. Black people stop apologising to white people. They are the ones who owe us an apology. You have done too much to damage a black nation. We are unemployed because of you, we are dying from diseases because of you, we are illiterate because of you, and we surrender to drugs because of you. You owe us a lot. You must show remorse (eNCA News, 2016b).

There is a strong sense that most problems in South Africa are related to land dispossession. Most importantly, there is a belief (which I also agree with) that black people used to live well as farmers and hunter-gatherers before white people took their land. For instance, the removal of black peasants (who were more efficient farmers than white farmers) from their land was systematic as van den Brink, Thomas and Binswanger (2007:161) have rightly noted.

6.9 Concluding remarks

This chapter has explained that land restitution settlements happen under a context of emotive and contested land reform. Although many land reform projects, including land restitution, have failed, land claimants, land activists and black communities feel that they have waited for a long time to get land. The situation looks very explosive and some academics have asked whether slow land reform in South Africa might lead to land grabs as was the case in Zimbabwe. Unfortunately, this scenario has been confused with land hunger. This is because, while many black people want land reform to be implemented, only a few black people who claimed for land have accessed land. Most of the land restitution beneficiaries have opted for cash compensation and generally many land reform projects have been a flop. While land hunger is a reality in South Africa, land hunger has often been taken out of proportion because of the bitterness against apartheid. This is not to say black people cannot farm. Part of the bigger problem is the lack of agricultural skills of black people that were eroded during the forced removals period and the general lack of post settlement support (PSS). The next chapter deals with land restitution institutions and the progress on land reform. This feeds into the debates on land acquisition that I mentioned in chapter one and other chapters. What one can infer is that, despite the massive failure of land reform (including restitution), the the clamour for land acquisition has not stopped.

Chapter 7

7. Post-apartheid land restitution and progress with land reform in South Africa

7.1 Introduction

The previous chapter on land reform debates detailed the increasing chorus for land acquisition and situated land restitution in a broader land reform programme. In this chapter, I discuss the issues related to land restitution, namely cash compensation, the slow pace of land restitution, strategic partnerships on land restitution projects, the re-opening of land claims in 2014 (which was later struck down by the Constitutional Court in 2016), as well as the tension between white owners' property (farms) versus the landless black people's claims.

The first sections of this chapter discuss the core institutions of land restitution. This is followed by sections that deal with the reasons for the slow pace of land restitution cases and the re-opening of claims in 2014 in the context of thousands of claims that were still unresolved. After that section, I provide a section that explains why many restitution communities have chosen cash compensation over land, issues around land expropriation and the impasse between the perceived reluctance of white landowners and the agitation by black communities to get their land back. This is followed by a section that deals with problems around strategic partners of land restitution, and the final section before the conclusion discusses the progress of land reform in general.

7.2 Core institutions of land restitution in South Africa

The South African land restitution programme is currently driven by three core institutions, namely, the Land Claims Court (LCC), the Commission on the Restitution of Land Rights (CRLR) and the Department of Rural Development and Land Reform (DRDLR). The LCC was established in 1995 by the Restitution Act and its role is to endorse or reject all settlement agreements (Brown et al., 1998:06; Links, 2011:09). The CRLR is there to investigate all land claims (Links, 2011:09). The DRDLR's role is to facilitate the preparation of claims, checking the legality of claims and to act as respondent on behalf of the state. It is also involved in negotiations to secure and transfer the required land or to finalise financial compensation (Brown et al., 1998:06; Wachter, 2009:70).

All restitution claims are made against the state, not the current owners of land, and there are three main categories of relief, which are, restoration of land under claim, provision of alternative land, or cash compensation (Rungasamy, 2011:28). If the claim is legitimate according to the restitution laws, the state must grant restitution (Brown et al., 1998:06, Lahiff, 2008:17). Restitution is granted by transferring state land to the claimants or by purchasing or expropriating private land on their behalf. If no land is available, the claimants must receive financial compensation (Rungasamy, 2011:28). However, the option for financial compensation has led to fraudulent claims and corruption in some cases (Nicolson, 2014).

Initially, claims had to be lodged by December 1998 (Mostert, 2010:63). In order for a claim to be successful, the claimant has to be either an individual (or a direct descendant) or a community (or part of a community) whose right was taken from shared rules determining access to land commonly held by a community (Mostert, 2010:63). Apart from being dispossessed after June 1913, the claimant/claimants should not have received just and equitable compensation in respect to the original dispossession (Mostert, 2010:63).

7.3 Former Department of Land Affairs

The DRDLR, formerly known as the Department of Land Affairs (DLA), was established to design, implement and monitor the South African land reform programme. As mentioned above, the DRDLR acts as a respondent on behalf of the state, as well as preparing claims before they are reviewed by a court. Additionally, the DRDLR is involved in negotiations to acquire and transfer the claimed land or to settle the issue of financial compensation (Boyle, 2001:677). The DRDLR is also involved in negotiations to secure and transfer the required land or to finalise financial compensation (Brown et al., 1998:06, Wachter, 2009:70). The DRDLR also works with all government departments involved to get their views on the legality of a particular claim as well as the use of a particular piece of land (Wachter, 2009:70).

Current white landowners are exempted from paying for restitution. This is because, in South Africa, land as property has passed through many hands and there is no direct link to the first people who took away the land from black people (Hall, 2010a). By the end of apartheid, most of the people who owned farms were not the direct beneficiaries of dispossession. Hence, making the current owners pay for past dispossession would be unfair, arbitrary and punitive (Hall, 2010a).

7.4 Land Claims Court

The Land Claims Court (LCC) was established by the Restitution of Land Rights Act 22 of 1994 (RSA, 1994, Section 22 (1)) with the powers to determine restitution, compensation and ownership of land (Harley and Fotheringham, 1999:155). The LCC was eventually established in 1996 as a special court for approving claims, granting restitution orders and adjudicating disputes using the investigations presented to it (Hall, 2010a:21). Thus, the primary role of the LCC is to endorse or reject all settlement agreements (Links, 2011:09; Hall, 2010a:21).

This court also has the power to determine or approve compensation for land that would have been expropriated or bought, as well as to determine whether compensation was 'just and equitable'. This court has the power to determine the person entitled to the title to the land (RSA, 1994, Section 22). Appeals against the LCC judgements can be made to the Supreme Court of Appeal or in some cases to the Constitutional Court (Hall, 2010a). Overall, the LCC's role is to adjudicate claims by first determining if a claim is legitimate and then assessing whether the compensation is 'just and equitable' (Boyle, 2001:678).

7.5 The Commission on Restitution of Land Rights

The Commission on the Restitution of Land Rights (CRLR) was established by the Restitution of Land Rights Act 22 of 1994 and its role is to investigate all land claims (RSA, 1994 Sections 4, 6; Links, 2011:09). The CRLR assists claimants in the preparation and submission of claims, investigates the validity of claims and prepares claims for settlement or adjudication (Hall, 2010a: 21). The CRLR can dismiss any claim that has been proven to be dubious or vexatious through the regional land claims commissioner (RSA, 1994, Section 11 (3)). The CRLR has the responsibility of advising claimants on the progress of their claims at regular intervals or upon request from claimants (RSA, 1994, Section 6 (c)). The CRLR must , negotiate, mediate and settle disputes arising from any land claims. In general, the CRLR should do anything necessarily connected with or reasonably connected to the speedy finalisation of claims. Post-settlement support (PSS) for land restitution beneficiaries was initially the responsibility of the DLA (Hall, 2010a).

The stages of land restitution in South Africa are lodgement, verification, negotiation, and validation (Atuahene, 2014:58). In the lodgement stage, individuals and communities have to overcome a number of obstacles to successfully file claims by the deadline. Verification involves the CRLR determining which Originally Dispossessed Individuals (ODIs) were

entitled to the compensation arising from each claim filed. In case the ODIs are dead, the CRLR has to locate their direct descendants who were entitled to the restitution award. During the negotiation stage, the CRLR gives claimants a choice in the compensation, although the choice can be elusive. In the validation stage, the CRLR relies on a wide range of evidence to prove that the claim met the six requirements that were in the Act. Those claimants who choose land compensation instead of financial compensation go through an extra two phases, that is, gazetting and post settlement (Agrisystems Consortium, 2008:27; Atuahene, 2014:67-68). Therefore, before a claim is settled, it should pass through certain stages in what is called a “claim cycle” or business process (Rungasamy, 2011:28), as demonstrated below.

Figure 2: Stages of the restitution process

Stage	Key Milestones
Lodgement	<ul style="list-style-type: none"> ▪ Preliminary research carried out; all lodgement completed by 31/12/1998.
Validation	<ul style="list-style-type: none"> ▪ Claims complying with criteria for acceptance are validated. ▪ Validation campaign completed by December 2002. Valid claims gazetted.
Verification	<ul style="list-style-type: none"> ▪ Verifies valid claims and claimants. ▪ This process runs parallel to negotiation and settling claims. ▪ Measures to speed up verification embarked on in 2003/04.
Preparations for Negotiations and Settlement	<ul style="list-style-type: none"> ▪ Claims prioritised. ▪ Accepted and gazetted claims batched and final screening takes place. ▪ Legal entities for claimant communities (CPIs) established.
Negotiations	<ul style="list-style-type: none"> ▪ Valuations conducted, identifying appropriate alternative awards, where appropriate, such as a standard offer.

	<ul style="list-style-type: none"> ▪ Stakeholder meetings and discussions regarding appropriate settlement facilitated. ▪ Agreements finalised. ▪ Implementation and post-settlement plans agreed.
Settlement	<ul style="list-style-type: none"> ▪ Final Ministerial approval must be obtained. ▪ Financial compensation paid. ▪ Purchase and transfer of land completed. ▪ Handover, where relevant, for implementation.

Source: Agrisystems Consortium, (2008:28)

7.6 Slow pace of restitution

According to Walker (2008:19) land restitution has been slow because of institutional and bureaucratic failure, weakness in the original design and subsequent resourcing of the Commission, infighting and lack of leadership. The Transvaal Agriculture Union of South Africa (TAU SA), a seemingly pro-white farmers group, has lambasted the government on its slow pace of land restitution. With the current rate of land restitution, TAU SA believes that it would take about 1000 years to complete the expected 379, 000 claims and 55 years to complete the 20, 737 filed in the first quarter of 2015 (RDM Newswire, 2015).

This was also acknowledged by a discussion between the Portfolio Committee and CRLR meeting on the 3rd of February in 2016 (Parliamentary Monitoring Group, 2016). Thwala, (2006:68) shares the above argument but he predicts that, with the current rate of land restitution, it would take 150 years to finalise restitution cases and 125 years to finalise the redistribution of 30 percent of agricultural land to black people. By 2017, the government of South Africa had managed to transfer only about 10 percent of land back to black people through farms previously owned by white people at a cost of about R26 billion between the period of 1994 to 2014 from the restitution programme (Ntsholo, 2015; Cousins and Hall, 2017).

The failure of the restitution process to deliver land to claimants in the first five years indicates the ambiguities of the process itself (Walker, 2008:19). In 2002, the then current president Thabo Mbeki promised that by the year 2005 all restitution claims would have been settled but

by 2005 the deadline for claims had to be extended to 2008 (Walker, 2008:21). In 2008, the deadline was shifted to 2010/11 (Walker, 2008:21).

Despite all the seemingly promising legal frameworks for land restitution, there has been a continued slow pace of transfer to land beneficiaries (Sosibo, 2014). Roodt (2003:189) points out that the land restitution programme has been slow because the restitution process is legalistic, restrictive, bureaucratic, centralised and that quite often claimants lack documentation to prove the legitimacy of the claim. Therefore, the finalisation of claims becomes slow. Atuahene adds that land reform has been slow because of bureaucratic inexperience, communication breakdown in the restitution process, ineffective policies and organisational inefficiency (Atuahene, 2011; Atuahene, 2014:122).

By 2014, the Commission had a backlog of more than 8000 claims (Daily Maverick, 2014). The South African Human Rights Commission (SAHRC) notes that land restitution process problems have not been fully resolved and that the 2019 deadline for claims may be undermined. According to SAHRC problems with restitution include poor research capacity, delays caused by competing claims, incomplete cadastral surveys and problems in calculating the value of land (Mail and Guardian, 2014). The Transvaal Agriculture Union of South Africa (TAU SA) also adds that the DLA suffers from lack of capacity and expertise which leads to the slow pace of land reform (RDM Newswire, 2015).

The cut-off date for lodging claims was initially December 31 1998 but the date has been extended to 30 June 2019 for those who missed the deadline (Sosibo, 2014). This extension for lodging of claims has caused a lot of heated and emotional debate on land reform with the Democratic Alliance (DA) political party describing it as an election gimmick (Nicolson, 2014). With the DA being often described as a “white party”, the ANC usually presents itself as a representative of the black majority while at the same time presenting/labelling the DA as a white minority that serves the interests of the white community (Nicolson, 2014).

7.7 Re-opening of land claims in 2014

Writing in 2008, Walker (2008:207) predicted that when restitution is declared over in 2011 most large-scale restitution programmes will be incomplete. The South African government re-opened land claims in 2014 to deal with claims that were excluded by the previous lodgement deadline. The Restitution of Land Rights Amendment Act 15 of 2014 that was meant to extend the deadline for lodging claims to 2019 (RSA, 2014, Section 1, Cousins, Hall

and Dubb, 2014:1; Cronje, 2015) despite the unambiguous absence of budget for it (Paton, 2013) was eventually struck down by the Constitutional Court (eNCA News, 2016a).

When pressed on how the funding mechanism for the re-opening on land claims would be set up, the Deputy Minister for DRDLR, Pam Tswete, evaded the question and gave a rude response to the DA MP (Kevin Mileham): “you are the last person to ask anything about land. You stole the land from us” (Paton, 2013).

Using the figure of 7,5 million people affected by forced removals since 1913, the DRDLR has anticipated that about 397 000 claimants will lodge their claims after the reopening of claims, thus putting a huge pressure on financial resources. About R130-179 billion would be needed over the next five years to settle these claims (Paton, 2013; Cousins, Hall and Dubb, 2014:1; Ntsholo, 2015; Claassens, 2015; Walker, 2015:242) while the DRDLR has a budget of 2,7 billion a year (Claassens, 2015; Cronje, 2015).

According to two land experts based in the University of Western Cape, Ruth Hall and Ben Cousins, if the estimates by the DRDLR are true, then it would require a six-fold increase in capital and budgets to meet the demand (Paton, 2013). The re-opening of land claims has been massively promoted, with buses being kitted out as mobile claims offices on rural roadshows that raise new hope (Claassens, 2015).

However, the bigger problem is that the government does not have enough money to pay for the 28 000 unresolved claims, yet it is expected that the re-opening of land claims will likely attract 397 000 claims (Claassens, 2015; High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017:233). Most importantly, the bigger and more complex restitution claims in South Africa have not been settled and, although some have been legally settled, claimants were yet to receive their land or money (Paton, 2013). But by July 2016, the Constitutional Court of South Africa declared this bill invalid as the Parliament did not allow for proper consultation before passing the law and this created a lot of uncertainty about the restitution process (Davis, 2016; PLAAS, 2016:13).

7.8 Choosing cash over land: understanding the financial compensation option

The majority of beneficiaries under land restitution have been finalised through financial compensation instead of land compensation. This is because land transfer is a daunting, sophisticated process and many claimants initially did not have faith in the Commission that

they (the Commission) will deliver their land. Additionally, since most claimants are poor, financial desperation made waiting impossible, or claimants were only willing to wait for a certain piece of land they were evicted from and not an alternative piece of land (Atuahene, 2014:146).

At the beginning, the amount of cash compensation was determined by the Commission for both rural and urban claimants through a process it termed “historical valuation”, which provided market-based compensation. Due to various problems with the “historical evaluation”, the Commission changed to a standardised system of calculating financial compensation termed the Standard Settlement Offer (SSO). After the introduction of the SSO, the historical evaluation was mostly applied in rural rather than urban claims. In sum, while the SSO was a market-based calculation, the “historical evaluation” approach was meant to recognise the abuse suffered during segregation and apartheid and not an attempt to find the exact value of what claimants lost (Atuahene, 2014:93-95).

By 2009, the state had settled 75 787 claims (PLAAS, 2016:11), and as of March 2014, 77622 claims had been settled, although this figure includes other claims that had been partially settled (Waeterloos, 2014). Out of this number, 8471 claims were still outstanding (Waeterloos, 2014). In 2017, there were 7000 unsettled claims, and more than 19000 unfinalised ‘old order’ claims (claims that were submitted before the December 1998 cut-off date). By 2017, there was evidence that about 75000 urban claims had been settled and that cash compensation was used productively (High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017:203, 233).

Under the land restitution programme, as mentioned above, the real transfer of land has been minimal, but rather many claimants have chosen cash (Kepe, 2012:396; Cousins, Hall and Dubb, 2014:2). Thwala, (2006:67) argues that financial compensation is not land reform as it does not involve transfer of land rights. Du Toit (2000:80) notes that the cash compensation does not contribute to the aims of restitution as money often gets finished quickly and that financial compensation will not help beneficiaries to buy valuable and tangible goods. While it is true that cash compensation does not lead to significant benefits, evidence by some scholars shows that cash compensation led to some material benefits and dignity restoration for some beneficiaries (Atuahene, 2014).

There are three main restitution options. The first option is restoring the actual title by transferring the land to the claimant's name, the second option is provision of alternative land for the claimant, and the third is financial compensation (De Villiers, 2003:58). Another option would be for claimants to be incorporated into a state development project, such as a housing project for instance. Therefore, if it happens that the commission believes that the claim does not have merit to be progressed; the commission can make recommendations to the minister to provide some sort of relief even though the claimant does not qualify for restitution rights (De Villiers, 2003:58).

The majority of claims have been finalised through financial compensation. This is largely a result of the greater numbers of urban claims (Walker, 2008:214; Walker, Bohlin, Hall and Kepe, 2010:03; Ntsholo, 2015) and sadly most of the restitution claims that were settled through transfer of land are deemed to have failed to function as viable agricultural operations (Ntsholo, 2015). In 2008 and in 2014, it was recorded that 82 percent of claims were urban claims (Walker, 2000:214; Atauhene, 2014:68). By 2007, 70 percent of the settled claims were settled using financial compensation (Walker, 2008:22; Atuahene, 2011). By 2009, 73 percent of urban claimants had received cash, while 24 percent of claimants received development (land transfer was called development by the commission) (Atauhene, 2014:89).

Despite the fact that money is preferred as a way of restitution as it promises to get rid of financial problems immediately, one of the other reasons money is preferred is the fact that many forced removals victims are old and poor (Hall, 2010a:24). Older claimants feel that they would be too old to make meaningful use of the land or that they might die before land restoration could happen, so they opted for cash, which was easier (Bohlin, 2010:125).

In some cases, even the younger generation felt that they had to opt for financial compensation for the sake of older people (Bohlin, 2010:125). Money is seen as the developmental option for their age. This was the case with the Nazareth claim in Northern KwaZulu Natal, where claimants were divided on the nature of the settlement. Those favouring financial compensation argued that financial compensation was appropriate for their stage of life. They did not want to go back to undeveloped farmland again, but rather they wanted to invest their restitution awards in their houses in the better-serviced closer settlement where they had been residing for the past 20 years (Walker, 2008:219).

In some cases, financial compensation is preferred because of bureaucratic delays although the restitution policy says, “wherever possible preference should be given to the restoration of land” (Hall, 2010a:24). In some cases, when claimants showed anger and frustration due to bureaucratic delays, the commission chose financial compensation to quicken the restitution award (Atauhene, 2014:115).

Cash compensation is also viewed with scepticism as it often leads to corruption, family disputes, and fraudulent claims, wrongful claimants, and abuse of restitution awards on unproductive expenses that do not prioritise sustainable livelihoods (Hall, 2010a:24). The politics of elite redistribution of land is very active as it was evidenced by corruption in Limpopo and Mpumalanga restitution programmes (RLCC suspension) (Walker, 2008:234). Evidence of individual enrichment in the name of restoration also resurfaced in the Eastern Shores in KwaZulu Natal where the spokesperson for Mpukonyoni Tribal Authority mobilised the masses for his own personal enrichment (Walker, 2008:234).

Most importantly, financial compensation does not last for a long time. Dhupelia-Meshtrie (2010:87) records that one beneficiary spent the money on gifts and food while some financial beneficiaries tend to improve their homes. Another related problem with financial compensation is that money tends to be divided between many family members which ends up becoming a pittance and insignificant (Dhupelia-Meshtrie, 2010:94; Atauhene, 2014:155) and in this way financial compensation does not always have a lasting material benefit or a sense of closure about the past (Walker, 2005c:663). Therefore, some beneficiaries see financial compensation as a failure of restitution as they had expected to get back their previous properties that they lost during forced removals (Dhupelia-Meshtrie, 2010:97).

The financial compensation has been labelled “check book restoration” as it does not return the land to the original occupiers and, as such, financial compensation does not entail transfer of land (De Villiers, 2003:59; Walker, 2005c:662). Financial compensation raises questions over the objectives of land reform and it also puts the fiscal sustainability of the financial compensation in question, as well as the effectiveness of this approach (De Villiers, 2003:59).

Responding to Thabo Mbeki’s invocation of the Sophiatown removals in his State of the Nation Address (SONA) in 2005, Nkuzi, a prominent land NGO, had this to say about the president’s speech (Walker, 2005c:662):

The president did not mention that those removed from Sophiatown, hundreds of whom lodged land claims, have not had their land returned. While the validity of their claims was undeniable, the government decided that ‘restoration of the land was not feasible... and alternative land within the magisterial district was not available’...and therefore they offered only financial compensation to the claimants...If the removal of Sophiatown sent a message in its strongest terms that ‘South Africa did not belong to all who live in it’ and was a ‘triumph for white supremacy’, what does this failure to return those removed signify? What is the unequivocal message sent by the government of today when those dispossessed receive no land and the settlement of Triomf remains in place?

In other words, this Nkuzi NGO seems to argue that the government of South Africa has not lived up to its promise of reversing the wrongs of apartheid that were committed during the forced removals. Rather the government has somehow submitted to the power of the market, or the continuation of white supremacy and thus the government has failed the people. The main goal for restitution is the transfer of land to the previously disadvantaged individuals and communities as a form of redress (Bohlin, 2010:116).

Land transfer is a daunting, complicated process, and many claimants did not have faith in the Commission that they (the Commission) will return their land. Most interestingly, even those who had opted for land regretted this as the land process took too long. In the process of waiting for land transfer, they (those who chose land transfer) wished they had chosen cash compensation, which was fast. One should also bear in mind that in some cases claimants were divided according to options they preferred. Those who chose cash compensation were paid their cash, while those who chose land transfer had to wait, and in this case, some amongst those who chose land transfer regretted this choice (Atuahene, 2014:146).

As the restitution process drags on, beneficiaries tend to opt for financial compensation, and by 2010, this number been increasing (Bohlin, 2010:116). The restitution process is so frustrating, confusing and daunting, so much so that some claimants end up giving up (Bohlin, 2010:120). With the majority of claimants poor and illiterate, they did not want to fight financial compensation because they had limited access to courts. Narrating how it is stressful to refuse cash compensation because one will then have to go to court, one claimant said, “You can’t refuse. If you refuse, you lose” (Atuahene, 2014:97).

Thus, many claimants just gave up the fight for fear of losing in the courts because of their poverty and illiteracy, as court cases are frustrating and expensive. This was the case with the Cato Manor restitution project where the difficult negotiations to incorporate land claims into the redevelopment of Cato Manor dragged on, leading to a situation whereby many resigned themselves, some in bitterness, to cash compensation as the most pragmatic solution (Walker, 2005c:663).

With the case of the Knysna restitution project, claimants were discouraged and misled by the chairperson of the claimants committee who told them that, if they opted for getting land as compensation, they would end having to pay land taxes and rates to the municipality (Bohlin, 2010:120). It turned out that the so-called chairperson was using financial compensation for political advantage for his new political party (Bohlin, 2010:121). However, this chairperson may have had some merit in spite of his hidden agendas. At the time when people waited for results from the commission, the older generation was dying, people were losing faith in the process and they were disillusioned; land prices were increasing gradually which decreased the amount of land the commission could purchase given its limited budget (Atuahene, 2014:147). A CRLR official also confirmed the argument by the Knysna chairperson and noted that many claimants in Eastern Cape have opted for cash compensation after noticing that there were no significant agricultural and development gains from land restitution projects²¹.

According to one project officer, although it was the most financially beneficial option, development (land transfer) was not for the extremely poor. The development option required claimants to make a financial contribution (Atuahene, 2014:104). Some claimants were also discouraged by the difficulty of finding alternative suitable land together with the cumulative effect of delays and lost files (Bohlin, 2010:124). One claimant had this to say:

We were waiting for the land, so they told us that there is no land anymore. This thing we were interested in; it was the land. Because we know how we used to stay there. And now especially, I have got children and my children were born here in Gugulethu, but I used to tell them how I grew up... We grabbed the money because they told us that there is no land available (Atuahene, 2014:122).

Additionally, there is a debatable claim that the commission officials did not spell out the choice between land compensation and cash compensation, with some claimants not knowing

²¹ Interview with Sakhile Totana and Viyisiwe Khwephe, East London. 17 March 2017.

the choices they had, and, in some cases, government officials indirectly chose financial compensation on behalf of claimants. There was a sense that the commission was hurried and financial compensation was quicker than other options. Thus, Atuahene (2014:92) argues that in the early years the commission allegedly focused on financial compensation and, most importantly, the commission in the early years did not give much information about the development option (land transfer) and did not investigate how it could make this option work, although that varied from place to place. However, the tables turned after 2006 when the commission faced a lot of political pressure to restore land back to black communities by largely switching their focus from cash compensation to land transfer. Hence, the commission now emphasises development (land transfer) over cash compensation (Atuahene, 2014:92).

For some claimants, they had no feeling that they had a choice, government officials appeared to be implying that the government would pay them money somehow and claimants just agreed. Describing how he never had a choice and that he did not choose financial compensation, one claimant had this to say; “by the time they told me, it was a matter of we were supposed to get this money and we’re not getting it” (Atuahene, 2014:91).

With the case of Kalk Bay, “it wasn’t an informed choice between ‘A: here is the cash and B: there is the land’... it was ‘here is the cash, you can get it now, or the government can try to identify some land for you” (Bohlin, 2010:127). It was “either you take it (cash), or you don’t get anything” as one claimant from Sophia town put it (Atuahene, 2014:148). In this case, claimants lost hope, faith and began to doubt the success of the restitution project and, most importantly, whether they would get their land back (Bohlin, 2010:125). There was little choice that the claimants had.

I find the cash compensation problematic for two reasons. Firstly, given the history of land dispossession, it is an insult to say that people who were robbed of their livelihoods through forced removals would be compensated with money. Secondly, cash offers to get rid of problems immediately as some scholars have noted (Walker, 2008:219).

No wonder there have been so many fraudulent claims. In the same vein, I think offering cash compensation is an incentive for people to look up to the state as “state philanthropy”. It is more like bandaging a broken arm or giving a piece of meat to a hungry person; it does not end the poverty of the land claimants.

However, Walker, (2005c:663) points out that sometimes land restitution is not the only public interest under consideration. For instance, there are claims such as that on the major conservation areas such as the Kruger National Park (KNP), or even more controversially on high value commercial agricultural businesses. In a related case, in the West Bank restitution claim, beneficiaries did not receive their original land because there was a Mercedes Benz factory which was a vital employer in the city (Gqeba, 2012).

Financial compensation does not always represent an outcome of coercion or inferior option for claimants; although people may not be satisfied with the actual amounts they received. Moreover, one of the reasons land claimants chose cash over land was the lack of proper coordination between relevant departments. For instance, the Department of Housing and local governments are important in the post-settlement period as they may ultimately manage the project. In this way, implementation became very difficult as these departments operated in isolation. Another related reason that made claimants choose cash over land was the high employee turnover of the commission. It was rare to get one project officer to take a restitution project from scratch to finish. Black professionals (project officers) could easily get better jobs from other departments and this meant that the new project officers had to start from scratch. This slowed and frustrated the process. Additionally, some claimants were already settled where they were and they did not want to move. The thought of starting life over again was daunting (Atuahene, 2014:148-149).

7.9 Strategic partnerships on land restitution

It has been widely noted that land restitution beneficiaries usually do not have the necessary agricultural and managerial skills, knowledge, as well as the ability to sustain, manage and operate commercial farms. Because of these past failures (Lahiff, 2009:173), the South African government has recognised the value of strategic partnerships between beneficiaries and commercial farmers (Agrisystems Consortium, 2008:19).

Therefore, in order to promote sustainable development, a few land restitution projects have engaged strategic partners, joint ventures or mentors as a way of supporting their projects (Rungasamy, 2011:123). There are five types of strategic partnerships and these are contract-farming schemes, share-equity arrangement schemes, municipal commonage projects, share produce arrangements, as well as company-supported schemes (Sibisi, 2015:16).

Part of the drive for strategic partnerships is that the South African government does not have a coherent and clear strategy for post-transfer support (Manenzhe, 2007:26). The introduction of strategic partners was a good move. The government considered it appropriate for experienced partners to nurture and mentor land beneficiaries, rather than dumping beneficiaries on land when it is evident that most land reform projects have been a failure.

Furthermore, due to the need to preserve agricultural productivity and the fears that land reform might undermine the agricultural productivity, as was the case in Zimbabwe, the strategic partnership approach, especially regarding high-value agricultural land, has been used. The new model of restitution entails that communities or successful claimants should form community property associations (CPAs) and trusts and form joint ventures with private entrepreneurs (often with a small share reserved for farm workers) (Lahiff, 2008:19; Derman, Lahiff and Sjaastad, 2010:307). CPAs are governed by the Communal Property Associations Act of 1996, which provides for holding, management and acquisition of land by land beneficiaries through a CPA. This Act ensures the rights of community members, democratic practices and transparency, and individual liability is limited (Agrisystems Consortium, 2008:vii). In this case, the entrepreneur is seen as a strategic partner who invests working capital, as well as taking control of farm management decisions for a period of ten years with a choice to renew this partnership further (Derman, Lahiff and Sjaastad, 2010:307; Lahiff, 2008:19).

This relationship is beneficial to the beneficiaries in that it seeks to close the skills gap amongst communities. Other benefits include rental income, a share of profits, preferential employment opportunities, training opportunities and the promise that they will receive profitable and effectively operational farms at the end of the lease agreement (Derman, Lahiff and Sjaastad, 2010:307; Lahiff, 2008:19). Then after 10 to 15 years, given the training and work experience they would have got from being co-runners in the operating company, the community owners would then be given full control of the operating company (Derman, Lahiff and Sjaastad, 2010:318).

Notable examples of communities that adopted this partnership include the Maluleke claim on a portion of Kruger National Park (KNP), where community members decided to enter into a profit-sharing agreement with the National Parks Board and some private tourism operators (Lahiff, 2008:19). The Makuleke restitution project on the western border of Kruger National Park (KNP) has demonstrated the possibility of reconciling ‘modern’ and ‘traditional’

institutions because, rather than opting to go and live in their ancestral lands, (which is now a park), the claimants chose to enter into a partnership with park management (Robins and van der Waal, 2010:164; Lahiff, 2007c:16). The Maluleke community have benefited from this CPA through various income streams, as well as job opportunities whilst the outcome has itself attracted NGOs to support the community with a variety of developmental projects (Agrisystems Consortium, 2008:19).

As victims of forced removals, the community members chose the goals of national reconciliation, conservation, and sustainable development (Robins and van der Waal, 2010:164). This 'Maluleke model' presents a formula for managing the relationship between communities (people) and conservationists (parks) (Robins and van der Waal, 2010:164). The 'Makuleke model' has been hailed as one of the success stories of land reform in South Africa (Lahiff, 2007c:16; Robins and van der Waal, 2010:165).

Other examples include that of Zebediela Citrus Estate in Limpopo where the Bjatladi community members signed a ten-year management and shareholding deal with a private agribusiness firm, in return for dividends and land rentals, plus opportunities for jobs, training and participation in management for community members (Lahiff, 2008:19). In various land restitution cases, including Zebediela, Lisbon and Gillemberg estates, these partnerships have led to the renewal of enterprises and new investments opportunities, thereby indicating their potential to achieve a "win-win" outcome for both commercial partners and beneficiaries (Agrisystems Consortium, 2008:19).

This presents a shift from wanting to access land because one has a right to it, moving instead towards the need to preserve agricultural productivity. This new model of land restitution came about because of the problems in the huge scale of restitution versus limited staff and technical resources for the CRLR (Derman, Lahiff and Sjaastad, 2010:310). Thus, this model is seen as a solution to the challenge of PSS, to the extent that this function has now been privatised (Lahiff, 2008:20). In addition, it is feared that the change in ownership of land could damage the local economy, in terms of productivity, farm employment, upstream and downstream industries, and property values (Derman, Lahiff and Sjaastad, 2010:310). Although the government has threatened uncooperative landowners with expropriation, it faces stiff resistance. The huge number of failed restitution projects has created negative publicity about restitution. Therefore, this has put pressure on the CRLR to come up with 'sustainable' restitution projects that preserve the productive capacity of farms while at the same time

ensuring a reasonable degree of material gain to beneficiaries. This strategic partnership was proposed in 2001 (Derman, Lahiff and Sjaastad, 2010:310). The next section demonstrates that CPAs are fraught with many problems and challenges that threaten their viability.

7.10 Problems and challenges with Community Property Associations (CPAs)

There is a lack of trust and faith in the effectiveness of CPAs or trusts to sufficiently offer democratic representation to ensure effective and principled management of communities (Derman, Lahiff and Sjaastad, 2010:310). For instance, because strategic partnerships are between black communities and agro-based experts, who are mostly white, some members of the Moletele restitution project in Limpopo did not fully trust an arrangement with “white people” because they believed that black communities are poor because of white people and that white farmers are evil, pretenders and hard-core racists (Ntsholo, 2009:121). However, this racial partnership worked well, so much so that by 2017 the Moletele restitution was deemed to be a success (AFP, 2017).

One of the problems is illiteracy of beneficiaries. As a result, only a few of the land restitution beneficiaries may be literate enough to understand the constitution of CPAs and those beneficiaries who are literate may misuse their knowledge to benefit themselves and their friends. For instance, in the Bjatladi community claim there were certain individuals within the CPA that benefited immensely from the project through getting managerial positions on the estate, but most ordinary members had not received any material benefit by 2011 (Rungasamy, 2011:118). While strategic partnerships are intended to benefit land beneficiaries by maintaining large farms without giving options for direct participation by small scale farmers, Manenzhe (2007:111) correctly warns that the danger with these strategic partnerships is that sometimes they overlook the actual land needs of the beneficiaries by assuming that what beneficiaries need is cash in the form of dividends and profits. In addition, Cousins (2016b:10) notes that land beneficiaries usually lack clearly specified rights to the land that they own through CPAs and trusts.

In addition, a research report that was conducted in Limpopo Province in 2008 revealed that CPAs have little capacity to partake as equal partners in complex enterprise structures (Agrisystems Consortium, 2008:5). Cousins (2016a) has also decried the fact that CPAs remain unsupported, dysfunctional and have major problems. There are also disadvantages in the sharing of profits and loss of autonomy/independence for beneficiaries because in most of the joint ventures land is often leased to the joint venture partner only for the use of the enterprise

to be conducted in a way that the land beneficiaries have limited or no access to their land (Rungasamy, 2011:125). By 2017, 208 of the 1490 registered CPAs were not compliant with the CPAs Act. The government has noted three main problems with CPAs and trusts. The first one is that these institutions are composed of large groups of different people, with different resources, skills, assets, and interests in the land they used to own, which often produces complex and conflictual group dynamics around land use and tenure issues, especially regarding individual rights and expected benefits. The second one is that these entities are under-resourced and are characterised by limited and ineffective support and oversight from the state, coupled with serious lack of communication between the state officials and these entities. The third reason is that the founding documents of these institutions often do not clearly spell out substantive rights of members (High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017:252-253).

Mentorships can be in the form of a strategic partner in a joint venture or they can be provided by an experienced farmer or the previous farm owner to the land beneficiaries. CPAs have been criticised for having very constrained capacity and weak leadership to manage transferred land in a fair and equitable manner and their governance structures have often been poorly structured. Numerous CPAs have not lived up to the expectations from their members, while others have become insolvent simply managing the bureaucratic process. Where CPAs have failed, the elements within CPAs have shifted to a largely customary approach to land management wherein the role of traditional leaders is strengthened (Agrisystems Consortium, 2008:17; Rungasamy, 2011:125).

7.11 Some successes of land restitution in general

According to Hall (2007:92), the land restitution programme has been described as a success story because many claims have been settled, albeit through financial compensation. Although Walker (2008:235) presents some achievements of land restitution through some case studies, she concedes that, if land restitution is to be judged by what it was meant to do (historical reach, development impact, contribution to national reconciliation, significance for rural land reform), it has fallen short. Put differently, Walker's view is that restitution has not succeeded in 'getting back the land to the people' in the manner that it was anticipated when the Commission was first set up, although this is not the only criterion by which the restitution programme should be judged (Walker, 2008:235).

In comparison with the other two legs of land reform, which are land tenure reform and land redistribution, land restitution appears to be in a much better shape in terms of meeting targets (Walker, 2008: 204; Lahiff, 2008:32). By the end of 1998, a total of 79 696 individual and community claims had been lodged and a total of 57 908 claims had been settled by 2005 (Walker, 2008:204). By 2008, the total number of settled claims was 74 613. The years between 1999 and 2004 saw the nationwide number of settled claims rocket from 41 to 11 432 (Walker, 2008:21).

The 2012/2013 annual report by the Commission on the Restitution of Land Rights states that 77 334 claims had been finalised by 2014. Out of that number, 71 292 claims were settled through cash compensation of R6 561 021 691 to claimants. Thus from 1995 to 2012, a total of 1 773 377 individuals had benefited from land restitution (Wilkinson, 2014). The period from 2009/10 to 2014/15 alone saw the settlement of 2086 claims with 8047 claims outstanding (Parliamentary Monitoring Group, 2016).

In 2007, 351 862 households had benefited from restitution awards (Walker, 2008:204). As of October 2007, about 2 million hectares (1 926 980) of land had been returned to claimants at a cumulative cost of over R5 billion. Between the years 1995-2007, over R4 billion was paid in financial compensation while the total value of restitution awards was approaching R11 billion (R10 774 978 335).

By 2007, all legs of land reform had contributed to the redistribution of around 4 million hectares of land, about 5 percent of white owned land, to historically disadvantaged South Africans. 45 percent of this figure came from the restitution programme while 55 percent came from various programmes of land redistribution, which include Settlement/Land Acquisition Grant (SLAG), Land Reform for Agricultural Development (LRAD), commonage, farm worker equity schemes, state land disposal and tenure reform (Lahiff, 2008:1). Although land transfers are still behind official targets, land transfers have accelerated rapidly, both under redistribution and restitution programmes. By 2007, 4 211 140 hectares of land had been transferred since 1994. By 2013, around 7,5 percent of white farmland (which is 7,95 million hectares) had been transferred to black people through restitution and redistribution (Cousins, 2013), and by 2016, around 8-9 percent of farmland had been transferred to black people (Cousins, 2016b).

7.12 Concluding remarks

This chapter has discussed in detail the post-apartheid land restitution institutions, the eligibility for application of claims and how costs are covered for land restitution. I discussed the issues related to land restitution, namely cash compensation, slow pace of land restitution, strategic partnerships in land restitution, re-opening of land claims in 2014, as well as the dilemma between white owners' property versus the landless black people's claims. There was also a discussion on the progress of land reform in South Africa in general, including land restitution, land tenure reform and land redistribution. Now that the progress on land reform have been discussed, the next chapter discusses the post-settlement experiences of land reform programmes across the world. The emphasis in the next chapter is on the importance of post-settlement support, alignment and coordination of relevant land reform stakeholders, and the integration of the first stage and the last stage of land reform.

Chapter 8

8. Land reform beyond South Africa: post-settlement experiences in selected cases across the world

8.1 Introduction

The previous chapter detailed contentious issues within the land restitution programme, the progress and problems of land restitution. To understand the livelihoods experiences of land restitution beneficiaries, it is important to understand how other land beneficiaries across the world are faring after land transfer. Therefore, this chapter presents the post-settlement experiences of land beneficiaries across the world with a view to providing some lessons for the South African land restitution cases. Essentially, this chapter sets up a foundation for the next chapter, which discusses the post-settlement experiences of land beneficiaries in South Africa, particularly looking at restitution communities. This chapter seeks to stress the importance of post-settlement support (PSS) and that land reform has never been a smooth project. The provision of sound planning and adequate post-settlement support in land reform projects has the potential to make a profound impact on the livelihoods of many South African land reform beneficiaries. Research evidence around the world also suggests that when land beneficiaries access infrastructure such as roads, markets, irrigation, credit facilities, education, electricity, transport, fertilisers (inputs) and communication infrastructure, they usually have high productivity (Nkonya, Karsenty, Msangi, Souza, Shah, von Braun, Galford and Park, 2012:10; Overholt, 1976:427). This serves to inform land reform policy departments in South Africa that they should not compromise the provision of sufficient PSS.

The literature on land reform projects across the globe shows that land reform stakeholders often pay attention to struggles in acquiring land while paying less attention to developments in the post-acquisition stage, which is the most important stage in land reform. From these studies on land reform projects across the globe, one can deduce that land transfer without adequate PSS is a recipe for disaster. I start by providing a section that discusses links between land reform and PSS to emphasise the importance of PSS. I then discuss the earlier attempts in the 1960s and 1970s to implement land reform and the lessons from those experiences. The earlier attempts of land reform initially appeared to be promising but failed, mainly because beneficiaries did not access markets, credit, technologies and training. Because of lack of PSS, these beneficiaries soon found themselves heavily in debt or in a state of deepened poverty

(Tilley, 2007:1). I then provide case studies of selected countries that implemented land reform. Thereafter I present a section that will deal with the common problems across land reform projects. The conclusion section takes that further by drawing lessons from these projects and discussing the implications for South African land reform.

8.2 Linking land reform and post-transfer support

PSS is the financial support, extension services, maintenance or/and provision of infrastructure, training of land beneficiaries or any form of support given to land beneficiaries so that they are able to utilise the land and reap meaningful benefits from the land. Hoaes (2010) understands post-settlement support as the “after care” that is provided by the government or any other agency to new land beneficiaries after resettling them. Judging from the literature on land reform projects around the globe, it appears that most of the land reform programmes (particularly the market-based approaches which became internationally prominent in the 1990s) have been more focused on land acquisition and less on the PSS that should be part of land reform (Tilley, 2007:1).

The lack of proper or adequate after-care support has often been a hindrance in land reform success. Studies conducted worldwide have shown that there is definitely a link between poor productivity and lack of adequate and consistent PSS, as well as poor co-ordination between relevant land reform stakeholders (Hoes, 2010; Sibisi, 2015:10).

Thus, I agree with de Villiers’ argument that the South African land reform programme should be a long process that needs vision and ongoing PSS to ensure the sustainability of land reform (de Villiers, 2003:139). The lack of meaningful and sufficient support for land reform beneficiaries after land access is not new as it was evident in the 1960s and 1970s as shown in the next section.

8.3 Land reform projects in the 1960s and 1970s across the world

The early phases of land reform in the 1960s and 1970s around the world started in a promising way. Unfortunately, when land beneficiaries failed to access markets, credit, technologies and training, they soon became heavily in debt or in a state of worsened poverty (Tilley, 2007:2). The majority of them were forced to sell their land, in most cases to previous owners. Similarly, in South Africa, there are cases of land beneficiaries who end up selling their land, in most cases, back to the previous owners because they have failed to farm due to lack of PSS (England, 2015).

The importance of PSS was emphasised by the Declaration of Principles and Programme of Action, also called the “Peasants Charter” that was adopted by the World Conference on Agrarian Reform and Rural Development in 1979. This Declaration stated that inputs and an enabling environment that involves access to water, agricultural inputs, services, markets, credit, research, technology development and extension, should follow land transfer. Additionally, land transfer should also be followed by the expansion and diversification of job opportunities, improved public and private utilities and services, such as education, health, nutrition, safe drinking water, energy, roads and communication. Women should be fully integrated into and participate in any development efforts. Most importantly, land transfer should be followed by the facilitation of enabling macro-policies (such as fiscal, price, trade and investment policies) (FAO, 2006). In the context of South Africa, this declaration is important in that it provides expected standards that the state must meet after land settlement so that they can achieve desirable results. The principles and policies of land reform across different countries have led to the adoption of different types of post-settlement strategies and institutional arrangements. These post-settlement strategies and institutions can be decentralised, centralised, or they may involve a high level of state involvement and different forms of private sector involvement and partnership agreements, non-interventionist or no apparent strategy and land occupations (Tilley, 2007:5-6).

It is widely known that the period from 1980 onwards saw a dramatic shift from state-led development to neoliberalism because of debt and fiscal crises and the resultant structural adjustment programmes pushed for by the World Bank and the International Monetary Fund (IMF) (Tilley, 2007). State-led development involves the state actively intervening in the economy whereas neoliberalism advocates for a markets-driven economy (*laissez-faire*) wherein the forces of supply and demand rule, as well as the popularisation of the “willing buyer willing seller” approach on land reform (Murisa and Helliker, 2011:6-7). This was after the 1973 world economic recession and this shift to neoliberalism had a knock-on effect on the state’s provision of PSS. This is because markets became liberalised and the state agencies that were responsible for agricultural production, distribution, training and support were either shut down or privatised in Third World countries, leading to withdrawal of agricultural subsidies (Ghimire, 2001, cited in Tilley, 2007:9-10; Mafeje, 2003).

Under the Neoliberalism dogma, the role of the state in land reform and in agriculture was reduced, leading to withdrawal of state subsidies, while the private sector has been looked to

as a source of support provision for land reform beneficiaries. The market-based approach has been adopted in various countries, including South Africa, Brazil, Colombia and the Philippines, while versions of this approach have been adopted in Kenya, Indonesia, Bangladesh, Nepal, Uganda and Central America as well (Tilley, 2001:9). The effect of neoliberalism on land reform in the form of withdrawal of state subsidies and other forms of support, which led to the subsequent failures of land reform projects, strongly indicates that land reform can only be successful when consistent and sufficient state support is present (Mafeje, 2003). The following sections present selected case studies with an emphasis on understanding what happens after land transfer in terms of the livelihood's experiences of land beneficiaries and other problems related to land access.

8.4 Case studies

8.5 Australia

Since the arrival of white settlers in 1788, the settlers treated the native Aboriginal communities in a dehumanising, disrespectful and racist way. However, by the 1970s the Federal Government of Australia decided that the Native Aboriginal communities had to be treated fairly and equal to other races, leading to the promulgation of the Aboriginal Land Rights (Northern Territory) Act of 1976 (ALRA) (Tilley, 2007:23). Thus, land restitution in the form of the return of land to the Aboriginal communities is one of the ways of dealing with the past injustices. Thus, some large tracts of land have been transferred to the Aboriginal communities. The ALRA is the basis on which the Aboriginal communities can claim land, if they meet the criteria, while the cut-off date for lodging of claims was in June 1997 (Rungasamy, 2011:141-145). The Native Title Act of 1993 recognises the native title rights of Aboriginal communities, but the native title has to be proved through a litigious process which frustrates the restitution processes. In general, land claims face huge opposition from mining, farming firms and the unwillingness of the government to enable a sensible environment for land reform (Tilley, 2007:23).

In Australia, planning, support and implementation of land reform, including the provision of PSS is provided for by the following institutions: Attorney General's Department, National Native Title Tribunal (NNTT) (similar to South Africa's Commission on Restitution of Land Rights), Indigenous Land Corporation (ILC), Prescribed Bodies Corporate (PBCs), Native Title Representative Bodies (NTRBs), Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), Australian Indigenous Leadership Centre (AILC) and other

relevant stakeholders (Tilley, 2007:29). The Land Fund and Indigenous Corporation (ATSIC) Amendment Act of 1985 provides for a land fund to benefit the Aboriginal people, especially those whose native title has lapsed. The Indigenous Land Cooperation (ICL) was created for the buying and management of the Aboriginal land base (Rungasamy, 2011:147). Before land is returned to communities, there has to be rigorous business development plans, which has proved to be a bureaucratic obstacle. The ICL provides professional assistance in the form of consultation, planning, design, facilitation, capacity building, management structure, technical assistance, business planning, funding and implementation (Hoes, 2010:86-87; Rungasamy, 2011).

8.6 Post-transfer support in Australia

This thesis is concerned with how land beneficiaries are supported by the state. Australia has institutions and mechanisms meant to provide PSS for beneficiaries in terms of purchasing land, pre-planning of business and development plans, technical assistance, capacity building, facilitation and planning of management structures (Rungasamy, 2011:151). In spite of these numerous bodies dedicated to land reform for Aboriginal communities, by 2011 land reform commitments on the part of the state remained largely symbolic, rather than practical and aboriginal communities face numerous legalities that constrains meaningful land reform (Tilley, 2007; Rungasamy, 2011:151). For instance, only a few beneficiaries have access to these resources because they face legalities of claim approval and settlement by the government. Beneficiaries also lack the necessary skills and training and beneficiaries face the challenge of poor land quality. The majority of lands that were acquired by indigenous people were unproductive, leading to beneficiaries failing to fully utilise the land. In cases where claims are made on parks and conservation projects, indigenous communities entered into joint arrangements/deals with park authorities to run the lands (Rungasamy, 2011:151-152). Another related challenge is that the majority of beneficiaries lacked appropriate skills and knowledge to manage their properties, as well as limited commitment to manage their properties and in some cases there was evidence of community conflicts (Tilley, 2007).

Therefore, the need for post-transfer support in terms of investment in land administration systems and institutional infrastructure for land use continues, together with improved roads and support for local enterprises. There is also the need for all land reform stakeholders to come together to assist natives in their quest for economic development and private homeownership (Central Land Council, 2013). By 2015, based on the struggles of natives to access land and to

benefit from land, some scholars have concluded that the native title is not a conveyor belt, wherein natives are moved from a place of socio-political and economic marginalisation to a place that is better (Brennan, Davis, Edgeworth and Terrill, 2015:2). In general, the Australian government has failed the Aboriginal communities so much that by 2016 one scholar even described the indigenous communities as “refugees in their own land” (Shannon, 2016). In the next section, I demonstrate that Namibian land beneficiaries face a slightly similar scenario to Aboriginal communities in that the Namibian land reform institutional framework for PSS is reasonably pleasing, but in practice PSS hardly reaches all beneficiaries.

8.7 Namibia

Namibia has numerous state institutions that appear to be dedicated to providing complementary support for newly resettled farmers, but support does not fully reach all the farmers. For example, in principle, the Namibian government has different complementary policies to assist farmers to get loans, but in reality, that does not often happen and there is a confusion on whether land can be used as collateral security for beneficiaries. Financial institutions accept land as collateral security as long as there is a leasehold in place. However, by 2010, the Agribank of Namibia was not clear on what procedures are to be followed in the case of a land beneficiary defaulting on his/her loan payments. Also, the repossession of a farm in the case of payments defaults would certainly undermine the aims of land reform. However, at the same time, denying farmers access to loans may undermine their ability to farm successfully. By 2010, most land beneficiaries did not have leasehold agreements and they could not apply for loans (Odendaal and Werner, 2010:3).

The story of how white farmers were given farm subsidies before independence is well known and the major criticism against the government is that PSS is virtually non-existent. The literature consulted shows that by 2010 Namibia did not have proper, consistent and dedicated support that could be described as a PSS package (Werner and Kruger, 2007:30; Hoaes, 2010:51). By 2010, there was no official, well-structured PSS programme/policy on PSS although a draft proposal was in place. The only PSS that was available was inconsistent and randomly provided (selective), and not from the same source, but different sources. The government has, however, introduced the Post-Settlement Support Financing Programme. Resettled farmers started getting financial assistance only in 2009 through the NS20 million provided by the land ministry and the Agricultural Bank of Namibia (Agribank). Resettled

farmers got this money through loans to buy farm implements, equipment and agricultural production inputs (Hoaes, 2010:51).

The Permanent Technical Team (PTT) on land reform under the Ministry of Lands of Namibia has emphasised the need for a multifaceted approach to land reform and the provision of sufficient PSS in order to achieve the policy objectives of poverty alleviation, self-reliance and food security. In Namibia, the Ministry of Lands and Resettlement (MLR) has provided support to resettlement beneficiaries in the first five years. The Ministry of Agriculture, Water and Forestry (MAWF) provides extension and engineering services. The MAWF trains farmers in crop production, marketing, animal husbandry, rangeland management practices, animal and plant health issues, animal draft power, mechanical services, although they do not give any financial assistance or support to farmers. Extension services are given to communal, commercial and newly resettled land beneficiaries, as well as any other community-based organisation (Hoaes, 2010:51).

The Agribank of Namibia manages the post-settlement support fund (PSSF) which was created jointly by Agribank and the MLR. This PSSF is meant to help newly resettled land reform beneficiaries to develop and maintain their own farm infrastructure, buy more livestock, as well as to start other income generating projects (Odendaal and Werner, 2010:3).

The Emerging Commercial Farmers Support Programme (ECFSP) also carries out one of the PSS programmes. The programme is aimed at contributing in augmenting the livelihoods of emerging commercial farmers and to reduce poverty. The ECFSP is a joint initiative of two agricultural unions, that is, the Namibian National Farmers Union (NNFU) and the Namibia Agricultural Union (NAU). ECFSP focuses on capacity building and not PSS. The Namibia Nature Foundation (NNF) provides skills development and it has provided training and capacity building to many group resettlement beneficiaries. The NNF trains newly resettled land reform beneficiaries in carpentry, brick making and laying, pipefitting, welding, sewing, plumbing, financial management, project management, livestock management and water point management (Hoaes, 2010:59). The grants that are offered to resettled farmers include restocking grant, the beneficiary support assistance grant, the monitoring and evaluation grant and the tilling grant (Hoaes, 2010:61-62).

8.8 Land acquisition chorus versus struggling beneficiaries in Namibia

Part of the bigger reason why the Namibian PSS efforts have not yielded desirable results is that there is an emphasis on acquiring land “for the people” and less focus on post-settlement implementation. Hoaes (2010:62) has decried that, as in South Africa, the land reform process in Namibia appears to be leaning more towards redistributing land to the historically dispossessed people (emotional aspect) rather than taking into account economic considerations, such as agricultural productivity when allocating land. This is also worsened by the fact that resettlement projects have become more like welfare projects and even subsistence level farming is insignificant, while beneficiaries largely depend on food aid.

This is disastrous and disappointing, in that land beneficiaries are expected to live off farming, as well as selling surplus produce from farming. Such Namibian cases of poor production levels wherein farmers become recipients of aid or social grants are also present in South Africa, wherein land beneficiaries end up depending on state provided social grants, rather than living off farming (Kane-Berman, 2016:8). In the case of Macleantown in the Eastern Cape, the majority of land restitution beneficiaries are dependent on social grants rather than living off farming because they lack support to till the land. There is only a handful of people who grow crops and keep livestock to survive, but even those who do so do out of their own pockets ²²

Thus, land reform is more like a process of redistributing land, rather than enabling land beneficiaries to become economically self-sustainable and empowered through agricultural practices. Namibian farms (as with the case in South Africa) under resettlement projects are said to be not productive and land reform is argued to be very slow. Faced with criticisms on the failure of land reform to improve the livelihoods of beneficiaries, the Namibian government has counter argued that the personal assets of resettled farmers has increased in terms of livestock, although the average beneficiary cannot survive on the farm-generated income without a supplementary income. Sadly, the majority of beneficiaries seek employment on neighbouring farms (Hoaes, 2010:64).

²² Interview with Joshua Klaas, Macleantown. October 2016; Interview with Nomalanga Makwetu, Macleantown. October 2016; Interview with Vuyisile Toli, Macleantown. October 2016.

8.9 Struggling land reform in Namibia

In reality, land reforms in Namibia, South Africa, Zimbabwe and other countries have failed to alleviate poverty, and to create sustainable farming in a cost-effective manner. In Namibia, for example, land reform has increased poverty as evidenced by increasing numbers of unemployed farm workers and land reform has largely failed to create sustainable and self-reliant farmers. Analysts hold in agreement that the Namibian government suffers from arbitrary selection criteria, clumsy bureaucratic procedures, lack of PSS after resettlement, a zero-sum displacement of farm workers with land reform beneficiaries that are resettled, as well as failure to use land as collateral (Hoaes, 2010:62).

Additionally, the failure of land reform in Namibia can be attributed to the fact that most of the resettled farmers received either limited or no PSS, as well as suffering infrastructural decay on many farms (Hoaes, 2010:64). This is a worrying factor for Namibia as the country imports 80 percent of its foodstuffs from neighbouring countries. In the majority of cases, these new resettled farmers are not always people who were successful communal farmers, but they are often farm workers who were resettled after their previous employers' farms were bought by government or even expropriated. Even in the case of new resettled farmers that were previously successful communal farmers, it becomes difficult for them to farm commercially, and they would then need the "after care" or PSS support from the government (Werner and Odendaal, 2010:173; Hoaes, 2010:65).

This, in my view, demonstrates that commercial farming is not just about production on the ground, but also requires other skills such as marketing, and that commercial farming is complicated and expensive. Therefore, there is much more investment needed in farming if resettlement farming is to be effective. In Namibia, there is also evidence that there were cases where the infrastructure was in good condition upon purchase, but by the time the settlers moved in, infrastructure was ruined and in poor condition, while farm equipment and wildlife was looted because of a free for all attitude (Hoaes, 2010:65). In the same vein, South African land reform projects have suffered the same fate wherein productive land was left fallow, where infrastructure would be either stolen or left decaying (Kane-Berman, 2016:6). The next section discusses the post-settlement issues in the Philippines.

8.10 The Philippines

Land reform in the Philippines is necessitated by the presence of political elites and multinational companies that control massive commercial landholdings and estates, the majority of which involve land leased for nominal rents from the state (Tilley, 2007). The situation in the Philippines in terms of land reform PSS provision is not significantly different from that of Namibia in that land reform is characterised by poor productivity and poor farmers due to low levels of support despite the presence of PSS policies. In 2012, the Philippines government created the Production Credit Program, a Philippine Peso (PhP) 1 billion credit window or facility for Agrarian Reform Beneficiaries (ARB) organisations and co-operatives that was to be managed by the Land Bank of the Philippines as a result of intense lobbying and campaigning from farmers' organisations and beneficiaries' organisations (Manahan, 2013:22).

The government also established the Agrarian Reform Community Connectivity and Economic Support Services (ARCESS) to improve the incomes of land beneficiaries through the provision of strategic subsidies such as professional services and revenue-generating machines. ARCESS seeks to enable beneficiaries to integrate their production, post-harvest, processing, logistics and marketing activities through the provision of business management training, mentoring, coaching and other services. This is because the Philippines government has realised that agrarian reform only happens when sufficient, sustained and systematic assistance is provided to land beneficiaries (Manahan, 2013:23). However, in spite of all these efforts, land beneficiaries remain economically vulnerable and lack PSS, and are not able to compete in an economy that allows liberalised entry of agricultural products. By 2013, no land reform beneficiaries who finally received their land had received support services, especially access to credit and finance from the state. The lack of PSS in Philippines is a common problem for all the beneficiaries (Putzel, 2000:14; Manahan, 2013:42).

Additionally, small-scale farmers and land reform beneficiaries tend to struggle because of a shift towards high value export crops. The state has the obligation to provide post-redistribution support, which includes infrastructure and other support services to improve productive capacity of land beneficiaries. The strategies of PSS included decentralisation, attempts in participatory approaches, the use of strategic partnerships and making deals with people's organisations (POs) and NGOs in the post-settlement phase (Tilley, 2007:16; Borras, 2009:233).

8.11 Struggling land beneficiaries in the Philippines

In the Philippines, land beneficiaries have had low farm incomes because of poor rural infrastructure, limited experience in improved farming technologies, insufficient marketing information, constrained access to low-interest production credit, insufficient post-harvest facilities, weak farmers' organisations, as well as the slow pace of agrarian reform (Tilley, 2007:16).

In the Philippines despite the general need for land reform to end poverty, landowners have used legal loopholes and violence to evict tenants. Such landowners have often received the assistance from para-military forces to persistently evict land beneficiaries as well. By 2007 there was also ongoing pressure from the conservative elements within the state and society, which has led to lowering of the land reform and post-settlement support budget, and a greater dependence on voluntary transactions funded by the landless themselves (Tilley, 2007:15). Land reform in the Philippines is also characterised by slow redistribution, corruption and ineffective government department officials, poor or insufficient PSS, criminalisation of peasant struggles, land reform reversals, as well as land exemption and conversion (Manahan, 2013:41). Just like the Namibian land beneficiaries, there is also evidence that beneficiaries in the Philippines lack sufficient and clear access to finance after land transfer due the fact that banks and financial institutions hardly accept land as collateral security (Hoes, 2010:84).

In the Philippines, stakeholders' integration is emphasised as well. Land reform and post-settlement support are managed and administered by the National Department of Agrarian Reform (DAR) (Borras, 2009:218). PSS is decentralised and participatory. Beneficiary development activities are integrated from the start, when land is being acquired, to the last stages of distribution. The NGOs in alliance with government have played an important role to ensure that land reform does not just stop at the transfer of land but is sustained during the post-settlement period (Tilley, 2007:16). This is the same attitude that South African NGOs need to have. More efforts are needed to encourage and force the government to ensure that land reform is not just about land acquisition, instead it becomes a holistic process of both land acquisition, meaningful participation of all stakeholders and the provision of early and systematic PSS through all the stages of land reform.

In the Philippines, land reform demonstrates the important role of civil society organisations, coalitions of farmers' organisations, NGOs and other relevant stakeholders who have piled pressure on the government to adopt a land reform approach that is developmental and

sustained, an approach that takes land reform beyond acquisition stage (Tilley, 2007:18). The next section demonstrates that the fast-track land reform in Zimbabwe was largely focused on the repossession of land from white farmers and returning the land to black communities. Secondly, poor PSS was worsened by the economic woes related to sanctions against Zimbabwe that followed after the violent and radical land reform.

8.12 Zimbabwe

Zimbabwe's land reform programme dates back to 1980 when the country achieved independence from British settlers. It is important to note that in the 1980s the market-led land reform was appreciated by a watching world whereas land reform post-2000 was condemned because of its violent nature (Pazvakavambwa and Hungwe, 2009:137; Jankielsohn and Duvenhage, 2017).

During the first phase of land resettlement in the 1980s, the Robert Mugabe led government provided infrastructure in accordance with socialist ideals that stressed the importance of access to services and productive capacity of rural communities. There was indeed increased levels of support to land beneficiaries and broader attention to agrarian reform (Tilley, 2007:30). Small, medium and large-scale farmers were supported through a complementary programme called Agricultural Services Management Programme that was planned with the assistance of donors to restructure the agricultural sector, as well as to enhance the provision of support services to land beneficiaries (Pazvakavambwa and Hungwe, 2009:147).

In the phase two, land reform was characterised by considerable scarcity of land for resettlement, declined resource availability from the state, as well as increased demand for resettlement land by communal land households and other claimants (Rungasamy, 2011). As with the Fast-Track land programme (3rd phase) that happened from the early 2000s onwards, much more focus was on allocation and redistribution of land, and less on infrastructure and supportive structures for beneficiaries. The current land reform phase in Zimbabwe is thus characterised by lack of financial resources to provide hard and soft infrastructure, insufficient resources to support emerging institutions and organisations, as well as increased environmental degradation (Hoaes, 2010:89).

The economic woes in Zimbabwe that started in the early 2000s and widespread poverty have made it difficult for land beneficiaries to get financial support for developmental projects. Beneficiaries lack financial resources to develop infrastructure for their farms, credit support,

insufficient resources to support new institutions and organisations, as well as increased evidence of environmental degradation (Tilley, 2007:32; Sibisi, 2015:12).

8.13 Post-settlement and political interference

The biggest problem with land reform in Africa is that land reform has increased patronage, corruption and nepotism. Land reform is publicly touted as a programme to empower the landless people/masses but, in reality, the politically connected, who have no experience with farming, have hijacked land reform processes for their own benefit (Cousins, 2016b:12). In South Africa and Zimbabwe, for instance, there are numerous cases where ministers and/or politicians' relatives have benefited from empowerment programmes such as land reform under dubious means only to run them down after acquiring those farms (The Telegraph, 2017; Sieff, 2015; Wa Afrika, 2017). In a research conducted by Hall and Kepe (2017), researchers found that the elite, that is, the politically connected black and white agribusinesses, have captured land reform projects in South Africa while land beneficiaries have been neglected and left without support or title deeds.

I would argue that no matter how much money or PSS is pumped into these land reform projects, they could hardly be a success because these politically connected individuals appear to be greedy and entitled, rather than passionate about farming. In Namibia, there are some cases whereby farming has become a hobby or holiday destination for the elite, rather than a way of making a living out of it for the politically connected. There is also a practice of weekend farming, which has made the public question people's intentions when applying for land. This has raised suspicions that the beneficiaries may not be the right ones (Hoes, 2010:98).

In Zimbabwe, there are too many cases where politicians who violently took over farms from white farmers are now failing to produce (New Zimbabwe, 2016). A classic case of a failure of land grab is when a senior member of the ruling ZANU PF called Bright Matonga, with a PhD in Business Management, took over a multi-million-dollar white commercial farm that produced citrus fruits for export to the Middle East, Europe and Russia and turned it into a ghost farm, a few years after the land grab (Mhlanga, 2016). In spite of the numerous studies that pointed to the disastrous impact of land reform in Zimbabwe, in the study by Scoones et al. (2011), conducted in Masvingo Province, the authors argued that in spite of Zimbabwe's land reform having a bad image, the reality on the ground is complex, and that land reform has brought some gains, which have been unrecorded.

However, in sum, land grabs in Zimbabwe have been a massive failure in that most of the farms taken over by politicians on the pretext of land reform are not productive and many Zimbabweans are now dependent on food aid (Anseeuw and Alden, 2010:1). The next section on Brazilian land reform demonstrates the importance of active participation of other stakeholders such as NGOs, landless movements, churches and activists in ensuring that there is sufficient alignment of stakeholders and that the state provides PSS after land transfer for beneficiaries.

8.14 Brazil

Brazil was colonised by the Portuguese and by the time Brazil got its independence in 1822, the native Brazilians (Brazilian Amerindians) had been displaced off their land. Land reform is therefore an attempt to reverse this colonial legacy, as well as reduce poverty. In Brazil, land reform is carried out by two institutions; that is, the Instituto *Nacional de Colonizacao e Reforma Agraria* (National Institute of Colonisation and Agrarian Reform – INCRA), and the Agriculture Ministry. Post-settlement support and land reform are decentralised and the government has introduced the “Territorial Development Approach” (Rungasamy, 2011:158).

The objective of the “Territorial Development Approach” is to target local areas where economic opportunities for small-scale farmers are to be improved and where ties between urban and rural and between districts and municipalities would be stressed (Rungasamy, 2011). The point is to create adequate links between government programmes and relevant stakeholders such as civil society. The state has generally relied on the private sector for extension services for land acquisitions under the market-based land reform programme, although privatised extension services were not as responsive or supportive as it was expected (Tilley, 2007:10).

Two important issues can easily be noted in relation to South Africa’s land reform here. The first one is that Brazil’s land reform emphasises the need for links between relevant stakeholders in land reform, which is good, in that it enhances the smooth implementation of land reform. Although the South African land reform also emphasises links between relevant departments and stakeholders on the ground, different South African departments and stakeholders such as municipalities have not been properly integrated. For instance, local governments that are responsible for spearheading and coordinating local development usually do not see land reform as part of their mandate and appear to be reluctant to include support to land beneficiaries in their Integrated Development Plans (IDPs). In fact, a study by Hall, Isaacs

and Saruchera (2007) that was conducted with numerous municipalities across the country revealed that most municipalities see land restitution projects as complicating their work, leading to their tardy involvement. For instance, in the case of three restitution projects in Limpopo (Mavungeni, Munzhedzi, Ximange), the local municipality ignored calls to provide electricity or safe drinking water for land beneficiaries (Manenzhe and Lahiff, 2007:26). Thus, in these three restitution cases there was no clarity in terms of who was to provide what sort of support to beneficiaries.

8.15 The role of other relevant stakeholders on land reform in Brazil

In Brazil, stakeholders such as churches have also played an important role in land reform. The *Commissao Pastoral de Terra* (CPT) which was formed by the Catholic Church has worked with poor communities on land and agrarian development issues. External organisations such as the Food and Agriculture Organisation of the United Nations (FAO) have also assisted by providing technical support to the country's agrarian reform and development of sustainable family farming strategies (Rungasamy, 2011:160).

In addition, there are ongoing efforts and policy to improve access to credits, to offer technical support assistance, as well as training and infrastructure, while the World Bank has provided grant funding for land acquisition and the post-settlement phase (Tilley, 2007:11; Rungasamy, 2011:161). Local and international NGOs have assisted with capacity building and the provision of post-transfer technical support in agricultural production, marketing and effective livelihood diversification (Rungasamy, 2011:161). Such efforts from private organisation are important in assisting land beneficiaries to reap better livelihood gains.

The Brazilian government is expected to fund land acquisition, as the private sector is unlikely to do so (Tilley, 2007:12). Brazil's market-based land reform is based on a loan-grant package of support that is given to beneficiaries who have to buy land and pay for post-transfer development. The money that is spent on buying land is seen as a loan that has to be paid back, while the remainder is seen as a grant. It is expected that land beneficiaries would negotiate the lowest prices, so that they can have a bigger balance of money for post-land acquisition development. However, this has affected the quality of land which beneficiaries are able to buy and the extent to which they are able to deal with their own post-settlement needs. Some of the purchased land has been said to be of marginal quality. Some farms also lack irrigation facilities and electricity, and they are generally far from roads and markets (Tilley, 2007:12).

Additionally, as with the South African situation, another challenge for beneficiaries is that commercial banks do not see land beneficiaries as creditworthy because of the poor farming conditions that usually involve marginal lands and subsistence farming plans. In the end, investments from the private sector have not been forthcoming and PSS has not been sufficiently met (Tilley, 2007:12).

In South Africa, a slightly similar case exists, as some black farmers cannot access finance in banks because they lack title deeds. Even if they have title deeds, it is difficult for some farmers to access finance because the National Credit Act of 2014 prohibits what they call “reckless lending” from banks. Therefore, the costs of inputs, machinery and infrastructure such as labour, diesel, seeds and other requirements are thus too high, and the risks are becoming higher than the banks are willing to run (Kane-Berman, 2016:7:14).

8.16 Social movements: The case of Brazil

Social movements established by landless communities in Brazil have also been key players in land reform and in the provision of necessary settlement support. The increasing pressure from social movements in Brazil have forced the Brazilian government to fast-track the land reform since the early 1990s. For instance, the National Confederation of Agricultural Workers (*Confederacao Nacional dos Trabalhadores na Agricultura-CONTAG*) and the Landless Rural Worker’s Movement (*Movimento dos Trabalhadores Rurais Sem Terra-MST*) are the key social movements that attempted to democratise land, as well as improving rural working and living conditions (Tilley, 2007:11).

Guided by its slogan, “Occupy, Resist and Produce” the MST’s strategy is to occupy unutilised land and then force the government to expropriate the land in accordance with the social function clause of the Constitution (Tilley, 2007; Rungasamy, 2011:156).

This strategy quickened land reform in Brazil and, secondly, it allowed poor people in rural areas to articulate and implement their vision of rural life on the land after it has been acquired, as well as demanding and accessing the necessary post-settlement support. Therefore, this strategy of putting pressure on the government by the MST has forced the government to make significant investments in financing land expropriation, as well as PSS, which is delivered through the government’s land reform agency, the INCRA (Tilley, 2007:11).

However, in South Africa there is not much support from social movements to force the government to provide adequate PSS, but more focus is on pressurising the government to provide more land for land reform. The advocates for land acquisition are largely silent on the pleas of land beneficiaries to get support, and the way in which land is to be selected, acquired and paid for has been the most debated issue in South African land reform policy since 1994 (Lahiff, 2009:179; Makinana, 2015; BBC News, 2016).

In general, land reform in Brazil shows the importance of the role of social movements in ensuring that attention is paid to the post-settlement stage, and in designing and developing the content of those activities. Most importantly, Brazilian land reform stresses the importance of links and adequate co-ordination of relevant stakeholders in land reform such as urban and rural areas, and between districts and municipalities, civil society and NGOs (Binswanger-Mkhize, 2014:260). In Brazil, the reliance on the private sector for post-settlement services has not led to desired results (Tilley, 2007:14). However, in comparison with African countries, the Brazilian land beneficiaries had ample PSS (Hoaes, 2010:81). The PSS experiences of beneficiaries in Australia, Namibia, the Philippines, Zimbabwe and Brazil are best explained in the next section by sketching out the common problems identified in all these case studies.

8.17 Common problems in getting PSS for land reform projects outside South Africa

Land reform has never been a smooth process, not only because it is difficult to acquire land, but also because it is difficult for land beneficiaries to reap benefits from land without sufficient assistance when they are given land. The common trend across many land reform projects across the globe is that PSS is not adequate and that quite often land beneficiaries struggle to access markets, credit, technologies and training (Tilley, 2007:2; Manahan, 2013:23; Hoaes, 2010:89; Werner and Kruger, 2007:30).

Another important aspect to note is that because of previous injustices in specific countries, beneficiaries often lack necessary skills (agricultural, managerial and marketing) to oversee their projects. Hence, a lot of efforts go into re-skilling beneficiaries. In addition, being a land claimant or beneficiary does not necessarily imply that one is a good farmer or has a good attitude towards farming. This means that, even if they do get significant PSS, it does not always guarantee success. Most importantly, farming is a difficult business and it is not a hugely profitable business, especially for small-scale farmers, and there is indication that in Europe, for instance, small-scale farmers are sustained by subsidies (de Jager, 2015:120-121). The low profitability of farming is related to the fact that the post-apartheid government has

lowered agricultural tariffs below the levels required by World Trade Organisation, thereby leaving South African farmers (black and white) the least protected in the world (Sender, 2014; Sender, 2016). Therefore, South Africa continues to struggle to have a land reform that brings better livelihoods for land beneficiaries (Xaba and Roodt, 2016b; Cousins, 2016a; Cousins, 2016b).

Each country studied has unique features in the way that they have handled land reform, but there are certain aspects of post-settlement support that can be adopted from other countries and utilised in South African land reform in the post-settlement period. Most importantly, a successful land reform is the one which integrates land transfer and the post-settlement together, aided by a wide range of PSS from various integrated stakeholders (that is, Municipalities, Department of Agriculture and other relevant institutions) (de Villiers, 2003:139; Tilley, 2007:1).

The motivation and objectives of land reforms in other countries include, among other things, improving sustainable livelihoods, poverty alleviation, local economic development and growth in line with macro-economic policy, wealth creation, social justice and addressing the wrongs of the past, appeasing or suppressing mass mobilisation, and/or deracialising land ownership (Tilley, 2007:2).

In order to achieve these goals, there is a need for an on-going provision of support such as infrastructure development, technical support, provision of credit and access to finance and the regulation of input and commodity market in ways that favour and uplift small-scale farmers and new landowners (Tilley, 2007:41; Xaba and Roodt, 2016).

8.18 Concluding remarks

There seems to be a universal agitation to implement land reform across the world, especially if the impoverished claimants believe that land was taken unfairly from them. It is evident from all these land reform projects that land reform has never been a smooth process and that PSS is key to a successful implementation of land reform. Therefore, South Africa is not immune from these challenges and problems of land reform. The integration of land acquisition with the post-settlement phase and beneficiaries' participation should be at the core of South Africa's implementation of land restitution as it enhances success in the implementation of land reform projects. It is also important that all relevant stakeholders, including the private sector, civil society, NGOs, churches and others work together with the government to support the

beneficiaries in whatever way that would help beneficiaries get better yields from the land. However, there is no one size fits all approach, or a top down approach, each country has its own unique PSS support systems and mechanisms. Having presented the cases studies (across the globe), this conclusion section seeks to draw lessons for the South African land reform post-settlement processes:

Admirable policies versus disappointing implementation of PSS

Some countries tend to have wonderful policies, yet they have disappointing implementation, in terms of access to PSS. Just like South Africa, countries such as Namibia and Australia show some impressive PSS, at least at policy level, but on the ground, beneficiaries struggle to get support. For example, in principle, the Namibian government has different complementary policies to assist farmers to get loans, but in reality, that does not often happen and there is a confusion on whether land can be used as collateral security for beneficiaries. Zimbabwe is a striking case, in that the state did not offer sufficient support after land grabs and the state spent a lot of time denigrating the West and chanting anti-colonialist rhetoric when beneficiaries did not get proper support.

Land acquisition chorus versus poor PSS

Another common thread running through land reforms across the globe is that there is a tendency by countries to focus more on land acquisition and less on provision of early and adequate PSS. Part of the bigger reason why a country such as Namibia has failed to have PSS efforts that yielded desirable results was that there is an emphasis on acquiring land “for the people” and less focus on post-settlement implementation. This is also worsened by the fact that resettlement projects are more like welfare projects and even subsistence level farming is negligible, while beneficiaries are dependent on food aid. This is disastrous and disappointing, in that land beneficiaries are expected to live off farming, as well as selling surplus produce from farming. In South Africa, there are cases whereby land beneficiaries end up depending on state provided social grants, rather than living off farming. In reality, land reform in Namibia, South Africa, Zimbabwe and other countries has failed to alleviate poverty, and has been unable to create sustainable new farmers in a cost-effective manner.

Elite capture and political interference

In addition to the huge chorus on land acquisition, land reform projects often get captured by the political elite due to unnecessary political interference. The biggest problem with land reform in Africa, for instance, is that land reform has increased patronage, corruption and nepotism. Land reform is publicly touted as a programme to empower the landless people/masses, but, in reality, the politically connected, who have no experience with farming, have high-jacked land reform processes for their own benefit (Cousins, 2016b:12). I would argue that no matter how much money or PSS is pumped into these land reform projects, they could hardly be a success because these politically connected individuals appear to be greedy and entitled, rather than passionate about farming.

Importance of stakeholders' alignment and engagement

The most important lesson from these cases studies is the importance of engaging the relevant land reform stakeholders, as well as ensuring that land reform does not stop at land transfer. An illuminating case for this argument would be that of Brazil where there are many efforts to build close adequate links between government programmes and relevant stakeholders such as civil society. Similarly, in the Philippines NGOs in alliance with the government have played an important role in ensuring that land reform does not stop at the transfer of land but is sustained during the post-settlement period (Tilley, 2007:16). In Brazil, churches have also played an important role in land reform. External organisations such as FAO have also contributed to provide technical support to the country's agrarian reform and development of sustainable family farming strategies (Rungasamy, 2011:160), while the World Bank has provided grant funding for land acquisition and the post settlement phase (Tilley, 2007:11; Rungasamy, 2011:161). Social movements in Brazil have also been instrumental in ensuring that there is land acquisition and proper PSS for land beneficiaries. This strategy to continually put pressure on the government by the MST has forced the government to make significant investments in financing land expropriation, as well as PSS, which is delivered through the government's land reform agency, the INCRA (Tilley, 2007:11). These international experiences thus provide South Africa with important lessons to reform their approaches to implementation of land reform. After presenting the post-settlement experience of land beneficiaries across the world, it is therefore important to check the post-settlement livelihoods beneficiaries of land restitution beneficiaries in South Africa.

Chapter 9

9. Post-settlement experiences of land restitution beneficiaries in South Africa

“The land shall be shared by those who work it. Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided among those who work it, to banish famine and land hunger. The state shall help peasants with implements, seeds, tractors and dams to save the soil and assist the tillers” (ANC, 1955).

“Government has a responsibility to provide assistance with farm credit, farm inputs and marketing. Advice and assistance may be needed to facilitate the productive use of the land, as well as the provision of the rural infrastructure (e.g. water supplies, drainage, power, supplies, and roads)” (DLA, 1997).

9.1 Introduction

This chapter builds from the previous chapter on post-settlement experiences of land beneficiaries in selected cases around the world, which stressed the importance of adequate PSS and proper alignment of all stakeholders on land reform, and the fusion of the first and last stages of land reform. This chapter will explore post-settlement challenges for restitution beneficiaries, and problems and experiences of land beneficiaries in South Africa. The literature on land reform in South Africa stresses that land reform has been unacceptably slow, which is a valid point. However, in my view, this has taken away the focus from the post-settlement experiences of land beneficiaries to access better livelihoods after getting land. Almost every article, book, or whatever document on land reform in South Africa mentions how slow land reform is because of the “willing seller willing buyer” principle and the property protection clauses in the South African Constitution. Even in parliament, debates on land reform are usually very emotive and racially charged, with the ruling ANC presenting itself as “the people’s party” (black people) while denigrating the Democratic Alliance (DA) (main opposition party) as a racist party that seeks to protect white farmers who are occupying farms. Since its formation in 2013, the EFF has brought the land reform to the fore, more than before, and the EFF has been successful in forcing the ANC to be radical on land reform.

This has drowned out the desperate plea by land beneficiaries who need state support to realise livelihoods benefits. This is primarily the gap that this thesis seeks to address because not much has been said about the post-settlement livelihoods experiences of land beneficiaries. The

biggest challenge, as this chapter will show, is that new black land beneficiaries are not sufficiently supported by the government to farm the land productively. This means that land beneficiaries then fail to realise livelihoods benefits from land as it is hoped or desired. I have deliberately chosen the above quotes from the Freedom Charter and the post-apartheid ANC government document that demonstrates the promises of the government to provide support to land beneficiaries. However, while the state does have some support structures to support beneficiaries, this chapter will demonstrate that beneficiaries often struggle to get proper, early and sufficient support from the state.

Thus, Manenzhe is correct to argue that the success of land reform is not only measured by the amount of land that has been redistributed, but also by the use of land that is acquired (Manenzhe, 2007:IV, 11). In addition, with revelations that the majority of land reform projects (including land restitution) have failed, it is important to focus more on the post-settlement period to improve the image of land reform. In this chapter, I am trying to demonstrate that what makes land restitution cases fail is that it is always assumed by the implementers and supporters of land reform that the formerly dispossessed will eventually get land and farm it, thereby improving their quality of life. In reality, as the racially-based land dispossession occurred decades ago, the formerly dispossessed black communities are very different human beings from those who were scattered all over the country without much social cohesion. Most importantly, agriculture has become more sophisticated and scientific than it was decades ago, so much so that even white farmers are said to be in debt and the numbers of white farmers are shrinking (Cronje, 2015). With insufficient PSS after settlement, infighting, bureaucratic delays, lack of agricultural skills, and other reasons, failure becomes inevitable in most cases wherein previously thriving farms have often been turned into ghost farms.

The first sections of the chapter discuss the struggling land reform in terms of implementation and the struggles of beneficiaries. I then provide a section on land restitution and post-settlement phases. I then produce sections on post-settlement issues. I also provide sections that show that, even in the presence of good post-settlement support (PSS) strategies, in reality, support does not reach beneficiaries. There are also sections that discuss the confusion, pain, lack of capacity to handle restitution projects by beneficiaries, bitterness and in most cases social conflict, which has led to the impasse on these projects. I demonstrate that, on the ground, land restitution has had little or no impact on the livelihoods of beneficiaries in most restitution cases, but I also demonstrate that, in the majority of cases, land restitution has restored the

dignity of beneficiaries. This is because most beneficiaries believe that getting their land back is a massive victory because they fought for that land on behalf of their ancestors who died before getting their land.

9.2 Battling with failing land reform projects

The South African government has claimed (albeit without clear empirical basis) that 70 percent to 90 percent of all land reform projects have failed (this includes land projects under the restitution programme as well), with beneficiaries failing to produce any marketable surplus (Dlakavu, 2014; Cronje, 2015). Given these figures of failed land reform projects and other works by academics, I agree with Manenzhe's assertion that the success of land reform should also be judged by what happens when individuals are provided with land which they did not previously have access to (Manenzhe, 2007:9). In 2008, the then Minister of Agriculture claimed that in the Limpopo Province there were 77 restitution projects that were experiencing operational difficulties or were considered dysfunctional (Agrisystems Consortium, 2008:7). This means that previously productive farms have been redistributed without any resulting benefit to anyone in jobs, income and agricultural production.

Kloppers and Pienaar (2014:679) observe that such a scenario (failure of land reform projects) contributes to increasing levels of poverty and unemployment among these land beneficiaries, but also threatens food security. Thus, Cronje (2015) argues that land reform in South Africa has been badly implemented, so much so that it has caused more damage to commercial farming, than the South African War. Lahiff, (2007c:1) explains that the gap between the promise of a settlement agreement and the reality of post-settlement problems can be attributed to: insufficient or unrealistic plans at the time of settlement, poor or no proper assessment of the needs (or capacities) of claimants, lack of skills and funding on the part of claimants, slow release of funds from the CRLR, lack of PSS from the CRLR and difficulties of accessing a range of state support services. He adds that finalised restitution projects were generally failing to deliver meaningful benefits of any sort to members of community claims through agro-based livelihoods (Lahiff, 2007c).

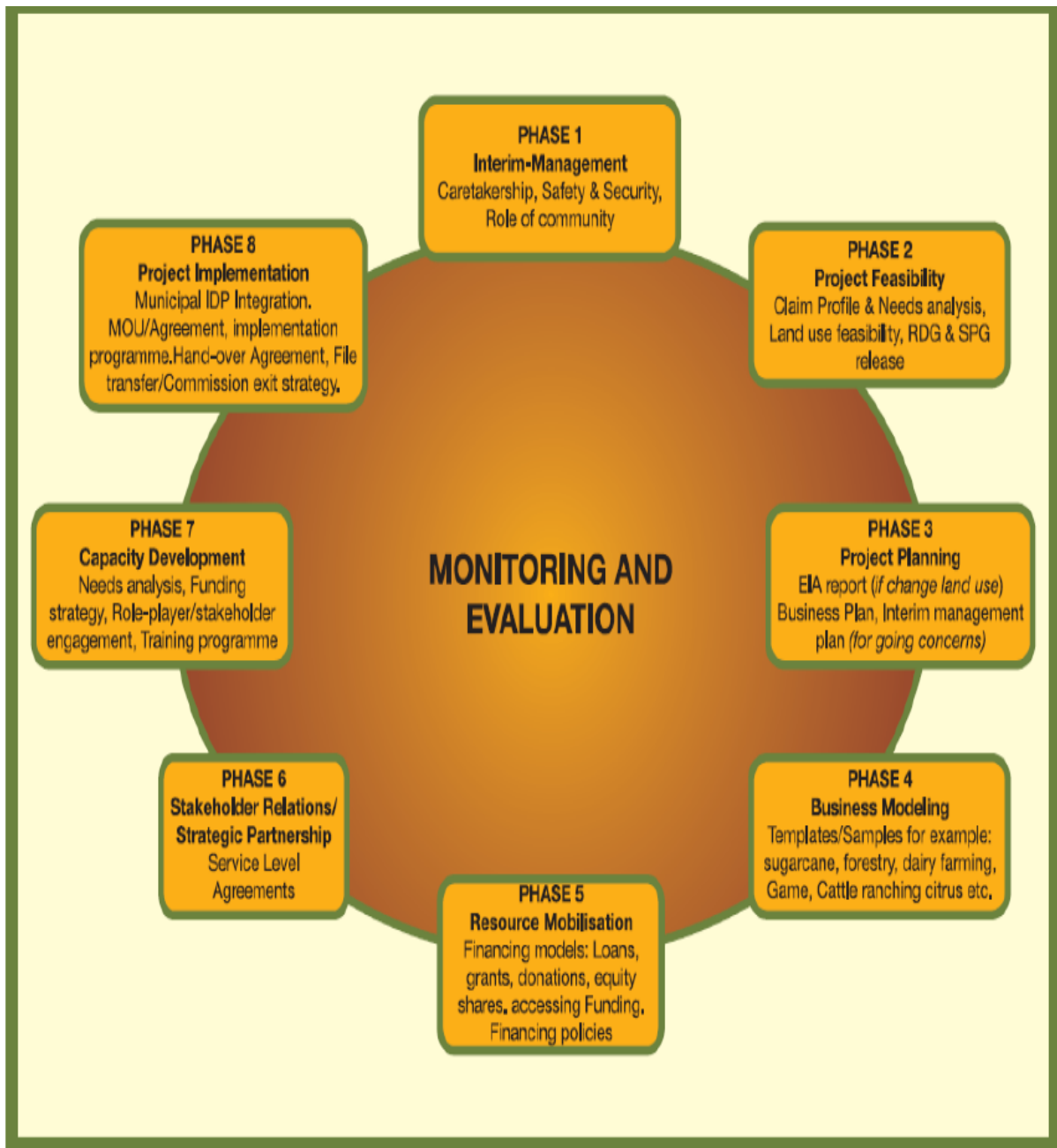
9.3 Land restitution and post-settlement phases

Under the land restitution programme, PSS used to be given to beneficiaries by a post settlement unit under the Commission on Restitution of Land Rights (CRLR). PSS for restitution beneficiaries is no longer housed under the CRLR, but it is housed under the

Recapitalisation and Development Programme, also known as “Recap”, which replaced all forms of funding for land reform projects by 2014 (PLAAS, 2016:13). Once the CRLR has settled claims, claims will then be passed to “Recap” for PSS.²³ The eight stages of PSS under the land restitution programme are illustrated below.

Figure 3: Stages of post-settlement support

²³ Interview with Sakhile Totana & Viyisiwe Khwephe (two senior CRLR officials), East London. 17 March 2017.



Source: Commission on Restitution of Land Rights, 2008:53.

The first stage (which should take about four months) involves the interim management plan, wherein issues such as the community’s role is clearly outlined, and the initiation of lease agreements, as well as service level agreements and provisional management plans (Commission on Restitution of Land Rights, 2008:53; Rungasamy, 2011:65-69). The second stage (which should take about four to six months) after the interim management plan is the feasibility of the project which involves project profiling, socio-economic reporting, land use feasibility plans and the request for the release of PSS grants. For a project to be feasible there

is need for project planning, which is the third stage (which should take about one month to three months). This entails aligning the restitution project to the municipality plans under the Integrated Development Plans (IDPs), as well as project business plans and how such a project is going to be implemented. The fourth stage (which should take about two months) involves the practicalisation of business models to test the feasibility of the project. The fifth stage (which should take about six months) involves resource mobilisation to finance the business models (Commission on Restitution of Land Rights, 2008:53; Rungasamy, 2011:65-69).

The sixth stage (which should take about five months) involves the inclusion of strategic partners to bring in agro-based experts. In order for the project to move forward, there is need for capacity development (which should take about six months), which is the seventh stage that involves training, finding a funding strategy, reporting on needs for the project and stakeholder commitment for training. The last stage (which can take about one to four years) involves the implementation of the project, the signing of the Memorandum of Understanding on IDP integration, implementation of agreements, as well as handover agreements to enable the beneficiaries to run their projects independently (Commission on Restitution of Land Rights, 2008:53; Rungasamy, 2011:65-69). Although these stages can be implemented concurrently, clearly the PSS stages take years for beneficiaries to start tilling the ground, which frustrates beneficiaries. Thus, as I show in the next sections, inspite of the seemingly good PSS policies as shown in the diagram, practically, such support hardly reaches beneficiaries and, even if it does, it will be either too late or of little value.

9.4 The post-settlement support efforts have not yielded desired results

Despite all these initiatives to address the challenges of lack of PSS, in 2008, Lahiff had noted that many if not the majority of the land reform projects had remained without the support people needed to utilise their land productively (Lahiff, 2008:6). It was also reported that the available funds under the CASP programme were diverted to relatively few capital-intensive projects, leaving the majority of black farming households with little support or no support at all. The subsistence-oriented households do not get any financial support at all and they have to depend on social grants to survive poverty (IRIN, 2015).

The only significant PSS programme came through the Settlement and Implementation Support (SIS) strategy which was developed in 2007 by the Sustainable Development Consortium on behalf of the CRLR proposed “a joint programme of government, spearheaded by the Ministry of Agriculture and Land Affairs in partnership with organised land reform beneficiaries, private

sector role players and NGOs to provide comprehensive support services to ensure sustainable land reform projects and the fulfilment of broader constitutional obligations” (Lahiff, 2008:6).

In 2010, the South African government also introduced the recapitalisation and development programme (RADP) to enhance profitability and sustainability of land reform projects so as to improve the livelihoods of beneficiaries (Business Enterprises at University of Pretoria, 2013:6). The RADP programme seeks to resuscitate those land reform programmes that received little or inadequate PSS by providing them with technical and financial support.

Most importantly, one should also emphasise that the farming environment is difficult and very competitive. Kahn (2007:25) is of the view that even with substantial PSS, farming is difficult and not only are farmers competing with each other, but they are also competing with external competitors because of liberalisation. Farmers are faced with harsh weather conditions and diseases against their crops and livestock, prices fluctuations that are more volatile than those of the minerals sector, veld fires, soil erosion, weeds, pests, stock theft, other types of crime and predators as further hazards (Kane-Berman, 2016:7).

9.5 A case of bureaucratic delays in restitution processes

Related to the lack of PSS, one of the major problems in the land restitution programme are the bureaucratic delays in the land restitution processes. An interesting case to illustrate this point is that of the Lambasi (also known as Magwa) village restitution case in the Eastern Cape, one of the biggest land claims in South Africa. Before restitution, the 2800-hectare Magwa Tea Estate used to be one of the largest tea producers in the southern hemisphere, but by 2016 the Estate was a ghost farm. The Lambasi CPA (made up of 668 households) won the restitution claim in 2006 for a 12 215-hectare piece of land. By 2016 (ten years later), the community still had not received the title deeds of that land and about R40 million in development and compensation money has not been given to the CPA (Sosibo, 2016).

This is the “red tape” that Max Weber observed as the major failing of bureaucratic institutions in a capitalist society wherein bureaucratic officials strictly adhere to rules and regulations leading to slow service delivery (Giddens, 1989:279). In this study, government officials also bitterly explained that funds for Magwa are lying idle in their coffers because of bureaucratic inefficiencies.²⁴ Lack of integration or alignment within government directorates made the

²⁴ Interview with Sakhile Totana and Vuyisile Khwephe, East London, 17 March 2017.

support delivery worse because it is reported that there was a time when the “Recap” Directorate wanted to deliver support, but the Commission officials who argued that Magwa had a CPA problem stopped them.²⁵ The internal problems within CPAs are indeed one of the major problems of the post-settlement phase in most restitution projects (eNCA, 2014).

Hence the farm lies idle. The farm that used to provide the local economy with much needed employment has faltered. Those who are employed are not happy, as it has been evident with labour unrests and strikes on the farm due to financial constraints (Thobela, 2015). This is one of the disasters of land reform in South Africa wherein a thriving farm has been reduced to a ghost farm because of bureaucratic delays and lack of PSS. I would want to imagine that if the government is to successfully get more and more farms from white farmers, the resulting trend would be calamitous, for as long as post-settlement problems are not solved. The High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change (2017) also noted that the restitution and redistribution programmes are beset with high levels of red tape and corruption, and that some land reform officials are often unhelpful, rude and dismissive to beneficiaries as they seek answers and help.

9.6 The post-transfer settlement problems, challenges and debates

The literature consulted shows that while the handover ceremonies are full of pomp, promises, good speeches, dances and a sense of reconciliation amongst land beneficiaries, the reality is that, once the dust has settled, beneficiaries realise that they cannot till the land because of lack of PSS and other problems (Cousins, 2016b). The point is that the post-settlement period is not just a situation of saying, “Yes! Here is our ancestral land, let us live here and enjoy”. The post-settlement phase seems to be complex, full of infighting in some cases, generational differences, confusion, leadership wrangles, manipulation and deceit. Other problems in the post-settlement phase include lack of claimants’ participation/consultation, and lack of skills and finance on the part of land beneficiaries. Even the youth amongst land beneficiaries have resisted the idea of going to the ancestral land, preferring instead to remain in the urban areas where they were born to enjoy the comfort of urban life, which has better sanitation, roads and other facilities (Walker, 2008). The lack of youth participation in restitution cases is also related to the ‘youth and agriculture’ problem wherein youths shy away from agricultural activities

²⁵ Interview with Sixoto, East London. 10 April 2017.

because they see agriculture as uninteresting and not in touch with popular culture (Swarts and Aliber, 2013).

In some cases, the communities have attempted to resist traditional leaders because there are disputes around authority and accountable leadership avenues/structures. There is a lot of infighting and misunderstanding in restitution claims. As with the tensions between claimants and traditional leaders, it appears that some traditional leaders are greedy and they want to stamp their authority, own the restitution lands or at least benefit in some way, which has been strongly resisted by some communities. One should also bear in mind that before forced removals, traditional leaders led communities and the social fabric was strong, but after forced removals, communities have been broken up and urbanised. Thus, the social fabric has been undermined in a way. People are now largely individuals, rather than communities, and they have resisted traditional authorities who appear to be autocratic and dictatorial. All these problems (infighting) have made it difficult for NGOs and government to assist communities to develop themselves. Very few land restitution cases have been settled easily and smoothly. Another big problem is the lack of agricultural skills amongst the land beneficiaries as I have said. The forced removals period ruined the agricultural skills of most black communities (Aliber, Maluleke, Thagwana and Manenzhe, 2010).

There is also evidence, albeit to a limited extent, which shows that land restitution (and rural land reform projects) have improved the livelihoods of beneficiaries in some restitution projects (Cousins, 2016a). Although the focus of this study is on post-settlement livelihoods experiences of land restitution beneficiaries, reference will also be made to post-settlement experiences of land beneficiaries under the land redistribution programme (new black farmers) because their experiences are largely similar to that of land restitution beneficiaries.

The common trend running through land reform projects is that the challenges they face are hindering the success and sustainability of these projects (Rungasamy, 2011:116). The failure of land restitution projects is a result of dysfunctional legal entities that usually prevent members from realising livelihood benefits, lack of post-transfer support, non-implementation of development plans, the emphasis on minimising changes in land use by the government and its advisors and other factors (Hall, 2007:16-19; Kepe, 2012:397).

The finalisation of a claim does not only mark the end of restitution but it also marks the first stage of an ongoing and often complex process of community reconstruction (Walker, Bohlin,

Hall and Kepe, 2010:02). Public images of resettlement ceremonies (handshakes, singing, speeches and dances) have painted a picture of rural communities going back to their ancestral lands and urban communities returning from the periphery to the site of their demolished homes (Hall, 2010a:17).

I will now deal with each of these issues mentioned above.

9.7 Youths and generational differences on restitution projects

As mentioned above, one of the problems of post-settlement restitution is the generational differences among claimants. For those who directly experienced forced removals, going back to their ancestral land from where they were forcibly removed by apartheid racist laws brings happiness, while it brings confusion for the youths who were brought up in urban areas (Walker, 2008:99; De Satge, Mayson and Williams, 2010:15). Youths who were born and bred in townships prefer to live in townships than to go with their parents to the settlement land (Walker, 2008:209).

For instance, in the Cremin restitution project in KwaZulu Natal, young people were reluctant to move away from the urban areas. This is because the youths do not want to leave better amenities and services in urban areas. Another reason is that youths often desire to find urban work more than farming. I sympathise with these youths because they do not have the agricultural skills and they are urbanised; urban life is the only life they know. Hence, starting a new life in another area would be difficult for them. Additionally, in Cremin, the infrastructure that was promised in terms of the restitution settlement grant was not properly operational (Walker, 2007:148).

9.8 Beneficiaries and the lack of developmental support/post-transfer support

The post-development focus in land restitution emerged around 1999 after the realisation that there was lack of commitment on the part of the state to its promise of land restoration and slow pace of service delivery (van Leynseele, 2013:79). The biggest challenge was the lack of government's vision about how to promote rural development during and after settling land claims.

Post-settlement problems may also include state neglect leading to poor performance (Binswanger-Mkhize, 2014:260; Hall, 2007:16; Kepe, 2012:402), community divisions and social disintegration, malnutrition, alcohol abuse, child neglect (Walker, 2008:198). Therefore,

different academics have maintained that the biggest problem in the South African land reform is the lack of a coherent and clear strategy on post-transfer support. Significant changes were made after the appointment of Thoko Didiza in 2000, who as a land minister orientated the land restitution process towards post-settlement planning. For example, the Settlement and Planning Grants that are part of the restitution awards could be used to hire business consultants and land-use planners. In 2001, a new unit called the Settlement Support and Development Planning (SSDP) was created to foster an integrated development approach in the restitution process (van Leynseele, 2013:79).

Awareness of this problem is not new. Roodt (2003) and Walker (2008:198) raised the issue that the South African government has failed to provide coherent PSS for land restitution awards although the Commission reported impressive results in terms of meeting its settlement targets. In a similar vein, Greenberg (2010:4) advanced the same argument by noting that the majority of land reform beneficiaries, especially the land restitution beneficiaries have not been able to settle on the land or utilise their land productively, either in terms of agreements they were compelled to sign with strategic partners or because of lack of PSS, such as infrastructure, inputs or technical support.

Furthermore, the land redistribution programme has suffered the same problem of state neglect. For instance, a study of nine LRAD programmes in the Eastern Cape revealed that not one project had received support from the private sector, and the DLA or the DOA had not contacted most of them after the transfer of land (Rungasamy, 2011:70). Lack of support is also aggravated by the lack of external support for collective land holding institutions such as CPAs and trusts (Lahiff, 2011:61). As Gwede Mantashe, the ANC secretary general once noted, “you can give land to as many farmers as you want but if you don’t have support programmes [they] will fail” (Kane-Berman, 2016:14).

In other words, speeches by government officials may be misleading as they overlook the reality on the ground. Many people expect the “post settlement” to deliver developmental and improved livelihood changes (Walker, 2008:137). This was the case with two restitution cases that Walker (2008:137) studied, that is, Cremin and the eastern shores of Lake St Lucia. If land reform is to contribute to the livelihoods of recipients, there is need for clear and coherent complementary support services (Manenzhe, 2007:102).

Therefore, the main problem in the post-settlement phase is that agreements may not be adhered to. During the handover ceremony of the Dwesa-Cwebe restitution project in 2001, the then Vice President of South Africa, Jacob Zuma, said, “Prepare yourselves people of Dwesa-Cwebe, development is coming your way”, but after four years virtually nothing had arrived (Palmer et al., 2002:275, cited in Fay and James, 2009:9).

Drawing from land reform studies in Zimbabwe, Namibia, South Africa and Australia, De Villiers (2003:141) recorded that land reform has often been implemented in a haphazard way, leaving beneficiaries without sufficient support once their rights have been restored. Land beneficiaries deserve to be given ongoing state support in the form of welfare support, social services and rural infrastructural development and training (De Villiers, 2003:142; Atuahene, 2011).

Poor black farmers need better quality support in terms of financial and technical assistance to access markets, credit, technology, infrastructure and training (Atuahene, 2011; CDE, 2008:4). As De Villiers (2003:14) put it, “the mere hand-over of land without a proper vision, plan for implementation or government support will soon hit the wall of impracticability”. Land reform is more successful in cases where beneficiaries have or get the required experience in land use and management, and when they have the ability to obtain sustainable income or adequate food (Tilley, 2007:3).

Du Toit echoes the same sentiments (2000:88) by arguing that restitution should not just deliver land or cash but should also deliver schools, hospitals, roads, water and power. Du Toit (2000:80) adds that the finalisation of restitution and the post-settlement period requires some significant processes of investment and development. In all four countries (Zimbabwe, Namibia, South Africa and Australia) studied by De Villiers (2003:144), there was low participation amongst beneficiaries in the planning leading to restoration or in some cases, even if they participate, beneficiaries barely understood the processes of land reform.

Hall (2007: 16) concludes by noting “the majority of beneficiaries across all restitution projects have received no material benefit whatsoever from restitution, whether in the form of cash income or access to land”. A similar sentiment is raised by Kahn, who notes that quite often, once beneficiaries have been given land, they are unable to farm because PSS does not happen immediately (Kahn, 2007:25).

The failure rate of the post-settlement period can be attributed to, among other things, lack of farm management skills, marketing skills and sufficient access to development credit (Samayende, 2005). This has also contributed to the failure of land reform, because land beneficiaries need support to farm productively and effectively (Binswanger-Mkhize, 2014). There is therefore a strong need for settlement support for land reform to be effective. Most importantly, settlement support should not be viewed as something that should be added towards the end of the land reform process. Rather, settlement support is an integral part of the whole process of land reform through the planning, transfer and post-settlement stages. Again, beneficiaries should be actively involved in the entire process. Support provision should not be understood in narrow and technical terms as it requires the involvement of a wide range of relevant stakeholders such as community members, NGOs, social movements, local government, as well different governmental departments and international agencies (Tilley, 2007:3). Narrating one of his stories as a black land beneficiary, one distraught black farmer had this to say:

Most of the land that the government has given back to the black people is not productive. Not because black people are stupid or they cannot farm, it is because of lack of support from the government (England, 2015).

This is a deviation from one of the Freedom Charter principles that the ANC adopted in 1955. In the Freedom Charter, the ANC declared, “the land shall be shared by those who work it. Restrictions of land ownership on racial basis shall be ended, and all the land re-divided among those who work it, to banish famine and land hunger. The state shall help peasants with implements, seeds, tractors and dams to save the soil and assist the tillers” (ANC, 1955).

Another related problem is that “the state instead gives large, resource-poor communities land that was formerly used by single farmers for large-scale, capital-intensive commercial agriculture” (Atuahene, 2011). This is disastrous because when resettled communities are given a massive commercial farm, there is need for significant investment in state resources, so that beneficiaries can have an enabling environment, in the form of sufficient capital, proper infrastructure, and training, so that they can have capacity to run a commercial farm business. Thus, as an alternative, the state should rather leave the idea of redistributing capital-intensive agribusinesses and give communities land for subsistence farming, which can be done without significant state intervention. For instance, the dream of transferring a prosperous citrus farm from a white farmer to a black community is not practical, it is dead (Atuahene, 2011).

Moreover, without, government support, land beneficiaries are unable to buy the inputs and machinery to make the land productive (England, 2015). Thus, the emerging calls from land reform beneficiaries or new farmers is that the government's priority should be sufficient energy on supporting the new black farmers so that the land would be more productive (England, 2015).

In some cases, for instance in Limpopo, white farmers are renting the unutilized land from new black farmers to grow their crops (England, 2015). A similar case is happening across the border in Zimbabwe where black farmers who grabbed the land from white commercial farmers are inviting the former white landowners to assist them with agricultural expertise. "The problem now is that we have the land, but they have the experience", said Tracy Mutinhiri, a Member of House of Assembly for Marondera East (ZANU PF) (Sieff, 2015). In 2012, the South African Agriculture Minister, Tina Joemat-Pettersen, said that government's focus is on the utilisation of resettled land and that there would be a 'use it or lose it' policy regarding transferred land that was not used productively and that land that had already been restituted to communities 'could be lost' (Tolsi, 2012).

9.9 Efforts to deal with lack of post-transfer support

The DRDLR (through its Directorates), together with the Department of Agriculture, Forestry and Fisheries is responsible for the provision of PSS, establishing a framework for inter-departmental alignment, developing a database and monitoring implementation. However, poor alignment, role confusion, staff and budget shortages and inefficiencies have limited and frustrated the provision of PSS (High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017:214). The South African government has acknowledged the criticism on its failure to provide adequate PSS through enhancing various interventions at both provincial and national levels. Various initiatives have been put in place to deal with the problem of lack of PSS, such as the introduction of the Comprehensive Agricultural Support Programme (CASP) in 2004 (although it has effectively been restricted to funding for farm infrastructure), the provision of micro-credit under the Micro Agricultural Finance Initiative of South Africa (MAFISA) programme, as well as the establishment of post-settlement support units within the CRLR (IRIN, 2015; Lahiff, 2008:6).

The CASP is administered by the Department of Agriculture, Forestry and Fisheries (DAFF) but implemented by the Provincial Departments of Agriculture. The Re-capitalisation and Agricultural Development Programme (RECAP) was introduced to recapitalise those land

reform projects that have failed or performing poorly and it is administered by the DRDLR. The “Recap” provides a holistic support approach to beneficiaries and requires the beneficiaries to work with a strategic partner or a mentor (Binswanger-Mkhize, 2014:258). The Restitution Discretionary Grant (RDG) is awarded by the Regional Land Claims Commission (RLCC) to restitution beneficiaries to help them to secure, relocate to and to start managing restored land upon settlement. Then the Settlement Planning Grant (SPG) was administered by the DLA to help land reform beneficiaries in terms of planning for acquisition, settlement on, use and development of their land. The DLA may also provide a Developmental Assistance Grant (DAG) to restitution beneficiaries to enable land claimants to invest in their land and develop the agricultural enterprise. In 2004, the government also announced that it would provide funds to emerging farmers and new entrants through the revived Agricultural Credit Scheme (ACS) programme. The National Treasury also provides funds for infrastructural development through the Infrastructural Provincial Grant (Agrisystems Consortium, 2008:31-33).

9.10 Land restitution resettlement: opening of old wounds

In one of his famous arguments on restitution, Andries du Toit pointed out that the post-settlement period is usually a disappointment for beneficiaries as they fail to access their life prior to forced removals. The time of returning to the promised land does not always live up to the expectations of most claimants. This is because lodging claims often open half-healed wounds and the hope for positive change on the part of some claimants. Du Toit correctly predicted that old wounds of forced removals would be exposed as beneficiaries may feel that they did not get what they lost during forced removals, leading to the “loss of the loss”, a phrase that Du Toit borrowed from Slavoj Zizek (Dhupelia-Meshrie, 2010:97). This is because what was lost can never be returned because land is not the only thing that was lost (Du Toit, 2000:82).

What was destroyed through forced removals was a whole way of being...a set of community relations, a system of authority and let us not forget, a broader system of economic relations and the livelihood of which the land was but a part and which gave it its function and its value. The terrible truth of restitution has thus been that the moment of return to the land is often a moment of disappointment and anti-climax. To settle on the land on which one’s forebears or even a younger, more vigorous, more hopeful self-were once removed, it is not necessarily to return to that more authentic, more dignified, more hopeful mode of existence (Du Toit, 2000:81).

This is because communities would have grown and changed, meaning that what was accepted may not be accepted after restitution. For instance, living without electricity in the past was accepted, but it is not accepted after restitution (Du Toit, 2000:81).

Ellis (2010:192) has observed that the narratives of restitution are faulty in that restitution may be seen by claimants as a “return to the old ways”. This can be seen in the restitution case involving the Kalahari San where some members of the San group expected restitution to offer the previous “traditional livelihood” that they had before forced removals. Thus, for this faction of the San, the return to the land meant a return to the old way of living that they have been deprived of, as well as reviving the San identity that they had been denied access to (Ellis, 2010:193).

This led to a big divide between the so called “genuine” San who preferred living the traditional way that involved hunting strictly for household consumption. On the contrary, another group of the San who were considered to be westerners preferred the “western pursuits” involving stock farming, large scale hunting and wood sales (Ellis, 2010:191). However, some realised that the return to the old way of living (hunter-gatherer) may not be possible (Ellis, 2010:193). De Satge, Mayson and Williams (2010:13) add, “along with legal presumption there is a social assumption that persons who were dispossessed and their direct descendants will be able to attain social coherence and reach agreement about how to equitably utilise and manage their restored assets”.

At the Bhangazi Community Trust, one problem was that some restitution beneficiaries did not get what satisfied their hearts (Walker, 2008:138). A good example is when claimants failed to get the properties they had before forced removals, only to be forced to opt for financial compensation (Dhupelia-Meshrie, 2010:89). Land restitution beneficiaries often tell the story of forced removals, the battle to find a new home, as well as the whole point that they will have to start all over again (Dhupelia-Meshrie, 2010:89). For some claimants, settlement cannot settle the past. Although restitution is appreciated, settlement or money cannot bring back the community solidarity, happiness and memories they had before forced removals (Dhupelia-Meshrie, 2010:89).

9.11 Restitution communities and social conflict

The Agrisystems Consortium (2008:16) has observed that many claimants in the restitution programme are no longer complete or cohesive communities, but rather individuals are spread

all over with some members living in urban areas, while others live on farms whilst others live in communal areas. Various factors have contributed to these divisions among restitution beneficiaries: age, gender, history, identity, authority and other factors. Thus, while claimants may have a common goal of getting back their ancestral land, these groups (claimants) may comprise of diverse interest groups and class strata. The middle-class families tend to be more influential and, since kinship affiliation is often a key factor in recognising community claims, influential families are usually selected to lead the communities. However, their elevation has sometimes led to inter-family or inter-clan fights and squabbles that has delayed the resettlement process (Agrisystems Consortium, 2008:16).

Part of the problem in restitution projects is the group dynamics wherein claimants can be grouped into big dysfunctional groups of people, who many times have no shared identity, leading to social conflicts, which is also worsened by insufficient, unclear and unsystematic support (High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change, 2017:203).

The post-settlement problems also include community squabbles over administration of development funds. This was the case in Roosboom in KwaZulu-Natal where community members had tensions over the administration of a trust fund for development projects (Sato, 2010:225). With the case of Roosboom, the Trust Fund became split into two with one faction favouring the idea of bringing in tenants to live with them so that they would be able to make money from rent paid by tenants. The other faction strongly opposed this and encouraged tenants to stop paying rent to discourage them from bringing tenants. Therefore, landowners became divided. The tenants also joined in the fracas by demanding that the community should discuss their future land rights as well. This led to chaos and tensions (Sato, 2010:226).

Another contentious issue regarding the Roosboom restitution project was that most of the original landowners who were forcibly removed through forced removals laws were dead by the 1990s. So it became difficult to determine who was to inherit their properties (Sato, 2010:228). Given such a scenario, simply giving out PSS support would not be enough for the long term-prosperity of the settlement (Sato, 2010:228).

Another challenge of post-transfer land restitution is that of leadership squabbles, divisions and infighting which have undermined the post settlement land restitution processes (developmental efforts). Two cases in point are that of the Makuleke and Mkambati restitution

case. Robins and van der Waal (2010:171) note that there was a conflict between Mhinga chieftaincy and Makuleke traditional authority as chief Mhinga claimed that the Makuleke chief should be his subordinate. As a result, chief Mhinga consistently claims that he has an ancestral right to benefit from the Makuleke restitution project in Kruger National Park. Therefore, there seems to be a fight between chief Mhinga's attempts to expand his authority, versus the Makuleke community fight for independence. As well as this leadership squabble within the Maluleke restitution project, there was also the problem of the generational differences between the older generation who wanted to return to the land and the younger generation who were interested in employment creation, development and the provision of services (Robins and van der Waal, 2010:171).

A similar case is the Mkambati restitution case in the Eastern Cape where the Khanyayo people refused to fall under jurisdiction of the Thaweni Traditional Authority chief (Kepe, 2012:399). After several years of negotiations (1999-2004), the six villages (together with Thaweni Traditional Authority), including the Khanyayo people, finally agreed to co-own the Mkambati Nature reserve and they benefitted via ecotourism ventures, although, in reality, tensions still exist on the ground (Kepe, 2012:401). As the then Minister of Land Affairs and Agriculture said, "where there are disputes and internal infighting, there cannot be productivity" (Kepe, 2012:403). It is evident that in some restitution cases there is a divide between traditional authorities who seek to assert and extend their power and relevance by claiming that they own the land and, on the other hand, community members who want to assert their independence (PLAAS, 2016:39).

Aninka Claassens of the Centre for Law and Society at the University of Cape Town believes that chiefs want to control communities and they fear that if communities are to be independent owners traditional leaders cannot evict them (eNCA, 2009). This shows that traditional authorities want to be relevant and there is some indication of greediness on the part of traditional authorities. Unfortunately, the traditional authorities risk being rejected by their communities because most rural communities in post-apartheid South Africa do not want to be dictated to.

9.12 Lack of capacity on the part of beneficiaries

In her budget vote speech in 2003, the then Minister of Agriculture and Land Affairs, Thoko Didiza, noted that one of the biggest challenges of land restitution was the lack of capacity amongst beneficiaries to properly manage and maintain restitution projects that they have taken

over (Aliber, Maluleke, Thagwana and Manenzhe, 2010:289). This is also related to the challenge of lack of agricultural skills amongst beneficiaries. In 2004, a study conducted in Limpopo by Jordanka Tomkova, using six restitution projects revealed that:

The widespread inexperience in land use and agricultural production among restitution beneficiaries...significantly threatened the sustainability of restitution projects. Degeneration and depreciation of formerly productive land and commercially viable farms has been a disappointing trend... inadequate infrastructure and access to services, decreasing outputs, stagnating production levels and indebtedness are commonly observed... (Walker, 2005c:655).

The forced removals period was so bad that even those blacks who were skilled farmers before the forced removals were pushed to homelands where they could not fully practise farming; rather they became job seekers in urban areas, farms and mines. This meant that these forced removals victims lost their commercial agricultural skills. Therefore, the challenge is for them to get back their agricultural skills again (Aliber, Maluleke, Thagwana and Manenzhe, 2010:289).

This skills gap was even identified by the then new Minister of Agriculture and Land Affairs in 2006, Lulu Xingwana, who noted that the land beneficiaries would be forced to lease their land back to the former owners, as well as working with former owners to get commercial agricultural and managerial skills (Aliber, Maluleke, Thagwana and Manenzhe, 2010:289). The above problems related to the restitution projects have no doubt hampered or stalled development in these projects.

9.13 Land access and livelihoods in South Africa

The literature on the impact of land reform on the livelihoods of beneficiaries can be grouped into two broad categories. The first one is the argument that black South Africans are too urbanised because the years of land dispossession and proletarianisation has transformed the lifestyles of black people so much that they are concerned more with non-farm wage employment, rather than making a living from the land. The second group argues that land is important in the livelihoods of beneficiaries. While accepting that land has not improved the livelihoods of beneficiaries, this group of scholars seeks to explain why land reform has failed in this regard, rather than drawing the conclusion that black people are not interested in farming (Chitonge and Ntsebeza, 2012:90).

The history of land redistribution programmes has shown that once poor people are given good farmland, even without government support, they could lift themselves out of poverty (van den Brink, Thomas and Binswanger, 2007:159). However, Anseeuw and Mathebula, (2008:3) have noted that most land reform beneficiaries have largely failed to get many benefits from their land. For example, a research report that was conducted in 2008 in the Limpopo Province on land restitution concluded that the land restitution programme was nearing a crisis point because land restitution had not achieved its political objectives nor resulted in favourable economic outcomes (Agrisystems Consortium, 2008:3). By 2015, there was hardly any indication that land restitution projects were improving nationwide (de Jager, 2015).

Tilley (2007:7) has also added that land transfer without PSS may compromise the ability of beneficiaries, particularly poor households, to make agro-based livelihoods. Thus, while the obtaining of land is widely seen as having the potential to boost the livelihoods of land beneficiaries of the rural poor and to contribute towards economic development, the reality on the ground points in a negative direction. Even in countries such as Namibia, land beneficiaries are still poor, or worse off than before. Thus, while it is envisaged that access to land will empower and liberate land beneficiaries from poverty, access to land has not translated into empowerment or poverty reduction for Namibians (Hoes, 2010:6).

Development is important, and many beneficiaries of land restitution are in poverty as they were before they got back their land. Lahiff also reveals this (2008:6) by demonstrating that land reform has had a limited impact in terms of productive land use and household livelihoods. This was also seconded by Rungasamy (2011:121) who notes that land restitution and land redistribution beneficiaries have not managed to improve their social and economic positions, as well as alleviating poverty through the transfer of land to them as they would have hoped to. Although half of rural land reform projects have brought improvements in the livelihoods of beneficiaries, these improvements are often quite limited, argues Cousins (2016a; 2016b).

In a study that was conducted by the Community Agency for Social Enquiry (CASE) covering 179 restitution projects, it was found that only five percent have partially achieved their agricultural development aims and are generating income. However, these five percent of projects are not making any profit and are not sustainable yet (CASE, 2006:21, cited in Aliber, Maluleke, Thagwana and Manenzhe, 2010:292). This means that more attention needs to be paid to development and options for livelihood creation.

This limited impact of land reform in improving household livelihoods and productive land use can be attributed to inadequate or inappropriate plans, a general lack of capital and skills among targeted beneficiaries, a lack of PSS from government departments, most notably from local municipalities and provincial departments of agriculture, as well as poor dynamics within beneficiary groups (Lahiff, 2008:6).

One of the hindrances of smooth provision of PSS is poor coordination and communication between departments of agriculture and land affairs and other relevant departments such as the Department of Housing and the Department of Water Affairs and Forestry, as well as local government structures (Rungasamy, 2011:70). For instance, in a study by Manenzhe in 2007, he found that out of three cases studies of land reform in Limpopo (Mavungeni and Shimange), none of them (land reform projects) had received electricity or safe drinking water, despite their numerous attempts to get the municipality to deliver these services. The excuse from the municipalities was that land reform did not fall under their wing and hence the municipality could not deliver these services (Manenzhe, 2007:105).

This explains the poor co-ordination between the related departments (intergovernmental co-ordination) and relevant stakeholders that should be acting hand in glove to assist land beneficiaries in the post-settlement period of land reform. Again, one of the problems is that there is a big discrepancy between land delivery and agricultural development, leading to the neglect of post-settlement support (Lahiff and Li, 2012:16).

Other reasons for failing to achieve agricultural development goals and to generate income are malfunctioning of community property association, poor planning, lack of money and equipment, lack of skills (both technical and managerial), lack of PSS, lack of appropriate legal structures and infighting (Aliber, Maluleke, Thagwana and Manenzhe, 2010:292). Another bigger challenge is the debate on whether restitution beneficiaries should do commercial farming or semi-subsistence farming because land restitution beneficiaries seem to be struggling in commercial agriculture (Aliber, Maluleke, Thagwana and Manenzhe, 2010:293, 299).

In the Shimange restitution, the project failure to achieve agricultural development goals was attributed to lack of organisation amongst community members and because some beneficiaries have preferred to live in Gauteng and KZN. As a result, the Regional Land Claims Commission

(RLCC) deferred the release of R2 million for development assistance to Syferfontein (Aliber, Maluleke, Thagwana and Manenzhe, 2010:293-294).

Some positive aspects of improved livelihoods and potential benefits include various combinations of cash profits, own-consumption benefits (food produced and consumed by beneficiaries), increased wealth (e.g. through livestock and tree stock, and land itself), rental income, and improved residential circumstances (Aliber, Maluleke, Thagwana and Manenzhe, 2010:298). Tilley (2007:3) also emphasises that land reform is more effective when land beneficiaries have or get necessary experience in land use and management, and when they have the capacity to obtain sustainable income or adequate food.

9.14 Land restitution and the dignity restoration

In spite of the negative aspects of the post-settlement experiences of land beneficiaries, positive aspects of post-settlement experiences in the land restitution programme have been recorded, especially in urban land restitution projects. Nothing can compensate what the victims of forced removals (land restitution beneficiaries) went through during segregation and apartheid, but there were some land restitution beneficiaries who claimed that their dignity was restored through accumulation of material wealth and the bolstering of dignity after restitution (Atuahene, 2014:165).

One claimant who was given a home in District 6 said that restitution helped her to escape crime from in Lavender Hill. In District Six (new home given after restitution) as well, they had the privilege of using warm water and a bathroom. In the same vein, in Payneville one claimant (poor claimant) said the new home gave her a peace of mind and independence because she did not have a landlord who would control her in a disrespectful manner anymore (in the new home after restitution). The new home in Payneville gave them enough space, comfort and functionality (Atuahene, 2014:144-145).

Although financial compensation was a pittance for some after being divided amongst family members (Dhupelia-Meshtrie, 2010:94), there are some who gained from financial compensation. Many people who chose financial compensation also bought tombstones to put on the graves of their dead relatives who, according to African culture, are now ancestors. Tombstones allow the living to locate and take care of their ancestors even years later during important occasions, as well as remembering them in their prayers and rituals. Financial compensation in urban land restitution projects managed to increase their net worth for some

by renovating their homes, which also put them in a position to earn more money in the future, as well as improving their human capital. One family (financially well-positioned) claimed that they went on an overseas trip to Australia and New Zealand using restitution money. While the apartheid government confiscated black people's property, the post-apartheid government gave them property and the right to own property, thereby restoring their dignity and self-esteem (Atuahene, 2014:153-156).

9.15 Concluding remarks

This chapter has discussed the post-settlement experiences of land reform beneficiaries, largely focusing on land restitution claimants. The literature and debates on land reform in South Africa stress that land reform has been very slow in South Africa, which is true, but this has taken away the focus on the post-settlement experiences of land beneficiaries to access better livelihoods. Most of the literature, if not all, mentions how slow land reform is because of the "willing seller willing buyer" principle and the property protection clauses in the Constitution. Most of the land reform projects, including land restitution projects, are in shambles, not because black people cannot farm, but largely because there is not sufficient PSS for new land beneficiaries to till the land and realise the livelihoods benefits of owning land. However, the government alone is not entirely to blame for the failure of most land reform programmes, especially land restitution projects. Land restitution beneficiaries themselves have derailed any efforts to become effective farmers or benefit from the post-settlement phase because of infighting, leadership wrangles, unending egos, deceit and other issues. Overall, one must hasten to mention that the South African government has failed to fully support land beneficiaries to realise livelihood benefits of owning land. In the next chapter, I will discuss the research design and methodology of the study.

Chapter 10

10. Research design and methodology

10.1 Introduction

The previous chapters have discussed the theoretical framework for the study, the political economy of South Africa to situate land reform, the post-apartheid land reform programmes, larger debates on land reform to situate land restitution, the issues around land restitution, land reforms outside South Africa, focusing on post-settlement issues faced by beneficiaries and the post-settlement issues faced by restitution beneficiaries in South Africa. This chapter outlines the research design and methodology of the study. As I have stated previously, this study uses a qualitative approach in understanding the post-settlement livelihoods experiences of land restitution beneficiaries in Macleantown and Salem in the Eastern Cape Province of South Africa. Methods of data collection involved documentary study, transect walks, as well as in-depth interviews and focus groups with land restitution beneficiaries, non-governmental organisations (NGO), academics, agriculturalists, government officials from land reform directorates and the Department of Agriculture officials. I used the qualitative approach because land is a sensitive and emotional issue in South Africa (Atuahene, 2011) and the qualitative approach is appropriate because it allows for access to information about experiences people have undergone and meanings created during the painful experience of forcible removals and restitution (Lune, Pumar and Koppel, 2010:79).

I start by introducing the aims of the study and the main research questions. I then describe the participants to demonstrate why the information they gave me was trusted. In the section that follows, I provide details on documentary study to understand the research areas. Other sections that follow are discussions on how I accessed the research sites and my sampling approach. After that, I provide sections on interviews, focus groups, transect walks and observation. The last sections before the conclusion presents data analysis and limitations of the study. Information on the study sites is provided in the next chapter.

10.2 Aims of the study

The main aim of the study was to provide a sociological understanding and documentation of the forced removal and post-settlement livelihoods experiences of land restitution beneficiaries. This would also help to understand the impact of land dispossession and land

restitution, especially the post-settlement experiences of land restitution beneficiaries in Macleantown and Salem in the Eastern Cape, South Africa.

Sub-goals were:

To understand the sociological and emotional impact of forced removals, successful restitution and return to the original Macleantown and Salem land;

To analyse the post settlement livelihoods risks for resettled families as identified by the resettlement and livelihood theorists;

To identify their new sources of income brought by resettlement (if any), as well as the changes/improvements in their sources of income that resettlement may have brought;

To interrogate whether the new livelihoods experiences of land restitution beneficiaries align with the objectives of land reform and to tease out the implications for land restitution as part of the broader land reform project;

To make a unique contribution to the ongoing debates on the impact of land restitution within the broader framework of the land reform programme in South Africa.

10.3 Main research questions

The main research questions were:

What is the sociological and emotional impact of forced removals, successful restitution and return to the original Macleantown land?

What are the post settlement livelihoods risks for resettled families as identified by the resettlement and livelihood theorists?

What are the new sources of income brought by resettlement (if any), as well as the changes/improvements in their sources of income that resettlement may have brought?

Are the new livelihoods experiences of land restitution beneficiaries in alignment with the objectives of land reform and the implications for land restitution as part of the broader land reform project?

Is there any link between successful restitution and human development?

Does land restitution lead to self-reliance?

10.4 Participants' details

In order to understand the study and the information provided by participants, it is important to provide the background of the participants. The two diagrams below provide a profile of participants. The first diagram describes the beneficiaries and the second diagram describes the other participants such as government officials, NGOs and academics who contributed to the research process. The majority of participants from Macleantown and Salem were at the forefront in the struggles to get their land back and they had a great deal of knowledge. In the following table, I describe the participants to paint a clear idea why I trusted them and relied on their responses. It is important to note that I utilised pseudonyms to protect the identity of participants in this study.

Table 1: Summarising the profiles of participants

Participant Pseudonym	Age	Gender	Level of education	Main source of income	Cultivation	Previous sources of income before relocation	Previous residence before relocation
Joshua Klaas	67	Male	Diploma	Old age social grant, part time jobs, chickens	None because of lack support and fencing	Permanent job in Cape Town	Cape Town
Nomalanga Makwetu	77	Female	Never went to schools. Grew up on farms	Old age social grant only	None because of lack support and fencing	Farm jobs	Numerous farms
Vuyisile Toli	75	Male	Never went to school	Old age social grant only	None because of lack support, fencing and old age illness (including diabetes)	Worked in Mthatha	Sphunzana (Duncan village)

Mveliso Skeyi	“50 something”. His age was deliberately reduced by state officials during apartheid	Male	Standard 5	Remittances from a child who is a vendor.	None	Farmworker in Macleantown.	Chalumna and Macleantown farm
Andiswa Mtandani	68	Female	Standard 4	Social grant, livestock	None	Worked on different farms	Worked and lived on different farms
Trevor Khumalo	59	Male	Master’s degree	Retirement income	Livestock farmer	Former government employee	East London
Focus Group 1	Unspecified ages	2 males, one female	Never went to school	Social grants	None	Worked as farmworkers in different farms	Komga and different farms
Nonqawuse Toli	67	Female	Standard 8/Form 2	Social grants only	Subsistence farming in a tiny garden	Depended on her parents	Chalumna
NoCollege Mngxitama	Estimated to be over 80	Female	Never went to school	Social grant and remittances from her sons	No cultivation because of old age	Farm work	Chalumna and different farms
Nosiviwe Makwetu and Lunga Xhamela	71 and 80 respectively	Female and Male respectively	Both never went to school	Both solely depend on old age grant	None	Social grants and job respectively	They both have homes in East London and Macleantown.
Focus group 2	Ages 64, 50, 85, 78, 77, one	3 males and 3 females	Only two younger males went to	The young males depend on retirement savings. The	Minor cultivation in their small gardens	The young males used to have jobs. The rest survived	The young males used to live in East London. The rest were in

	unspecified age		school. The rest did not	rest depend on old age grants		as farmworkers.	Chalumna and Tshabho villages
Muzomuhle Dantyi	51	Female	Standard 5	Part time job	No cultivation	Part time job	East London
Gamelihle Booi	52	Male	Grade 12	Job	No cultivation	Job	East London
Focus Group 3	All four of them are over 65	All females	unspecified	Old age grants and remittances	Small gardens	Farm workers	Different farms, Chalumna and Tshabho village
Ncinyane Nkomo	67	Male	unspecified	Retirement savings	No cultivation	Job	Chalumna
Bandile Sishuta	undisclosed	Male	unspecified	Retirement savings, social grant and crop cultivation	Chicken project, crop production at subsistence level.	Job	Grahamstown
Nomonde Hlatshwayo	89	Male	Never went to school	Social grants and crop cultivation	Household crop cultivation. Livestock rearing.	Farm work	Farms and Grahamstown
Mbewu Ntantiso	Undisclosed	Male	Grade 12	Social grants and pension funds	Keeps livestock (cattle, pigs, goats, sheep)	Job	Grahamstown
Homla Phakathi	81	Male	Never went to school	Social grant and part time jobs	Cattle	Job	Grahamstown
Nompumelelo Mthonti	69	Female	Diploma	Social grants	No cultivation	Job	Has not relocated to Salem

Ndukuyakhe Dlamini	76	Male	Never went to school	Social grants	Keeps livestock (cattle, pigs, goats, sheep)	Vending	Peddie
Luvo Nobantu	72	Male	Grade 12	Pension	No cultivation	Job	Has not relocated to Salem
Nomvelo Dudumashe	52	Female	Not disclosed	Remittance from adult son	No cultivation	Domestic worker	Grahamstown
Vikintonga Mtandane	57	male	Standard 5	Ward Committee	Livestock rearing	Mine work	Grahamstown

There are a few issues that have to be emphasised regarding this diagram. The first one is that most beneficiaries are old and frail. The second aspect is their poor education because of the Bantu Education system. This means that they did not have enough capacity to manage financial records or clearly understand written records and agreements. The third aspect is their heavy reliance on state provided social grants. This is related to the fourth aspect, which is their incapacity to cultivate their land because of lack of support. The next diagram describes other participants such as NGOs, academics and state officials. The interviews with the following participants could be described as expert interviews, because of their capacities as key informants on certain important aspects of the research (Flick, 2014:227). In this study, these interviews were conducted, not only to verify what land restitution beneficiaries said, but also to understand the perspectives of experts on the struggles of the implementation of land restitution.

Table 2: Summarising the expert interviewees

Participants' pseudonyms	Gender	Relevance to the study
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Mqondobanzi Qoboshiyane and Mziwamadoda Ndlovu	Males	Have extensive experience in Land reform projects. They work for Border Rural Committee.
Vikinduku Mqoboli	Male	Former Macleantown Project Officer and has extensive experience on land restitution projects
Ewald Petros	Male	Former Macleantown Project Officer and extensive experience on land reform projects
Ncebakazi Gqwetha	Female	Grahamstown Municipal officer
John Smith	Male	Has extensive experience with land projects. Designs business plans for land reform projects.
Khandakhulu Dlamini	Male	“Recap” official with experience with land reform projects, including Salem
Zuziwe Nhlapho	Male	Offers technical advice to land reform projects, including Salem. Department of Land Reform and Agrarian Reform official
Busobenyathi Skeyi	Male	Has done some research on Salem. NGO official interested in land in Grahamstown.

Mike Smith	Male	South African prominent land reform researcher
Sakhile Totana & Viyisiwe Khwephe	Male and Female	Senior CRLR officials
Graeme Todd	Male	Retired professor with expertise on land reform and livelihoods
Mbabazane Khumalo	Male	Has experience with land reform projects including Salem.
Simphiwe Sixoto	Male	A senior member of 'Recap'
Maqondisa Ndlovu	Male	Monitors land reform projects in Eastern Cape
Ntongayakhe Gontshi	Male	Well known academic on land reform
Gert Krige	Male	Retired professor and expert on land reform. He has done some research in Salem

10.5 Strengths of qualitative approach

The strength of the qualitative research approach is that it can interpret hidden meanings and latent structures on top of the obvious observations (Lune, Pumar and Koppel, 2010:79). This research was able to reveal locally grounded experiences of beneficiaries and social meanings through which the land beneficiaries attempted to construct their livelihoods after forced removals and land transfer because of land restitution. Qualitative research methods involve the systematic and sociological exploration and investigation of attitudes, behaviours and experiences. Most importantly, qualitative research is conducted in a natural setting to

investigate a phenomenon. The end result of the qualitative data collection method is detailed, in-depth and non-numerical data on a topic that is under study in the form of photos, maps, in-depth interviews, observations, documents and other forms (Neuman, 2014:51). Therefore, qualitative research methods are a way of measuring a phenomenon as it occurs in the social world, in a natural setting (Lune, Pumar and Koppel, 2010:240).

10.6 Documentary study, access to the sites and sampling

I did a desktop review of the historical processes of dispossession and land restitution to gain a deeper insight into the post-settlement livelihoods experiences of the land restitution beneficiaries. Documentary study is a review of documents that are “out there” and waiting to be assembled and analysed, such as letters, diaries, contracts, case reports, autobiographies, newspapers, meetings minutes, annual reports and photographs (Bryman, 2012:543; Flick, 2014:352-355). In this study, I reviewed documents such as existing reports, government reports, archive documents, meetings minutes, review reports, letters, NGOs reports, court judgements, unpublished material and other documents on Macleantown and Salem restitution. Such documents were studied with an idea of gaining a deeper insight into the socio-economic and political environment of these study sites, the history of these areas, the impact of land dispossession and land restitution. I had no doubt about the authenticity, credibility and meaning of these documents because I got them from land reform department officials and my supervisor who previously worked for the CRLR and also worked on the Macleantown project. He is also the chairperson of the Board of Directors of the Border Rural Committee, a Section 21 company that was directly involved in the processing and settlement of the Macleantown restitution case. After finishing the documentary study, I had a clear understanding of the history of the research sites, the possible numbers of community members, developmental issues and other issues. It is important to state that the documentary study did not stop after the interviews, but happened throughout the whole thesis building process, even during typing of this thesis. This helped to confirm some of the issues that participants were raising. As Mathews and Ross (2010:278) note, documents are often better for getting a wider picture of an area or topic than individual interviews and also allow statements in interviews to be cross-checked.

Access to the research sites was relatively easy and interesting because my supervisor had direct contacts to people who helped me to access participants. A snowball sampling technique was used to access NGOs, academics, government officials and land restitution beneficiaries, especially those who were at the forefront of the struggles for their land, as advised by Bryman

(2001:98). In snowball sampling, the researcher makes the first contact with a small group that he/she wants to study and then uses that group of people to establish contacts with other participants (Bryman, 2012:202; Neuman, 2014:275). My initial contact for Macleantown was through my supervisor, Professor Roodt, with a member of the Border Rural Committee who is friends with a younger member of the Macleantown community. The young member of the Macleantown community introduced me to the Macleantown community for interviews. I was then able to conduct interviews freely and community members were happy to interact with me as I was well introduced and I did not get a feeling that they were uncomfortable or hiding any information. When I went to Salem, I was first introduced to a certain family; coincidentally, one of their daughters works for the Sociology Department at Rhodes University. After my first interview with that family, I was introduced to other families at Salem. In all my interviews, there was a striking similarity in how I was welcomed into the community. Firstly, all participants were eagerly waiting for my interviews because they somehow felt ignored by the government and therefore they wanted to be heard. Secondly, I was often directed to the struggle stalwarts who were at the forefront of the fight for their land.

10.7 Interviews

I spent a considerable amount of time in Macleantown and Salem, collecting data through in-depth interviews, transect walks, focus groups and through participant observation of the daily livelihood activities of the restitution beneficiaries. My field work started in October 2016 and ended around April in 2017. By conducting interviews in this specific time, I wanted to observe the agricultural activities as this normally would be the farming season. This also meant that I was able to observe the vulnerability to poverty, especially for those participants who were not able to grow crops. I started by conducting interviews in Macleantown, and I then stretched my study to Salem, a farming area near Grahamstown (Hendricks, 2013:41) to compare the findings. In this case, a comparative study was important for two reasons: firstly, it confirmed the key themes on restitution cases. Secondly, since these restitution cases deal with the same land reform provincial departments, this study partly established the nature of the interface between the state and the land reform beneficiaries. Interviews with participants were conducted in isiXhosa as I am fluent in isiXhosa and interviews with government officials were conducted in English.

During these interviews I carefully jotted down important points to probe further while the tape recorder was on. The consistent probing made the interviews more interesting and less rigid.

Eventually, interviews became more like long conversations and most participants who were older enjoyed sharing the rich history of their areas to a younger researcher. My questionnaire was semi-structured and very flexible. The “rambling off” of participants was encouraged as advised by Bryman (2012:470). Rambling or going off script was helpful in that important insights were gained, and there was no strict adherence to the chronological set of questions. The good thing about interviews is that participants actively partake in discussing their insights, feelings and their day-to-day lives which reveals their subjective meanings (Neuman, 1997:371).

In all the interviews I clearly explained and requested the consent from all the respondents. I also translated the consent form and the questionnaire into isiXhosa for those who did not understand English well. The samples of the consent form and questionnaire are attached in the Appendix. During interviews, I would also produce my student card, my questionnaire and my research proposal as proof of my academic affiliation. When I was organising and setting up interviews, respondents were willing to talk to me because they felt neglected and there is a sense that somebody has to listen to their stories. Unlike in other areas where researchers and journalists are turned away because of the mistake of previous researchers and journalists, I was lucky in that both of the areas I researched have been under researched. Therefore, respondents desperately needed to talk to someone, and I was constantly asked to photograph their houses, their small gardens and, as one respondent said, “*Jah!, take a picture and show the world how we live*”²⁶. In Salem, I also met different families who wanted someone to understand how they lived and they showed me their chicken project, their houses and their living conditions. In all this, I explained that I am not a journalist and my visit was specifically for my research. It is important to note that, while the study is primarily based on Macleantown and Salem restitution cases, there was a big chunk of information which I was given on numerous land reform projects in the Eastern Cape by government officials who work with land beneficiaries on the challenges faced by beneficiaries to recreate land-based livelihoods.

10.8 Focus groups

Focus groups were important in revealing important information as most participants felt comfortable in talking about their lives. It was relatively easier for participants in focus groups to remind each other about issues that the researcher did not necessarily ask. Bryman

²⁶ Interview with Joshua Klaas, Macleantown. 24 September 2016.

(2012:501) notes that focus groups are a series of audio-recorded group interviews conducted with groups made up of different individuals and facilitated by a researcher, with the aim of providing data (through capturing the intra-group interaction) on group beliefs and group norms regarding a certain topic. The good thing about focus groups is that they allow respondents to probe each other's views and correct false information (Flick, 2014:243). Therefore, focus groups may lead to a wide variety of different views on a particular issue which means that the researcher will end up having a more realistic account of what people think about a particular subject (Bryman, 2012:503). In this case, it is important to note that land restitution threatens national unity as it has racial undertones (Nicolson, 2014) and therefore focus groups helped to understand the ways in which individuals (land restitution beneficiaries) discuss a certain issue as a group, rather than simply as individuals (Bryman, 2012:501).

10.9 Transect walks and observation

I also collected data through transect walks and observation. A transect walk is when a researcher walks with any member of the community, while observing and chatting with the community members to understand certain issues (Chirau, 2016:18). The object of transect walks and observation is to collect "first hand" information that can be obtained through observation, while probing through conversation on issues that the researcher may be seeing (Flick, 2014:294-296). For instance, in this study I would ask questions when I saw a garden, abandoned land, a chicken run, land invaders or a cattle kraal, and the conversations gave insights into the everyday practice and life world of beneficiaries. Normally, in a community, villagers or residents quickly notice strangers or newcomers. In an Nguni community, what is important is knowing each other's roots, totems/clan names and where one comes from and that is how conversations start. I spent a great time walking and talking with residents and in most cases I bumped into residents who would gladly talk to me, and it is these conversations that were the most illuminating and fascinating. Observation was one of the techniques that also helped me in these transect walks. General observations were specifically made on the livelihood activities, the transport systems, the clinic system, the school system, infrastructure, the police and crime and other activities of these areas. Such observations were then also clarified in interviews and focus groups.

I conducted 38 interviews for this study before reaching saturation point and each interview ranged from one hour to about two hours. The point of diminishing returns, or the saturation

point, is a point when the research reaches a point where more data does not necessarily lead to more information (Mason, 2010). Bryman (2012:425) concludes by saying that sample sizes for qualitative research studies must not be so small that it becomes difficult to achieve data saturation, theoretical saturation, or informational redundancy.

10.10 Data analysis

Dealing with largely transcribed interviews was daunting. By the end of the data collection process I had collected data that was largely descriptive, interpretive and evaluative and had to be analysed. I transcribed the first batch of interviews and, when I realised that I had reached a point of data saturation, I requested the services of a transcriber who kept the confidentiality of participants. Interviews were transcribed before being coded and analysed thematically. Thematic analysis is the examining of data to extract core themes within data (Bryman, 2012:13) or, a method of pinpointing, analysing and reporting the patterns in the data (Flick, 2014:421). Coding is basically arranging data into categories and themes in the analysis of data (Flick, 2014:373). Coding leads to making meaning of the data in relation to the research questions, literature review and the theoretical framework. Neuman (2014:480) emphasises that when analysing data, qualitative researchers should organise the data into categories to create themes or concepts and that the research questions should form the guide in analysing data. According to Flick (2014), a theme is data that is relevant to a research question that can be viewed as a patterned response or meaning within data. Most importantly, I analysed the data in this study using the theoretical framework and research questions in mind. I was therefore able to clearly answer the research questions and also relate my data to literature on land restitution. I was able to produce numerous themes related to the post-settlement livelihood experiences of the study areas. I used pseudonyms to protect the confidentiality of respondents.

10.11 Limitations of the study

Due to its interesting questions, this study has the potential to interrogate fully the debates around the nexus between the land acquisition chorus and the implementation of land reform but the study was fraught with a few problems. The main problem with this study was that most beneficiary families are scattered all over the country. Therefore, this meant that I had to travel widely looking for participants. This also meant that it was difficult and daunting to locate some participants.

Another limitation is that it was often difficult to access government officials, and that information and documents on study sites is scant. This was partly related to the bureaucratic nature of land reform departments, which made it difficult for me to locate government officials who were relevant to the study.

Another limitation was the old age of most participants who had lost a clear sense of dates and some information. However, when I conducted focus groups it was relatively easier to clarify certain issues because the younger family members had a clear sense of information. Another limitation was the struggle in finding the officials who were directly responsible for those projects. Sometimes such officials would have moved out of their offices because of promotion or relocation. Searching for documents to verify claims in the interviews was a bit problematic as well.

The explanatory power of this study would also have been stronger if the study had a larger sample size. For instance, if the study had studied all restitution cases that chose land compensation in the Eastern Cape, or maybe two or three provinces for a longer time, the explanatory power would have been stronger. However, in spite of these limitations, it is clear that the study does provide deep insight into the problems of post-settlement on land restitution cases.

10.12 Concluding remarks

This chapter has discussed the research design, data collection and analysis methods employed by this study. The research sought to understand the post-settlement livelihoods beneficiaries of Macleantown and Salem in the Eastern Cape, South Africa. How the beneficiaries sustained themselves was facilitated through in-depth interviews, focus groups, documentary study, transect walks and observation. Participation was purely voluntary, and I would say all participants enjoyed the interviews as land is a topical issue. I did not seek to adhere strictly and blindly to the interview questionnaire; I allowed participants to go off the script, but I ensured that all my questions were answered. I did not get a sense that the participants wanted to hide something, but, rather, all participants were open and took the interviews as an opportunity to be heard and listened to. The next chapter provides a clear background of the research sites so that one can have a clearer understand of the findings that will follow.

Chapter 11

11. Background to study sites

11.1 Introduction

Having explained the research design and the methodology of the study, it is important to provide background information on the research sites before a presentation of the findings. Therefore, this chapter seeks to provide a clear picture of what the study sites look like, the history of these sites, some pictorial evidence and other important information. It is important that, although these restitution cases are largely similar, a few differences are there. Macleantown is not a community per se, but it is a group of individuals owning pieces of land in Macleantown and every beneficiary holds a right in a commonage in Macleantown. However, in the end Macleantown beneficiaries behave as a community, with a committee that they elected, whereas Salem is a community claim with a landholding Communal Property Association (CPA). I start by explaining the geographical and the socio-economic description of these areas. I also briefly explain what most beneficiaries survive on, the social relations of beneficiaries, the sizes of their lands and the main problems beneficiaries face after land transfer.

The pictorial evidence and maps are also included to provide a clearer picture of what the study sites look like. I then move on to explaining the land dispossession mechanisms and the effects of such dispossession and the struggles to get land back on the part of claimants/beneficiaries in Macleantown. The next sections then discuss the land dispossession mechanisms in Salem, as well as the struggles to get the land back on the part of beneficiaries under the land restitution programme. It is worth stating that there is little information and documents about these study sites. Hence, much information was taken from court judgments, research reports by NGOs, meetings minutes from beneficiaries' governing bodies, restitution settlement agreements, in-depth interviews and other documents.

11:2 Brief geographical and socio-economic description of research areas

It is important to note that both restitution cases involve a Commonage, which is defined as a property held in common (*Salem Party Club v Salem Community*, 2016:5). The restitution cases of Macleantown and Salem demonstrate the need for provision of adequate, systematic and consistent PSS after land transfer, as well as proper alignment of all relevant stakeholders,

while, on the other hand, these cases demonstrate the need for passion, unity and hard work on the part of beneficiaries. Both cases are also characterised by an impasse on the way forward for beneficiaries to benefit from land transfer. The picture below was taken in Macleantown next to the busy highway in 2016.



Photo 1: Macleantown from the East London to Stutterheim highway

Source: Fieldwork 2016

Macleantown, also known as Mpongo in isiXhosa, is a small town that is situated about 40 kilometres northwest of East London and 46 kilometres south-east of Sutterheim in the Eastern Cape Province of South Africa. The beneficiaries of the Macleantown restitution case used to own and occupy erven in Macleantown and were dispossessed of their land in 1970 according to section 13 (2) of the then Native Trust and Land Act of 1936 (Act No 18 of 1936) (Department of Public Works, 1997; Eisenberg, 1997:654). In 1970 the town was thus declared a white group area and the black residents were evicted by the state (Eisenberg, 1997:654). Some of the evicted residents were moved to Mpongo location in Chalumna, while others went to Tshabho villages and other places (Linden, 2013; Kingwill and Roodt, 1997).

It is important to note that Macleantown was previously occupied by both black and white people before the forced removals in 1970. The Macleantown claim involved the ex-erf owners and their tenants. There were approximately 200 households that were removed at the time

(Macleantown Residents Association Re: Certain erven and commonage in Macleantown, 1996). Before land dispossession, the black community used to enjoy land ownership rights, access to firewood, water and grazing land on the commonage and other agricultural activities for their livelihoods. Therefore, there is convincing evidence that before land dispossession Macleantown residents enjoyed mixed livelihoods, involving land-based livelihoods and remittances (Border Rural Committee, 1998).

After land expropriation, the then apartheid state sold the Macleantown land to white buyers so that by the time of restitution in 1999 there were new developments and new owners who had bought Macleantown land parcels from the then apartheid government. It is important to note that there are three types of persons who were displaced in Macleantown. The first group is the previous erf owners, and then there are the former occupiers who had not received their title deeds before removals. The last group is the former tenants (Macleantown Residents Association Re: Certain erven and commonage in Macleantown, 1996).

Macleantown is currently characterised by a population of old people and young children who mostly rely on state-provided old age grants and child support grants (CSG) for survival. Many residents complained of slim opportunities for employment²⁷. There is a school nearby, a police station, a few shops and the area is surrounded by white neighbouring farms²⁸. The biggest livelihoods challenge in Macleantown currently is that before land dispossession, they lived as separate families and they had the ability to farm using their cattle, while cow dung was used as manure, and generally life was relatively better, even though they were under racial oppression^{29,30}. However, after apartheid those cattle are gone as they were confiscated by the apartheid state, while some died during forced removals and in general the process of forced resettlement impoverished black people, so much so that after restitution they badly need PSS, such as state-sponsored tractors and other agricultural inputs. This means that beneficiaries have to rely on the government (which is often evasive) for assistance and they have to start afresh to build their livelihoods. Put bluntly, the beneficiaries are buying most of the things

²⁷ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

²⁸ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016

²⁹ Interview with Nosiviwe Makwetu and Lunga Xhamela, Macleantown. 11 November, 2016.

³⁰ Focus Group 2, Macleantown. 15 November 2016.

(assets, food, etc) that they used to generate themselves in order to rebuild their livelihoods. The following section provides a map of Macleantown



Photos 2: Macleantown map: Extracted from Google earth imagery in 2018

The following sections briefly discuss the Salem area. This picture below was taken in Salem in 2018.



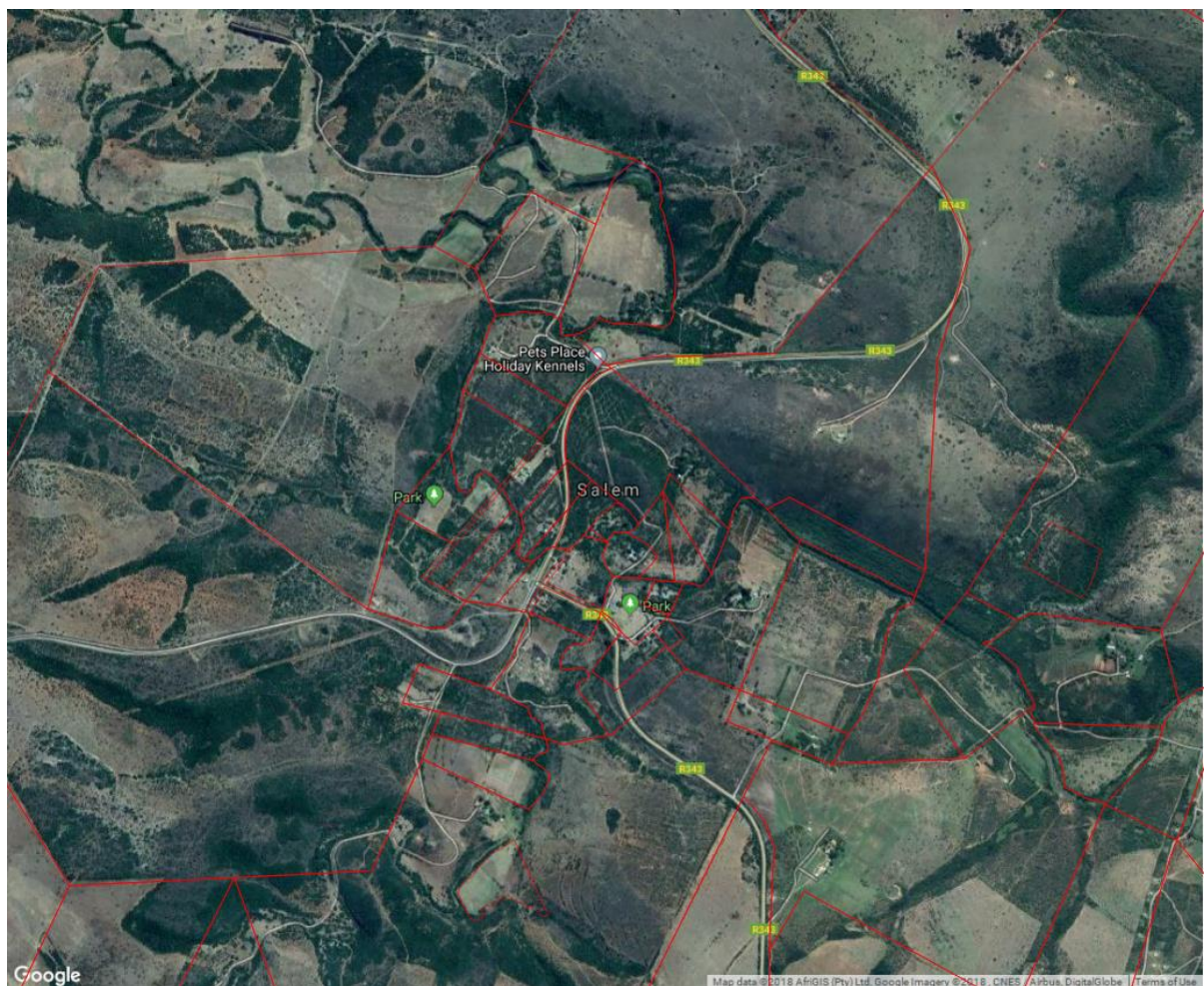
Photos 3: Direction to Salem farms

Salem, also known as Tyelera in isiXhosa, is an area bordered by the Assegai River that is composed of numerous farms, 20 kilometres away from Grahamstown, in the Eastern Cape Province of South Africa. It measures about 7698 morgen and about 66 kilometres in extent (Salem Party Club and Others v Salem Community and Others, 2017:4). The colonisation of Salem resulted in the dispossession of the indigenous occupants in the 18th century (Salem Party Club v Salem Community, 2016). Contrary to the Macleantown restitution case wherein some direct victims of forced removals are alive, in Salem very few direct victims of forced removals are alive. Many participants from Salem relied mostly on oral evidence that was passed to them by their grandparents. The majority of Salem beneficiaries claimed that their ancestors enjoyed indigenous occupational rights to the land, residence rights, grazing rights, access to firewood, burial sites and other agricultural activities (Ibid, 2016).

The food that was produced by black communities before land dispossession was enough for households' consumption (Salem Community v Government of the Republic of South Africa, 2009; Salem Party Club v Salem Community, 2016:56). The theory regarding claimants' dispossession is that there was a group of white settlers who went to Salem and started occupying much of the land and Salem black people became disgruntled. Therefore, subdivision was introduced to share the land equally, but black people were not included. Only white people and a few coloured families were given land portions (Tyelerha Communal

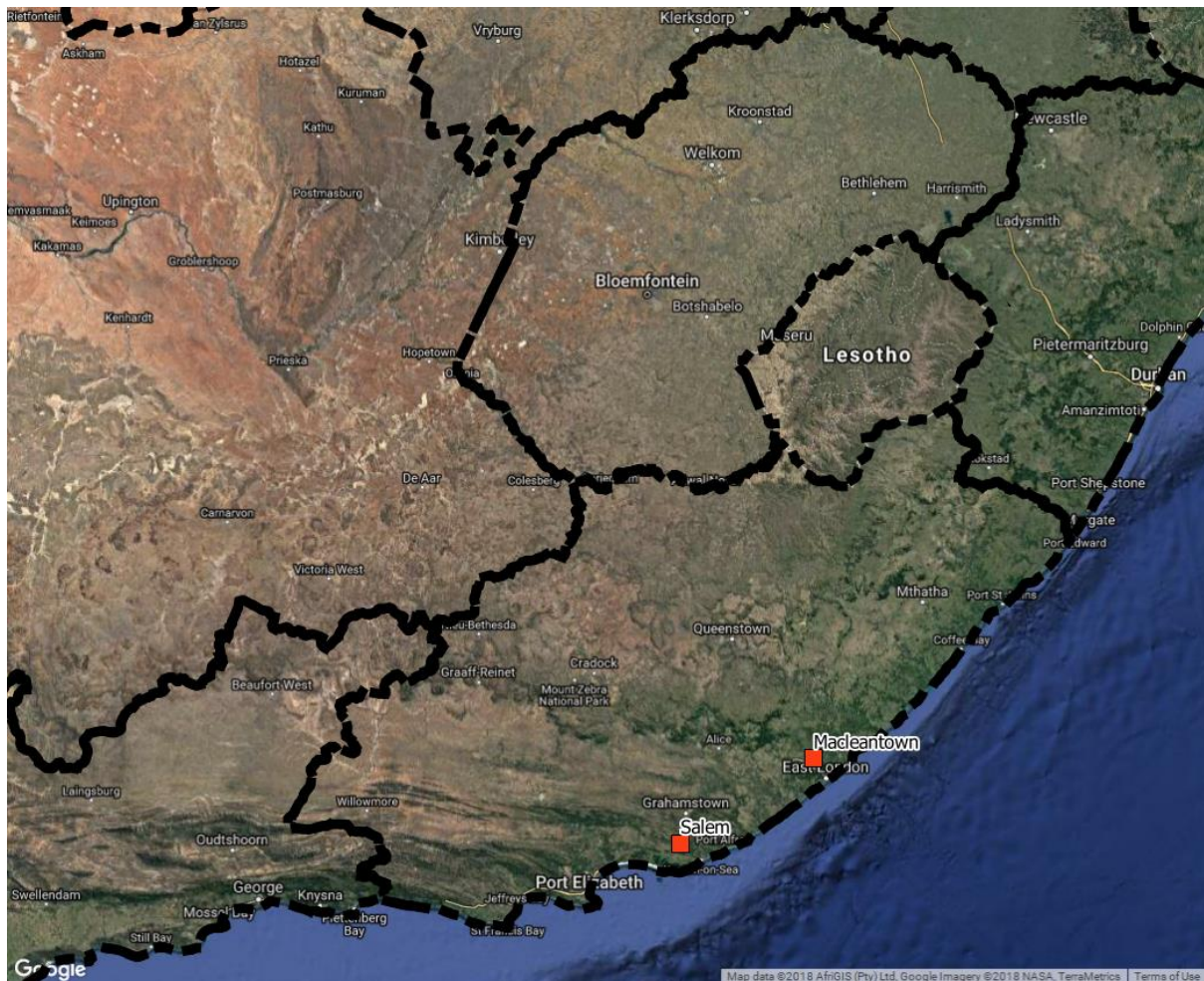
Property Association, 2012). The current land that is claimed are 33 farms that are currently used for commercial farming (Salem Party Club v Salem Community, 2016:6).

In terms of the socio-economic conditions, by 2016 there were clear indications that the majority of beneficiaries in Salem largely depend on the state-provided social grants and some minimal agricultural activities such as growing crops, a chicken project and livestock rearing. However, the majority of beneficiaries in Salem live outside Salem and it is not clear why they have not relocated to Salem. Part of their reasons for failure to relocate include alleged lack of interest in farming, lack of housing facilities, lack of meaningful support from the government and social conflict (Moletsane and Haya, 2016). The Salem claim is characterised by massive social conflicts amongst beneficiaries that emerged soon after land transfer, while the white land owners challenged the validity of the claim up to the Constitutional Court (Hendricks, 2013:41).



Photos 4: Salem map: Extracted from Google earth imagery in 2018.

The following map of Eastern Cape showing Macleantown and Salem was also extracted from Google Earth imagery in 2018.



Photos 5: Eastern Cape Google map showing Macleantown and Salem

Source. Fieldwork 2018

11.3 Land dispossession mechanisms, socio-economic and political effects in Macleantown

Having introduced briefly the study sites, the following section will provide data on the background of Macleantown. The history of Macleantown dates back to the 1860s when Macleantown was established as a village on a 2476 acre farm that was owned by Mr O' Connel Maclean which soon became a thriving rural centre. By the early 20th century, a few black people began purchasing land from white owners and started entering the village. Gradually, black landowners started absorbing one or two tenant families and the natural population growth meant that the population in Macleantown began to increase and eventually a town

called Xokozela emerged. However, by 1956 this Xokozela Township was demolished and its inhabitants forcibly removed, but the victims of such forced removals did not form part of the Macleantown restitution case. Those black households who had title deeds were difficult to remove up until 1970 when forced removals were at their peak nationally. They were eventually moved to Chalumna, Duncan village and Mdantsane, while others even went to Tshabho village as I mentioned above. By 1970 after the demolition of Xokozela (in 1956) Macleantown had declined to a village that was occupied by both black and white families who depended on subsistence agriculture and livestock, while enjoying grazing rights in the commonage (Kingwill and Roodt, 1997).

During the 1970 forced removals in Macleantown, people were scattered all over, with some remaining in Macleantown as farm labourers, while others went to work on other farms³¹. Essentially, some people decided not to go to Chalumna because of livelihoods concerns. They were worried about how they were going to be able to reconstruct livelihoods from scratch after forced removals. Therefore, they went to farms, cities and other areas³²³³ However, conditions in Tshabu were not substantially different from those in Chalumna and the suffering continued as there was not enough land (Border Rural Committee, 1998:3).

When asked why the government decided to move them, participants gave varied reasons. Some said the government wanted to build a road while some said the government wanted to build an oil or gold mine³⁴³⁵³⁶. A report by the Border Rural Committee quoted one participant saying, “the government needed this place and that it was not for blacks” (Border Rural Committee, 1998:2). However, it is clear that land expropriation was a racist exercise of forced removals to pursue a policy of separate development, which resulted in the impoverishment of black communities.

Land expropriation during forced removals also led to diseases amongst some Macleantown members, as well as the loss of furniture, livestock (which was the backbone of black people’s livelihoods), and crops just before reaping season. There was a strict instruction from the racist white government that, if dispossessed communities went back to reap their crops in

³¹ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

³² Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

³³ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

³⁴ Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

³⁵ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016

³⁶ Focus Group 3, Macleantown. 3 November 2016.

Macleantown, they would have been charged for trespassing (Border Rural Committee, 1998:2-4). Therefore, this process of dispossession largely disenfranchised, disempowered and dehumanised black communities. According to the Macleantown judgement, the Macleantown community members received R150 compensation per household after forced removals, which was a pittance and it was under duress (Macleantown Residents Association Re: Certain erven and commonage in Macleantown, 1996). Thus, Platzky and Walker (1985:137) quoted someone who was forcibly removed elsewhere in the 1970s saying that the compensation processes during forced removals was “daybreak robbery”.

Most participants in Macleantown expressed how their livelihoods declined after the apartheid government confiscated their land in 1970. During dispossession in Macleantown, black people were forced to hurriedly sell their livestock at a price that was a pittance and they were only allowed to keep two cows. However, most participants claimed that their cattle died during the process of resettlement³⁷³⁸. The loss of cattle was traumatic for many. “One white man took my cattle and made them his,” complained one participant in Macleantown, “It traumatised my soul very much. I still think about my cattle, maybe I could have been way better off if I had my cattle”³⁹. The loss of land and livestock was traumatic so much so that it made black communities feel helpless and vulnerable. Many beneficiaries from Macleantown told me how they failed to resist land dispossession because they “feared a white man”⁴⁰⁴¹. This “fear of a white man” or fear of arrest shows the kind of submission to whiteness and the disfranchisement of black communities during the time of forced removals.

In Macleantown participants also detailed how their socio-economic and political lives changed after resettlement. For instance, those who went to Chalumna were put in army tents for about two weeks and were expected to fend for themselves, including building their own houses and livelihoods⁴²⁴³. When they arrived in Chalumna, they were faced with many uncertainties of reconstructing “another life” and that was daunting and painful for them. The misery of the dispossessed communities was best captured in the following interview:

³⁷ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

³⁸ Interview with Nosiviwe Makwetu and Lunga Xhamela, Macleantown. 11 November 2016.

³⁹ Interview with Vuyisile Toli, Macleantown. 24 September 2016.

⁴⁰ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

⁴¹ Interview with Homla Phakathi, Grahamstown. 23 August 2017.

⁴² Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

⁴³ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

We were moved to Chalumna and we were accommodated in tents. That is when many people decided to build houses for themselves. Some built shacks while others afforded to build proper homes for themselves. We stayed there for about 35 years. Forced removals was a devastating experience for us because we were about to harvest maize from our fields and when we were forced to move we had to leave our food behind. When we got to Chalumna we were starving and staying in tents which was another heart scattering experience. We struggled a lot in that area. For example, there were no shops, so we had to go to town to buy anything we needed. There were no taps to access water, no schools and clinics⁴⁴.

In addition, victims of forced removals from Macleantown faced some resistance from locals in Chalumna who called them *amarhanukwa* (a Xhosa derogatory word referring to someone who does not belong to that village) and they did not have enough land⁴⁵. The ill-treatment of the Macleantown community members after land dispossession and the generally negative attitude towards “outsiders” were not unique. Ncapayi (2013:156) observed that the influx of “outsiders” in “reserves” caused friction between the “outsiders” and the bona-fide residents. The “outsiders” (*amalose*) in Laphaphasi struggled to get land as they faced rejection from bona-fide residents (*iinzalelwane*) of Laphaphasi. This is because population was increasing in “reserves” as a result of people who were looking for a better life in “reserves” or those who were forced off their lands elsewhere through racist laws and mechanisms which led to overcrowding in “reserves”, which meant that communities struggled to share resources. Cernea (2000a; 2000b) calls this land deprivation a landlessness risk, wherein relocatees fail to access enough land after resettlement. Those Macleantown residents who decided to go to Tshabho village were not provided a government truck but they narrated a similar story:

When we arrived in Tshabho, we struggled because we did not have land. Things got better because after a while we got our plots. We used to rent in people’s houses and that was not a nice thing. After we got our plots that is when we got relieved. We then had those places but the heart was still back home where we were originally removed from⁴⁶.

⁴⁴ Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

⁴⁵ Focus Group 3, Macleantown. 3 November 2016.

⁴⁶ Focus Group 2, Macleantown. 15 November 2016.

The struggles of the Macleantown and Salem people after land dispossession are related to the landlessness risk that Cernea (2000a; 2000b) identified as one of the major risks faced by resettled communities wherein, after resettlement, resettled communities become impoverished as a result of landlessness. Thus, both the Macleantown and Salem beneficiaries hoped that land access under the land restitution programme was going to alleviate or end their poverty⁴⁷⁴⁸⁴⁹. This is the major failing of resettlement projects, wherein resettled communities struggle to get proper accommodation after resettlement due to insufficient planning (Cernea, 2000a, 2000b).

11.4 The struggles of getting land back in Macleantown

When the Macleantown residents were moved to Chalumna, Duncan village, Mdantsane and Tshabho village, they never stopped seeing Macleantown as their original home. After the removal from Macleantown in 1970, the dispersed Macleantown residents kept in contact with each other because of their bond to Macleantown and the lack of acceptance in the communities they were moved to (Kingwill and Roodt, 1997). This was partly because their land portions were small, leading to poor hygiene because of overcrowding, the arid soil and the areas were far from East London, which is an urban area. In 1989, the political climate to fight back for Macleantown was crystallized by the Mass Democratic Movement's rejection of the ban on political activity in South Africa. Thus, the Macleantown relocatees began to fight for their return to Macleantown. The Macleantown Residents Association was then formed in 1989 to negotiate the return of Macleantown residents to Macleantown with most members expressing a strong sense of rurality and the need to re-create the land-based livelihoods. The early stages of the fight to return to Macleantown from 1989-1994 included defining the Macleantown community, and a confrontational strategy that involved land occupations, mass meetings and clashes with white farmers who had occupied Macleantown. Their fight to return to Macleantown was reinforced by the promulgation of the Abolition of Racially-based Land Measures Act of 1991 and the pressure by other land-based groups such as the National Land Committee, Black Sash and Border Rural Committee who were putting pressure on the government. Macleantown claimants eventually lodged their claim with the then Advisory Commission on Land Allocation (ACLA) in 1992. This meant that by the time the Restitution of Land Rights Act was promulgated in 1994, the Macleantown claim was already at an

⁴⁷ Focus Group 3, Macleantown. 3 November 2016.

⁴⁸ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

⁴⁹ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

advanced stage, with ongoing negotiations and preparations. Again, the Macleantown claim was lodged on the 28th of June in 1995 and it was considered lodged, since it had been lodged to the ACLA (in 1992). Since negotiations amongst all parties had matured, a Deed of Settlement was signed and an application was sent to the Land Claims Court (LCC) to endorse the agreement in 1995 (Kingwill and Roodt, 1997).

With the introduction of the Restitution Act in 1994, the Macleantown residents who had already grouped themselves under the Macleantown Residents Association (MRA) sought to claim their land back (Eisenberg, 1997:654). The original settlement of Macleantown was sent to the Land Claims Court and was rejected because it was wrongly framed as a community claim, when in fact it was a group claim (made up of individual claims). Ultimately Macleantown was settled through a 42D section settlement by the then Minister of Land Affairs and other stakeholders in 1999 (Commission on Restitution of Land Rights, 2000; Atuahene, 2014:60-62).

11.5 Land dispossession in Salem

The Salem restitution claim which involves the Commonage in Salem has been fraught with tension between white land owners and black land claimants. Although there are debates about the beginning of land dispossession in Salem, it is accepted that dispossession started from the time of the arrival of white settlers in 1820 until the 1940s. However, the Salem claim is based on land that was taken from black people after 1913, as per the cut-off date of the Restitution Act. It is said that the white settlers who included a certain Mr Richard Gush initially claimed that they did not want to fight with the Xhosas, but they wanted to farm on the Xhosa land and share the farming proceeds together with the Xhosas. Thus, Salem (which means peace) is remembered for the role played by Mr Gush in calming the Xhosas during the tense sixth war of dispossession that happened from 1834 to 1835 (Salem Community v Government of the Republic of South Africa, 2009:7-9; Hendricks, 2013:41). The 1820 British settlers, or the Salem Party or the Salem group, settled in different locations in the Zuurveld, part of which became the Albany district, between the Bushmans and the lower Fish Rivers. One of these groups of white settlers was led by Mr Hezekiah Sephton (Salem Party Club v Salem Community, 2016:6).

Some of the current white land owners directly descend from the original white settlers who arrived around 1820, while others bought their farms in Salem (Salem Party Club v Salem Community, 2016:6). Although the white land owners had claimed that when white settlers

arrived in Salem the land was vacant, the Constitutional Court through its judgement in 2017 found that the amaXhosa people had occupied the land before white settlers came and thus held a right in certain portions of the land (Salem Party Club and Others v Salem Community and Others, 2017). Therefore, the dispossession of the Salem black community was based on racist mechanisms and laws according to the Restitution of Land Rights Act 22 of 1994 (Restitution Act). The Salem black community is made up of 378 households which comprises 1170 beneficiaries. The claim is based on the claim of indigenous ownership of land by black people that they lost through racially discriminatory laws, practices and mechanisms. Thus, claimants argued that land dispossession made them lose ownership, residence and grazing rights, as well as the use of land for agricultural purposes, access to firewood, burial sites, cropping and the general use of the Commonage (Salem Party Club and Others v Salem Community and Others, 2017:5). While previous white occupants of the five farms agreed to settlement, the remaining white farmers challenged the Salem claim up to the Constitutional Court (Salem Party Club and Others v Salem Community and Others, 2017:5).

The history of Salem dates back to 1820 when the Salem Party Club was allocated land by the then two successive governors of the Cape Colony. The forbearers of white landowners were given the Commonage from 1836 to 1847 by two British colonial governors at the Cape whose names were Sir Benjamin D'Urban and Sir Henry Pottinger. By 1940, the white landowners were entitled to the Commonage land use and in the same year the Grahamstown Supreme Court granted an order for the subdivision of the Commonage without even consulting the black community. Thus, the 1940 Supreme Court judgment legalised land dispossession in Salem, leading to the transfer of land parcels to individual white settlers (Salem Party Club and Others v Salem Community and Others, 2017). It is important to also add that land dispossession continued until the 1980s (Salem Party Club v Salem Community, 2016:9). Thus, the black land claimants are descendants of the black community members who were dispossessed of their land after the then Supreme Court in Grahamstown in 1940 passed a judgment that led to the eventual sub-division of the Commonage they were living on (Salem Party Club and Others v Salem Community and Others, 2017:4). After the sub-division of the Commonage in Salem, the black community members were forced to remain as workers of the white settlers or go elsewhere. There were about 500 black community members who were dispossessed without compensation (Salem Community v Government of the Republic of South Africa, 2009:2, 7).

One participant said that after land dispossession, one white man who used to live in Grahamstown confiscated their family's livestock and when it was time for him to go to the mountain (a Xhosa rite of passage called *ulwaluko*), he coincidentally bought a goat from the same white man who confiscated their livestock. This traumatised his soul as a young man and he remained bitter for many years to come because there was never an apology from the same white man, nor the white community in general. The same Salem beneficiary also narrated how his father died of a heart attack and stress after land dispossession because of poverty, landlessness and his cattle that were confiscated for a tiny compensation. It is claimed that after dispossession Salem community members became farm workers while others decided to work on other farms or in cities such as Port Elizabeth and Grahamstown⁵⁰⁵¹ (Tyelerha Community Property Association, 2012).

The Salem beneficiaries also narrated how, for instance, they were treated as “outsiders” when they arrived in those areas where they were resettled. For instance, one old man narrated how, after land dispossession in Salem, he went around looking for a place to stay on farms, until he was eventually allowed to stay in Ndlambe, where he was told not to participate in local discussion of issues because he was an “outsider”⁵².

11.6 The struggles of getting land back under land restitution in Salem

The Salem claim is based on the dispossession that happened in 1940, an area covering 38 farms. The claim for the Salem Commonage was lodged in 1998 on behalf of the Salem Land Claimants Committee and published by the Restitution Commission in a Government Gazette in 2002 as per the Restitution Act (*Salem Party Club v Salem Community*, 2016:7; 224). In 2010, the Eastern Cape Land Claims Commission investigated the claim and recommended restitution. The Commission of Restitution of Land Rights (CRLR) then opted to settle the claim in two stages. The first stages involved the return of land covering five farms when other land owners reached a settlement with the Salem community (Hendricks, 2013:41), while other white land owners (occupying the remaining 33 farms) failed to reach a settlement with the community and thus the matter was referred to the Land Claims Court (LCC). The LCC examined whether there was a black community that was dispossessed by a racially-based practice and held that the Restitution Act's definition or threshold of community is so low and

⁵⁰ Interview with Homla Phakathi, Grahamstown. 23 August 2017.

⁵¹ Interview with Ndukuyakhe Dlamini, Salem. 17 August 2017.

⁵² Interview with Ndukuyakhe Dlamini, Salem. 17 August 2017.

shallow. Thus, the LCC held that there was indeed a group of black people who shared rules and practices who held a right in land before being dispossessed of their land in a racially discriminatory practice through the 1940 Grahamstown Supreme Court judgement. The white land owners appealed the LCC judgement at the Supreme Court of Appeal (SCA) on the grounds that, when white settlers arrived in Salem, there were no black inhabitants and that any black people living in Salem were workers and therefore such black people did not hold a right in land, but the SCA dismissed the appeal by white land owners by a majority judgement (Salem Party Club and Others v Salem Community and Others, 2017).

The white landowners then decided to take their case to the Constitutional Court and argued that there was no reliable evidence that proves that the black claimants held a right to the claimed land and that any black person who lived on the Commonage at that time was an employee of the white land owners. In a unanimous judgment, the Constitutional Court upheld the decision by the LCC which held that there was clear evidence of a presence of a black community from at least 1878 until 1941 who used the land for agricultural purposes and traditional practices and enjoyed other benefits such as access to firewood and burial rights. Therefore, this proved that a “community” as defined in the Restitution of Land Rights Act 22 of 1994 had existed and that this “community” was dispossessed of “a right in land” after June 1913 as a result of racially discriminatory laws and practices in terms of the Restitution Act. However, the same court also established that the white settlers and their successors also acquired and exercised rights to the Commonage for over 100 years (Salem Party Club and Others v Salem Community and Others, 2017).

11.7 Concluding remarks: commonalities from Macleantown and Salem

This chapter has discussed the background to the study sites. I have detailed the history of Macleantown and Salem and I have also discussed the current socio-economic conditions in these areas, with the hope of creating a clear picture for the reader. I find that these areas have many commonalities, so much so that the main difference I found was that land dispossession in Salem happened earlier (1940s) whereas in Macleantown, land dispossession happened later (1970s), which means that in Salem there are a few beneficiaries who experienced direct dispossession, while in Macleantown most beneficiaries experienced direct forced removals. Both restitution areas have commonages. Macleantown is a group of claimants whereas Salem is a community claim, but, in the end, both Macleantown and Salem behave as communities. The main commonality between these two areas is that land transfer under the land restitution

programme has failed to enable reconstruction of land-based livelihoods activities as per the aspirations of beneficiaries. Another issue is that in both areas these projects are characterised by old people who have a strong bond with their ancestral lands whereas the youths in these projects tend to be uninterested in restitution issues because of urbanisation, lack of agricultural interests and lack of proper social amenities in restitution projects. Another commonality I noted was the peri-urban lifestyle wherein many beneficiaries have dual residences, that is, in restitution areas, and in urban areas. Another commonality is that in both cases most beneficiaries depend on social grants or incomes from previous employment as there was hardly any creation of new land-based livelihoods after land transfer. I will discuss these issues more fully in the next chapters that deal with the findings.

Chapter 12

12. Findings: understanding the post-settlement livelihoods experiences of beneficiaries in Macleantown and Salem

I was never happy after we were forcibly removed in Macleantown in 1970. Also living in Chalumna was never nice for me because it never felt like home. We never had proper life in Chalumna because we did not have enough land and the land was infertile as compared to Macleantown. Moving back to Macleantown was never easy because we had no transport to move our furniture. I had to carry a heavy cardboard to Macleantown from the farms. On the other side, my husband was never happy to move back to Macleantown because of the way we were removed. On top of that, we have not received any support to till our land so that we can do things with our own hands. There is so much hunger here. We never had so much hunger before forced removals⁵³.

I can say our benefit is the land we received, after we got the land there is nothing much I would point and say we got it from the government. No development grant whatsoever! What we benefitted on our own was getting money after we sold the pineapples that were left behind by the white men who left the farm. We also have sand there but we need a license so we could sell it and benefit great amount from it. We cannot apply for a license because we do not have title deeds⁵⁴.

12.1 Introduction

Constructing livelihoods on the part of land restitution beneficiaries after land transfer is not easy, especially in the context of massive social conflicts, old age and poor PSS. The previous chapter has detailed the background of the study sites. In this chapter, I present the findings from the research areas as outlined in my introduction. This chapter relates these findings to the theories and literature used by this study. Therefore, much more focus in this chapter is on the post-settlement experiences of restitution beneficiaries after land restitution. Besides

⁵³ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

⁵⁴ Interview with Nompumelelo Mthonti, Salem. 11 August 2017.

interviews, I also used numerous documents that I consulted as additional evidence. Resettlement theorists generally argue that the living standards and livelihoods of resettled communities drop after resettlement (Scudder, 2005; Cernea, 2000a). To understand the developmental impact of land restitution in these areas, this chapter investigated issues such as access to public schooling, hospital services, as well as access to basic needs such as food, water and shelter, freedom from hunger, attainment of self-respect, as well as socio-economic and political “choices”. I will engage these arguments with a view to understanding the risks and challenges of restitution beneficiaries in trying to create livelihoods after land transfer. The two quotations above from beneficiaries in Macleantown and Salem are related to the struggles in adapting after resettlement in the context of poor post-settlement support and social conflict.

The first section of this chapter discusses the problems related to the design of restitution projects. The sections that follow discuss the dignity restoration that comes with land compensation. This is followed by a section that deals with bitterness against apartheid and the struggles of beneficiaries to forgive “white people” and the “white system”. The study then discusses the delusion, disillusionment and dilemma of the restitution programme in the study areas, which is also related to other restitution cases in South Africa. After discussing the dark cloud hanging around these restitution projects, I then emphasise the challenge of resettlement which has split many families in terms of relocation. The next section focuses on access to land and land use to understand the struggles to cultivate the land after land compensation. I then provide a discussion of the frustrating relationships between the state and the land beneficiaries to understand the poor post-settlement support (PSS) systems. To understand the poor PSS, it is also important to discuss the social conflicts and the views of social fabric in these restitution projects. The section that follows discusses access to social services, the reason for failure of restitution projects and a critical discussion on what success and failure means.

12.2 Problematising the design of restitution projects

The argument of this thesis was partly formulated after considering the following: land restitution’s contribution to reconciliation and restorative justice, the aims and purpose of the restitution programme in South Africa, the ability of the restitution projects to function, the impact of the programme on the lives of beneficiaries and the goals of land reform in general. Thus, the bigger picture of this thesis is to explain the disillusion, complications and the dilemma of the beneficiaries in the restitution projects under study. This chapter therefore argues that the design of land restitution is faulty in that land transfer under the land restitution

programme creates an impression that rural communities who used to live together before land dispossession can be asked to live and work together under a Community Property Association (CPA) arrangement and everything will fall into place.

This is faulty for many reasons. Firstly, these communities lived as individual subsistence farmers before land dispossession. This means that restitution communities are composed of different individuals, with different resources, assets, skills, interests, attitudes and backgrounds, and that they are largely bound by the fact they (or their ancestors) once collectively owned the land in the past, leading to complex and conflictual relations (PLAAS, 2016). Therefore, it is puzzling why the government assumes that after land transfer, these restitution communities would be able to work together and manage large-scale commercial farms in a cooperative arrangement. The design of land restitution ignores the concrete details and flaws of co-operative or group-based land projects that I will also explain. After decades of being apart, families have multiplied, largely lost their agricultural skills (proletarianisation), or what other scholars call “deagrarianisation”, preferring to rely on wages in towns and cities (Philip, Tsedu and Zwane, 2014:27), although some restitution beneficiaries are ex-farm workers. There is, however, an expectation that the individuals in these communities will come together and work together as a cooperative in a CPA, which is a recipe for disaster. This, therefore, exposes the weakness of the restitution programme as the state appears to be largely concerned with land transfer to restore land rights to improve reconciliation and not necessarily creating viable farms. “The people or the masses are getting their land back” appears to be the main narrative, at the exclusion of much more focus on what happens when “the masses” get land.

Part of the bigger problem for many rural land restitution beneficiaries is that before land dispossession these communities used to own livestock with which they used to farm, but during land dispossession white farmers confiscated that livestock, or they were forced to auction them at a lower price than they were worth or their livestock died during the process of resettlement (Levin, Solomon and Weiner, 1997; Commission on Restitution of Land Rights, 2008). Post 1994, many of these claimants do not have cattle (oxen) to farm with, nor do they have other livestock and inputs. Due to population growth, families have multiplied and scattered around South Africa, deeply immersed in the capitalist wage system because of urbanisation (Walker, 2008:223). Impoverishment, owing to successive dispossession mechanisms and other forms of disenfranchisement of black communities, means that these

claimants need free tractors and other inputs because they are poor due to the cycle of impoverishment that they went through with apartheid forms of resettlement (Levin, Solomon and Weiner, 1997; Mkhize, 2017). Therefore, they have to start afresh to build their livelihoods and the government is seen as their only solution to help them.

For instance, to be forcibly removed from Macleantown in 1970, when all their systems (social, economic and political) were destroyed by resettlement and then coming back to Macleantown to re-start life again was hard. Indeed, resettlement theorists have stressed that the resettled families often struggle to start a new life (be it voluntary or involuntary resettlement) (Cernea, 2000a:12, De Wet, 2015; Scudder, 2005:48; Cernea, 2000b:3660). The emotional impact of moving back to Macleantown was overwhelming for some, as they did not want to move back to be reminded of how their good life was destroyed in 1970.

Thus, the demographic, social-economic and political conditions have changed significantly after decades of dispossession. For instance, some beneficiaries in Macleantown exaggerated a claim that some of the land parcels that they used to own are in the hands of neighbouring white farms, while land buyers bought some of their land parcels⁵⁵. There is no doubt that the ANC led government has great intentions on land restitution that includes land restorative justice, reconciliation and material benefits for beneficiaries, but the restitution policy has been failing.

12.3 “We are on our land”: land restitution and dignity restoration

It is worth stating that most of the participants in this study were old because they had information and that younger members of the restitution claimant families were not available. Thus, most participants were nostalgic about the past, not to say that they missed apartheid, but they missed a yesterday that was ordered with social harmony⁵⁶⁵⁷. All restitution beneficiaries who were interviewed, be it in Macleantown or in Salem, said that land transfer under the restitution programme has restored their dignity, in that their ancestors’ land has been returned to them. The “We are on our land”⁵⁸ narrative is related to the romanticisation of the past (before land dispossession) wherein black communities “lived off the land, with less diseases,

⁵⁵ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

⁵⁶ Focus Group 3: Macleantown. 3 November 2016.

⁵⁷ Interview with Gamelihle Booi, Macleantown. 4 November 2016.

⁵⁸ Focus group 2: Macleantown. 15 November 2016.

less hunger, less social conflict and living a life full of love and *Ubuntu*”⁵⁹. *Ubuntu* is a Nguni African collectivism spirit and a strong belief that an individual cannot live in isolation. Community members believe that they need one another to live and that they have to bond together to live a happy harmonious life. The popular Nguni saying that “*umuntu ngumuntu ngabantu*” loosely translated, as “an individual is an individual through others”, thus expresses *Ubuntu* (Jolley, 2011). Such a narrative was much more present in Macleantown wherein some direct victims of forced removals are still alive, whereas in Salem I could only find one old beneficiary who claimed that he clearly remembers life before land dispossession.

It is important to also note that in both Macleantown and Salem, participants kept on telling me that “this area is rich”, meaning that there was a sense that they lost their lands because their lands are rich and fertile. Thus, there was a strong sense that white people benefitted from black communities’ land dispossession⁶¹⁶²⁶³. Of course, they were right. During land dispossession processes, the white racist system often took away the most fertile lands and dumped black communities in overcrowded and often hilly and rocky infertile lands (Platzky and Walker, 1985). Thus, one participant said:

Here in Macleantown the soil is rich. White people knew that in terms of vegetation, farming and any other agricultural activities this area was the richest. When you cultivate you harvest something tangible but in Chalumna its dry, windy and cultivating was a big challenge⁶⁴.

In Macleantown such a narrative was explained with undertones of bitterness and the understanding that white people sent them to Chalumna to dump them in dry places so that they could suffer (The Border Rural Committee, 1998:2). Many participants in Macleantown told me that Chalumna (where most of them were sent after forced removals) was an uncomfortable place and they did not like living there, partly because there was no space and the gardens were too small. “The quality of what we used to harvest was never to be compared to what we harvested in Mpongo (an isiXhosa word for Macleantown). We were never happy

⁵⁹ Interview with Bandile Sishuta, Salem. 08 February 2017.

⁶⁰ Focus Group 1, Macleantown. 3 November 2016.

⁶¹ Interview with Gamelihle Boo, Macleantown. 4 November 2016.

⁶² Focus Group 3, Macleantown. 3 November 2016.

⁶³ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

⁶⁴ Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

about our vegetables in Tsholomnqa (an isiXhosa word for Chalumna)⁶⁵. Thus, the movement to a dry area (Chalumna) resonates with other forced removals victims and resettlement communities who were often moved/resettled to dry, hilly and infertile areas which were not ideal for agriculture (Aliber, Maluleke, Manenzhe, Paradza and Cousins, 2013; Scudder, 2005:34). Therefore, just like other resettlement communities, the Macleantown community members found it difficult to adapt to a new place after forced removals in 1970. Such struggles of adaptation were captured by the following interviewee:

It was always difficult to move to a new place especially when there are no resources. Therefore, there was poverty. It was as if white people had control over our lives, we struggled because poverty was there and almost everyone was not working in our village⁶⁶.

These explanations of bitterness against land dispossession were discussed with an emphasis that they also want to benefit from their land after restitution. “We are at home here my child. It is nice to stay in our place, but it is sad because we are hungry,” said one participant⁶⁷. Another added and said, “I am more than happy, and I am in peace because this place belongs to me”⁶⁸.

The satisfaction of getting their land back is related to the fact that all restitution beneficiaries believed that when they were fighting for their lands they were fighting for their forefathers who died bitterly after land dispossession and those who died in the process of claiming for their land⁶⁹⁷⁰⁷¹. “We would have sold out if we did not claim for this land,” stated another participant in Salem⁷². Hence, land transfer was a huge victory for most beneficiaries⁷³⁷⁴⁷⁵. Another participant in Macleantown had this to say regarding getting back their land:

⁶⁵ Interview with Nosiviwe Makwetu and Lunga Xhamela, East London. 11 November 2016.

⁶⁶ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

⁶⁷ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

⁶⁸ Interview with Andiswa Mtandani, Macleantown. 02 November 2016.

⁶⁹ Interview with Nosiviwe Makwetu and Lunga Xhamela, Macleantown. 11 November 2016.

⁷⁰ Focus Group 2, Macleantown. 15 November 2016.

⁷¹ Interview with Muzomuhle Dantyi, Macleantown. 4 November 2016.

⁷² Interview with Bandile Sishuta, Salem. 8 February 2017.

⁷³ Focus Group 3, Macleantown. 3 November 2016.

⁷⁴ Interview with Nomvelo Dudumashe, Salem. 10 August 2018.

⁷⁵ Interview with Vikintonga Mtandane, Grahamstown. 14 August 2018.

My child, losing our land was painful, that is why people fought for this land with all their energy up until it was given to us in the 90s. They never stopped fighting for this land, as I am telling you, when people arrived in those villages after removals they never stopped talking about their land. They went to lawyers and lawyers fought for them. People never stopped fighting for their land. Lawyers had to research, and people finally got their land in 1996⁷⁶.

Many participants told me for example that, “*sasifuna ukuza kulindawo kuba kaloku sasiphila kamnandi apha. Sazalelwe kulindawo. Kwakumnandi qgithi ngelaxesha sikhulayo*” (We wanted to come to this place because we were born here and life was good when we grew up here, extremely good)⁷⁷. One beneficiary added by saying:

We did not like forced removals because we were removed from the land that we loved. Macleantown was nice before removals; we were living all right here. Boers removed us during apartheid era and it was not good, it was bad! We left in pain because we did not want to move. Therefore, when we heard that we would get our land back, we were extremely happy. I love this place because it is nice. It is fertile for crop cultivation. We are people of this area and this is our land. It used to be nice here⁷⁸.

The quotations above made it easier for one to understand why all participants said land transfer has restored their dignity. Additionally, it is important to note that there are some beneficiaries who reported improvements in their lives. One beneficiary in Macleantown even said, “my life has improved a lot because I now stay in my house and have my furniture but if I was still at the farms I would not have survived to have such a friendly home like this one”⁷⁹. Besides land compensation, beneficiaries in Macleantown derived value from the compensation money, the streets, the free houses, electricity connection and water, even though they largely emphasised their problems. Some Salem beneficiaries, especially those who have been asked to be

⁷⁶ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

⁷⁷ Focus group 2: Macleantown. 15 November 2016.

⁷⁸ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016

⁷⁹ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

caretakers on farms, reported some benefits such as crop cultivation and livestock rearing, even though they did not get free houses, roads and proper infrastructure⁸⁰.

12.4 Bitterness against apartheid and unforgiveness

The majority of beneficiaries in Macleantown and Salem blamed their poverty on the white community and they wished the “black” government could help them with “money and inputs” just like the apartheid government did to “white people”. Therefore, the majority of participants said they found it difficult to forgive the apartheid government for forced removals because they have not received any apology and that they are still living in poverty, which has its genesis in forced removals⁸¹⁸². One participant in Macleantown fretted and said:

I can say I have moved on but not to say I have forgiven them. We lost so many things because of their unfair and racist actions, and on top of that, we were not compensated. For example, when we hired trucks to move they said they will pay us back but they never did. So how can you forgive such mischievous group of people?⁸³

Forgiveness is difficult for these communities because of the realisation that their socio-economic position has not changed significantly and yet they still observe “white people” who are well off⁸⁴. For instance, when water runs out in Macleantown, they sometimes go and ask for water from white neighbouring farmers because “white people never run out of water”⁸⁵. Referring to white neighbouring farmers, another participant from Salem shared the same sentiments and said, “white people never lack water”⁸⁶. This leads to a situation wherein black communities resent white people and see the restitution process as unbeneficial to black people. Explaining their bitterness and lack of forgiveness, one man in Macleantown said:

We will never find peace especially because we were never compensated on the terms and conditions that we discussed all together. Our houses are small. According to our culture, if you do not have a rondavel you do not have a

⁸⁰ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

⁸¹ Focus Group 1, Macleantown. 3 November 2016.

⁸² Interview with Nompumelelo Mthonti, Grahamstown. 11 August 2017.

⁸³ Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

⁸⁴ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

⁸⁵ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

⁸⁶ Interview with Luvo Nobantu, Salem. 14 August 2017.

house. We need spacious yards. Now the white people that are involved in this process are robbing us. We are not getting what we wanted. Meaning that we cannot forgive them entirely. The government also played part in confusing our needs, thus we were told that the government was out of budget to build us proper houses. So, we cannot say we have forgiven them. We have received land but not entirely. There is still land here that is occupied by whites. That is robbery, yet our people need this land. How are we expected to forgive such white people, who think for themselves more than us? Now the government does not buy off those whites in our area, we are still forced to reside with them knowing that they have robbed us⁸⁷.

The complaints about small land parcels in Macleantown that the old man is talking about is not unique to Macleantown, but is characteristic of many restitution projects. Part of the bigger problem is that decades after the dispossession means land may be bought and sold to different people, including the introduction of new developments, which means that beneficiaries may not get exactly the land parcels that they lost. Essentially, this means that the buying and selling of land may “wash away the guilt of dispossession”, and the current landowners may claim that they bought the land from someone else (Fay and James, 2010:45). This resonates with the observation by Walker (2008: 138) that in Bhangazi Community Trust, for instance, some beneficiaries simply did not get what satisfied their hearts, while in other restitution cases claimants failed to get the properties they had before forced removals, only to be forced to opt for financial compensation (Dhupelia-Meshrie, 2010:89).

Therefore, all participants in Macleantown said that forced removals took away a “good life” they had and hence they are living with bitterness as they cannot recreate the good life they lived before forced removals. When asked whether there was poverty before forced removals, most beneficiaries often responded by saying “there was no such thing” before explaining how good life was when they still had their land⁸⁸. Describing the life they lived in the past, one woman had this to say:

Oh, we lived very well. Life at that time was nice, very good before we were forcibly removed here. We lived very well here. Now (after restitution) we

⁸⁷ Focus Group 2, Macleantown. 15 November 2016.

⁸⁸ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

are not living all right. We had livestock; there was no homestead without livestock, cows, goats, pigs, chickens. We had many livestock at that time. We milked cows! We grew crops; there is hunger now. We are starving, we have nothing. There is massive starvation here. At that time (before forced removals), life was fine, kaloku there were jobs, we grew crops. There was no hunger. We grew maize, pumpkin, insthabontshi, all that thing in the fields (emasimini). Then you will harvest, there was no hunger. Tu ngelaxesha (No hunger at all at that time). We grew crops and we had granaries (amadladla, it is a place where dried maize is kept after harvesting). Jah, we would then put maize in the granaries, we had big acres of land, and the land was good. We used to enjoy life here⁸⁹.

Many families lost not only their land, but also their material property (including household pots). Most beneficiaries were nostalgic about their past and they claimed that they lost their “whole being” (a dignified position of blackness) that they could not describe⁹⁰. During the process of forced removals in Macleantown and the subsequent resettlement, the assets of people were damaged. This is evidenced by the interview below:

A lot of our property was damaged because it was a rainy season during the time of removals in 1970. Things such as wardrobes, cupboards were badly damaged. Some people went to Tsholomnqa and Tshabhu with their cattle, those who went to Mdantsane sold their cattle because they could not keep cattle in Mdantsane. Our livestock died when we arrived in Chalumna⁹¹.

12.5 Land dispossession: loss of traditional worship and dignity

In addition to loss of assets, most participants in Macleantown claimed that forced removals also disrupted the traditional worship practiced by black communities. One of the traumatic experiences during land dispossession was leaving behind their graves because, in African tradition, graves are a place for ancestral worship and communicating with ancestors⁹². One beneficiary from Macleantown explained the trauma and illness that followed their family when they had resettled in Chalumna, leading to the death of her brother and her mother

⁸⁹ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

⁹⁰ Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

⁹¹ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

⁹² Interview with Graeme Todd (academic), Rhodes University. 19 April 2017.

because of stress. Explaining the importance of graves in an African culture, another beneficiary said that she was happy to be in Macleantown because “if I die today nothing will upset my spirit because I will be next to my parents”⁹³. One old man also narrated how forced removals ruined their religious and spiritual lives because forced removals meant that they could not have access to the Ndlambe place for rainmaking ceremonies with traditional healers and in times of drought. Therefore, forced removals interrupted their ancestral worship. Thus, he said:

We lived nicely before forced removals. For instance, during drought season people would wear Xhosa attires and go to praise Ndlambe (traditional leader) to ask for a rain. We were spiritual people. Even farmers, they would allow their servants to be part of us. Because of how strong we believed, we would get the rain immediately⁹⁴.

After forced removals, the community members became landless and worked on farms and in cities⁹⁵. “We didn’t have land in farms; we were just living without land in a white man’s farms. One had a small garden in one’s yard, we did not have land”⁹⁶. “We worked for white people and they would give us mealie meal, maize and *amasi* if he had cows to milk. It was called *umxhesho*”, he narrated. *Umxhesho* was a system of payment to black labourers which consisted of food portions such as meal mealie, *amasi*, etc as payment. “That is how we used to live,” he continued, “black people used to suffer. They allowed us to keep pigs, cows, chickens, but we were suffering after losing our land”⁹⁷. However, after land restitution not much has changed:

We struggle because our legs are painful [age related illnesses], our knees are painful, it is hard to walk, but back in the days [before forced removals] we were the best, our health was good. The young and old did not struggle with health, they did not feel any pains, and their health was good. At that time, as I am telling you, we used to grow crops, we ate better, let me say, we grew crops, we ate nicely, we milked cows, *amasi* were in abundance, we did not

⁹³ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

⁹⁴ Interview with Nosiviwe Makwetu and Lunga Xhamela, Macleantown. 11 November 2016.

⁹⁵ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

⁹⁶ Interview with Nomalanga Makwetu. Macleantown. 25 September 2016.

⁹⁷ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

buy these things. We ate mealies, pumpkin, and many vegetables! Back in the days people used to be tough and resistant to diseases. Now we buy everything, these things [today's food] do not mix well with our blood [as black people]. We are now on treatment now, we are asthmatic, and we have painful knees. It is hard to walk⁹⁸.

The undermining of dignity through land dispossession that Atuahene (2014) talks about constituted the most disrespectful, painful and immoral acts that the apartheid regime visited upon black communities. What broke the hearts of the Macleantown community was that the apartheid regime asked them to destroy their own homes, so that trucks could fetch them at a later stage.

We were told to destroy our homesteads, we were told, *“you are being removed, and trucks will come and fetch you”*. Destroying our homes was very painful because in 1970 it was very rainy. Therefore, we would destroy our homes and cover our property with zinc, and it was raining. You see, we would destroy our houses, cover our property with zinc, and then wait for trucks to fetch us. We did not know when the trucks would come, so we just waited after destroying our homes because there were few trucks. Our property was damaged. It was bad, there were so many illnesses. You see she (his neighbour) is still not feeling well. Her chest problems started then (forced removals). She struggles when she is sleeping. Was very painful. Oh, that was very painful, because we had no say or whatsoever. We never tried to fight the apartheid government. We were afraid. You could be arrested at that time⁹⁹.

Another added:

Being removed from this place was upsetting but because we were terrified and at that time, we were not allowed to question whites because they would have shot you, we just had to do what they told us. Whites lied to us for

⁹⁸ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

⁹⁹ Interview with Vuyusile Toli, Macleantown. 24 September 2016.

instance they once said they have discovered a gold here, which was all a lie¹⁰⁰.

The resentment and bitterness against apartheid's forced removals amongst black communities shows how deeply hurt they were. In one interview, one recipient said that her father refused to be buried in Chalumna because Chalumna represented and symbolised defeat, white conquest, impoverishment and disenfranchisement. Therefore, her father asked for his bones to be reburied in Macleantown, in the case that their land would be returned to them¹⁰¹.

12.6 Unpacking the delusion, disillusionment and dilemma of the restitution programme in South Africa.

Getting back their land may have restored the dignity of beneficiaries in Macleantown and Salem but materially there is not much they have accumulated from land transfer besides land. For instance, there is not much difference between Macleantown and any other townships in terms of farming. The cattle that some beneficiaries in Macleantown have were bought through their own efforts and are not related to restitution. Additionally, in non-restitution towns such as Grahamstown, for instance, any random household has cattle. Any non-restitution household anywhere can practise cultivation in Macleantown and thus land transfer has not made beneficiaries in Macleantown significantly different from non-restitution beneficiaries. In a way, one could argue that restitution in Macleantown was relocation in reverse, and not necessarily restitution. The pictures below were taken in Macleantown and show the general cultivation in that area.

¹⁰⁰ Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

¹⁰¹ Interview with Nonqawuse Toli, Macelantown. 3 November 2016.



Photos 6: Cultivation in Macleantown



Photos 7: Some crops grown in Macleantown

Source: Fieldwork 2016

Clearly, that is not the kind of cultivation that can significantly alleviate poverty. To illustrate the disillusionment, delusion and dilemma of the Macleantown restitution community, it is important to present the life history of one participant. I will call her Nomalanga Makwetu. She

was 30 years old when the then apartheid government brutally removed them from Macleantown in the 1970s. She strongly describes the pre-forced removals as the best because they ate directly from the environment and there were hardly any illnesses. They did not need cash, except to buy salt, sugar, and coffee. It was a worryless society and they lived relatively happily. Elders before forced removals were healthy and did not take any medication because life was good. They had cattle to milk and plough, which led to better harvests from their fields, leading to abundance of food. Much food was stored in granaries after harvests.

According to her, during forced removals the people of Macleantown did not resist the apartheid police. They were told to destroy their homes, and they did so, but the problem was that they waited for the trucks for a long time, so much so that some caught diseases, including her. When they were forcibly removed from Macleantown, they were scattered all over, making it difficult to organise meetings to struggle for retaining Macleantown.

After forced removals, they became landless and she had to work from farm to farm as a semi-slave labourer, living in mud houses without any dignity. Therefore, life was never easy, which pains her deeply. Her children are scattered all over, surviving on piece jobs and she argues that her poverty and a good life was destroyed by forced removals. According to her, if forced removals did not happen, life would be very much better and her family would be together living off the land peacefully, without much worries. Thus, forced removals did not only disrupt their social life, but it also disrupted her family networks.

When they got back to Macleantown, they were surprised to find that “this country is now different” because there was a group of land buyers who had already bought Macleantown land portions. “We were shocked, but we could not help because they bought our land from Boers, but we persevered because we were also brought back to our land” she said¹⁰². When land buyers saw land claimants coming, they quietly asked, “Why are you coming here? What happened to where you were living? Go back to where you were living,” and the land claimants asked, “What are these people doing in our forefathers’ land?”¹⁰³ This made many beneficiaries to believe white farmers started selling the land to buyers when Macleantown was claimed. In addition, many beneficiaries believe that they were deprived of spacious land that they could have possibly received. However, it is important to emphasise that even if these restitution

¹⁰² Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

¹⁰³ Ibid.

beneficiaries had received as much land as they wished, they would not have managed to fully utilise them because of problems that I will discuss, such as infighting, lack of support and old age.

The kind of life they live now, post-restitution, contrasts sharply with the life they lived before forced removals. This participant claims that she caught some illnesses during the rains of 1970 and she has never been well because of stress. At her age, she has nothing much materially to show off because she has never lived a proper life, and now that the restitution programme has not alleviated her poverty, she is constantly stressed and worries that she will die without living a proper life. Hunger and poverty are huge, the social fabric is weak, government support is virtually dead, the Committee is weak and evasive and, in general, they feel neglected, poor and isolated. She is in debt and stressed that she is trying to make ends meet with the “little” state provided social grant that she gets. Therefore, the benefits of land restitution appear to be largely symbolic rather than material in that beneficiaries claim to have their dignity restored, in that “we got our land back now”, but they still struggle to till the land because of lack of support. Without the social grants they would not survive.

They are dependent on social grants which are not enough, and they wish to farm but without support there is nothing much they can do, partly because of their old age too. They are not able to eat directly from the land because they do not get necessary support from anyone. For instance, this participant cannot farm and keep livestock because she does not have money to fence her yard or keep livestock. “You need to know that chickens have to be fenced if you have them. They should not be a menace to other people. They should not get lost. You see, you have to fence your yard, so that you can know that your chickens are inside”¹⁰⁴. This relates to the argument by former president Thabo Mbeki that part of the reason land lies fallow in rural areas is the lack of fencing and lack of tractors (Mkhize, 2017). In addition, young people across South Africa, just like in Macleantown and Salem, are not interested in returning to help their parents on the restitution projects, possibly because of the poor prospects of success on those projects and poor social amenities (Walker, 2007:148).

In sum, beneficiaries in Macleantown are struggling to survive, although they appreciate that Macleantown is back in their hands. What worries this participant is that she has not received

¹⁰⁴ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

her house from the Department of Housing even though others have had their houses already¹⁰⁵. This leaves her confused, stressed and powerless to even inquire about her house and their life in Macleantown, because she has failed to get any clear answers from the authorities. As I have shown in previous chapters, this sadness after land transfer relates to what Du Toit (2000) prefers to call, *the loss of the loss*, a term that he borrowed from Slavoj Zizek, a Slovenian philosopher, to describe the disappointment of restitution communities after resettlement wherein what was lost has not been recovered and the future looks bleak. In other words, life after resettlement has been gloomy and unpromising, not only because their expectation have not been met, but also because poor planning on the part of the state and beneficiaries' poverty makes them romanticise their past. All participants passionately claimed that they lived off land, with a strong social fabric and relatively good food, with fewer worries. As one beneficiary put it, "When we came here we wanted a better life because we were living happily before forced removals"¹⁰⁶. The romanticisation of the past when faced with current problems and the expectation that the government must intervene to re-create land-based livelihoods or re-create the good ordered past (childhood memories) is also related to Jacob Dlamini's notion of "native nostalgia" wherein, due to the longing for a lost home, some black South Africans tend to describe the past with fondness (Dlamini, 2009). Walker (2008) also correctly argues that restitution beneficiaries have a naïve belief that the intervention of the government will help rural communities, even though the ANC government has largely failed to do so since 1994, leading to disillusionment.

One woman was so dismissive of the benefits of land restitution that when she was asked about the things she achieved or benefited from after arriving in Macleantown, she said, "I achieved nothing other than moving back to a land that belongs to my parents"¹⁰⁷. This means that they somehow related the restitution programme to the re-creation of the past. The symbolic nature of benefits from Macleantown are also seen in the Salem restitution where, in spite of the few benefits from the projects initiated, there is hardly any significant improvement that can lift the beneficiaries out of poverty¹⁰⁸. Another challenge for restitution beneficiaries is that the demographic, socio-economic and political life after land transfer has completely changed from

¹⁰⁵ Ibid.

¹⁰⁶ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

¹⁰⁷ Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

¹⁰⁸ Interview with Nompumelelo Mthonti, Salem. 11 August 2017.

what they were used to when they were young. Thus, most participants in Macelantown often claimed that:

eish!, this country has changed, we are happy with our land but now life is no longer the same with the one we used to live before forced removals. Back in the days, our parents used to have livestock and everything. We did not realise we were poor when we were growing up. Now you can see that the country is different¹⁰⁹.

Another added that:

Life is hard, our children are old and married but they are not working, Whatever we grow in our gardens is not enough because we end up sharing with neighbours. You cannot eat the produce the whole year. There are some neighbours who do not grow crops and they would come and asks. You can't even sell. That is why I am saying, these gardens are for eating, not selling. Because remember there are moles underground who eat our crops/legumes. There are also worms which eat our vegetables. We need insecticides to use in our gardens. There is no money to buy those chemicals¹¹⁰.

Part of the other reason that worsens the plight of the beneficiaries was that they expected land restitution to solve all their problems and to live a better life. Thus, one beneficiary said, "For now, I even forgot my imagination because nothing I ever dreamt of has become true in this village. There is no development and people are suffering. In terms of land restitution, some people have not received their lands back"¹¹¹. Asked what they expected after restitution, one woman explained, "We thought life was going to be better, and we thought we were going to stay as those families we used to live with. We thought it was going to be nice and united. We had that in mind; we did not know that we will be divided. We never expected this. We never had drugs before, and all these fights, and divisions"¹¹²¹¹³.

¹⁰⁹ Focus Group 3, Macleantown. 3 November 2016.

¹¹⁰ Ibid.

¹¹¹ Focus Group 1, Macleantown. 3 November 2016.

¹¹² Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

¹¹³ Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

Another related problem is that beneficiaries in Macleantown find themselves buying things that used to be free when they were young. Thus, one participant commented, “If we had all the needs, we would be happy. Back then, we had a graveyard just down there (pointing) and now they have changed the yard that does not make us happy. We now buy land to bury our people, we are not happy”¹¹⁴¹¹⁵.

12.7 Land restitution and resettlement: the splitting of families

Resettlement theorists Cernea (2000a, 2000b) and Scudder (2005) have demonstrated that resettlement often splits families because some members prefer to remain in some areas (or others will go and look for jobs in cities), while some members will go to the areas to be resettled. In Salem, most leaders reside in the nearby Grahamstown urban area and this means that they have to incur costs of going to Salem when they need to. According to the narrative from beneficiaries, those who live in Grahamstown are seen as not interested in farming or any proceedings in Salem (Moletsane and Haya, 2016:4). The preference to live in Grahamstown is influenced by the fact that Salem is not fully a habitable place as it lacks numerous social amenities compared to Grahamstown¹¹⁶¹¹⁷. Another problem is that some Salem beneficiaries are working elsewhere and it is difficult for them to leave their jobs elsewhere to live in Salem, where there are hardly any material benefits¹¹⁸. This pattern or trend resonates with other restitution cases, which are also characterised by a “peri-urban” lifestyle wherein restitution beneficiaries keep their urban homes, as well as their restitution houses for agricultural purposes (Aliber et al., 2013:171, 300; Manenzhe and Lahiff, 2007).

Quite often young people cannot sit and wait for agricultural yields when there are jobs in urban areas. One government official argued that some beneficiaries leave their restitution projects because farming takes a lot time for the yields to come and thus beneficiaries would prefer to get jobs where they will have a guaranteed monthly income¹¹⁹. A case in point is the children of beneficiaries who resist going to Salem because they do not see any tangible

¹¹⁴ Focus Group 2, Macleantown. 15 November 2016.

¹¹⁵ Interview with Muzomuhle Dantyi, Macleantown. 4 November 2016.

¹¹⁶ Interview with Nomvelo Dudumashe, Salem. 10 August 2018.

¹¹⁷ Interview with Vikintonga Mtandane, Grahamstown. 14 August 2018.

¹¹⁸ Interview with Bandile Sishuta, Salem. 08 February 2017.

¹¹⁹ Interview with Mbabazane Khumalo, Alice. 28 March 2017.

benefits from living there. However, there is hardly anyone who blames them. One participant explained:

Firstly, most of our children were born in urban areas, now, when you talk about farms, you are talking about something they do not know. I have to show and impress them that farming does really work, if I have harvested, I can go and show him and say “look, these are the farm produce”. Now, that will make him have the will to come to the farms, but if there is nothing that I can show from the farm, then he will think that farming does not make sense¹²⁰.

Indeed, some studies have concluded that the children of beneficiaries shy away from agro-based careers (Kane-Berman, 2016), and that the youths generally see agro-based activities as something of a low status, that is not part of the popular culture, and that agriculture does not bring money and thus is reserved for the elderly (Swarts and Aliber, 2013:25).

In Macleantown, some family members did not go back to Macleantown after land restitution but preferred to remain in the areas they were moved to during forced removals because they had established themselves there¹²¹¹²²¹²³. Some community members simply do not want to move because they were too old to move and start a new life in Macleantown again whereas the young people who were born in urban areas are not willing to leave their urban life with better social amenities and a popular culture¹²⁴. This trend by the youths to resist relocation also resonates with the youths in Cremin restitution in KwaZulu Natal and other areas where youths often prefer to remain in urban areas due to better infrastructure and amenities and the fact they can only identify with urban areas where they were born (Walker, 2007:148).

The failure to relocate to Macleantown after land restitution is not strange for resettled communities because it is part of relocating patterns wherein once one familiarises oneself with another place it is a challenge to move from it. In addition, it is costly because some have

¹²⁰ Interview with Bandile Sishuta, Salem. 08 February 2017.

¹²¹ Interview with Trevor Khumalo, Macleantown. 2 November 2016.

¹²² Interview with Vuyisile Toli, Macleantown. 24 September 2016.

¹²³ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

¹²⁴ Interview with Muzomuhle Dantyi, Macleantown. 4 November 2016.

constructed houses there¹²⁵. Asked why some people have not come back to Macleantown after land restitution, one participant said:

they have built houses there, in those places, now some of them sent their children here. Some leave their children in those places and come here (parents). However, they have not come here in full. They are still in Tshabhu, Chalumna and in Mdantsane. We are not in full here, do not be deceived by these houses, many houses are still not yet built here. For instances, on that other side of the road, their houses have not been built. Even on this other side, their houses are not yet built. Some of the houses that you see here belongs to those people who bought our land¹²⁶.

Another reason for failing to return to Macleantown is that after many decades of staying in Chalumna and Tshabhu, it means that some of their relatives have died there and it is difficult to leave behind their graves again. As one man explained,

According to our culture, a grave is something respectable, important and sacred. Therefore, it is difficult to relocate and leave the graves of your loved one behind. That is not something we do because we like so hence some people are just not comfortable with moving¹²⁷.

There was also some indication that some cash compensation that beneficiaries received led to splitting of families because of intra-family infighting. One beneficiary explained that when he got that money as the head of the family, his family members quarrelled with him and demanded a share as well. "It really hurt my feelings badly, because my brothers wanted this money and they did not want to share. We ended up engaging the government; they did not want me to have a share. People were up and down with me because they wanted their money. I ended up becoming like someone who did not get the money at all after splitting the money"¹²⁸.

¹²⁵ Interview with Mqondobanzi Qoboshiyane and Mziwamadoda Ndlovu (Border Rural Committee members), East London. 10 November 2016.

¹²⁶ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

¹²⁷ Interview with Mqondobanzi Qoboshiyane and Mziwamadoda Ndlovu (Border Rural Committee members), East London. 10 November 2016.

¹²⁸ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

The splitting of families is also a source of infighting in Macleantown and Salem, in that there are some leaders who stay in urban areas and yet they still want to control proceedings in Macleantown, which causes conflicts¹²⁹¹³⁰. For instance, one Macleantown participant complained, “The Committee members do not stay here (Macleantown). They live in Mdantsane. We once fought about that. The Committee members cannot be staying in Mdantsane and yet they control us here”¹³¹. In other words, leadership is seen as hindering progress. Another added:

The leaders in this community are not people who stay amongst the residents. Everyone wants to be a leader here and we do not listen to each other, but the most challenge is being led by people who do not stay with us¹³².

Many beneficiaries find it difficult to relocate to Macleantown even though they have received houses in Macleantown. This leads to a situation wherein their houses are looted by thieves¹³³. The splitting of families wherein some family members refuse to relocate and subsequently intra-family conflicts arise is related to the fact that time has passed on and families have multiplied¹³⁴. This means that when settling communities and families, project officers had to look for the successor or the head of the family, which causes many problems such as intra-households disputes¹³⁵.

12.8 Access and use of land

In this study, I found that access to land for most beneficiaries has largely not meant meaningful cultivation of crops that has improved their livelihoods. In Salem, many beneficiaries have not managed to relocate to Salem, but they are scattered all over. On one farm, there is a chicken project and a chicory project in the pipeline. Those who stay on Salem farms stay there as caretakers and they do practice some form of cultivation. Although those who live on Salem farms reported some benefits such as cultivating vegetables and increase in the number of

¹²⁹ Interview with Bandile Sishuta, Salem. 08 February 2017.

¹³⁰ Focus Group 3, Macleantown. 3 November 2016.

¹³¹ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

¹³² Focus Group 2, Macleantown. 15 November 2016.

¹³³ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

¹³⁴ Interview with Ntongayakhe Gontshi, Fort Hare University. 27 March 2017.

¹³⁵ Interview with Ewald Petros, East London. 24 January 2017.

livestock, their livelihoods have not significantly changed as they still rely on the state provided social grants¹³⁶¹³⁷.

However, there are some exceptions. For instance, one woman on one of the Salem farms reported that she does not have to spend all her state provided grant on the same day because she plants vegetables in her garden, meaning that she does not have to buy all her food, which saves her money. The same woman also reported that she manages to send her daughter to a private school. But it is important to note that her advantage is that she previously worked and managed to invest in her new settlement in Salem which other beneficiaries cannot do because of their poverty¹³⁸. In a nutshell, benefits of land access have been minimal. Below are pictures of a tractor that was broken at the time of writing and a chicken run for the chicken project that was yet to start. The tractor belongs to Salem beneficiaries, but it was not clear who must control it, and there was no evidence of crops produced.



Photos 8: A broken tractor on one of the Salem farms

¹³⁶ Interview with Bandile Sishuta, Salem. 08 February 2017.

¹³⁷ Interview with Ndukuyakhe Dlamini, Salem. 17 August 2017.

¹³⁸ Interview with Nomonde Hlatshwayo, Salem. 08 February 2017.



Photos 9: Chicken run on one of the Salem farms

Source: Fieldwork 2017

While in Salem beneficiaries were given five farms for the initial phase of restitution, evidence suggests that in Macleantown beneficiaries were given the same amount of land they lost, although the beneficiaries were adamant that they were “robbed of their lands” after land restitution. Macleantown was created in the 1860s as a village on a 2476 acre farm that was owned by Mr O’ Connel Maclean (Kingwill and Roodt, 1997). Evidence from Macleantown indicates that the families were given ervens of between 600 square metres and 1000 square metres, including the use of the Commonage for a variety of activities (Minutes of a Macleantown Steering Committee meeting, 2000). In Macleantown, residents complained that the “big acres of land” they used to own were not entirely returned to them and therefore they could not manage to practice proper cultivation¹³⁹¹⁴⁰. Even the Macleantown judgment acknowledged that it was unlikely that claimants were going to receive the same ervs that they previously occupied because the previously owned ervs belonged to private persons. Thus, additional land was added to accommodate those claimants whose properties were eroded or were occupied by new developments (Macleantown Residents Association Re: Certain erven

¹³⁹ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

¹⁴⁰ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

and commonage in Macleantown, 1996; Macleantown Project-Meeting of Service Provides Minutes, 2000).

Beneficiaries in Macleantown claimed that the land they were given is not enough for their cultural activities and grazing and thus Macleantown has largely become a residential area. This was well captured by the interviewee below:

When we were fighting for this land, we said, “*we don't want land to live on only, we want land that is enough for us to work on it*” That is what we tell the Committee, but there is nothing that comes back to us. They come up with stories. They will tell you about the value of the land and many stories. Those things are still contentious, because we still do not have enough land. It is too small. Grazing lands are not enough. Not at all! And there is no support that the government helps us with. There is no proper fence between the Commonage and neighbouring farms. We are fighting for all those things¹⁴¹.

It is important to note that the majority of beneficiaries are old and frail, which means that crop cultivation would be difficult. For instance, in one interview in Macleantown I met an old beneficiary who blamed her grandchildren for not farming, even though she has a fence. “I am also one of those who do not cultivate anymore because of age. Therefore, it is no longer easy to do some things,” she explained. “My grandchildren are lazy, my child. I promise you they will never be a good help. I just do not have patience for lazy people”¹⁴². Those who wanted to cultivate their land appealed to the government to help them realise their goal of cultivating their land. Thus, one participant said:

The government can help us by giving something like tractors so that we can grow crops more than we did. They can give us more water, inputs and seeds. The government should meet us halfway because our gardens need to be fenced. We do not have any fence or money to fence our yards. We do not have enough inputs for our gardens, you see. We do not have tools for our gardens¹⁴³.

¹⁴¹ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

¹⁴² Interview with NoCollge Mngxitama, Macleantown. 3 November 2016.

¹⁴³ Focus Group 3, Macleantown. 3 November 2016.

Therefore, Cernea (2000a, 2000b) correctly observed that lack of planning after resettlement often exposes relocatees to food insecurity risks. Some homesteads in Macleantown have managed to rear livestock although their ability to do so is related to previous employment. Below is an example of a female-headed homestead with livestock.



Photos 10: Female headed household with livestock in Macleantown

Source: Fieldwork 2016

12.9 The inter-face between the state and the land beneficiaries

Agriculture requires immense support and since most restitution beneficiaries often lack sufficient and systematic PSS (Xaba and Roodt, 2016b), it is important for this study to understand what derails PSS. From the interviews, I established that the state and the land beneficiaries have established frustrating relationships. To start with, some government officials, including senior officials, lamented about the frustrating bureaucracy within the land reform departments from the head offices in Pretoria to provincial stakeholders, which makes it difficult for the departments to release state support in the form of funds. The post-settlement stakeholders and structures are overly complicated and bureaucratic, and there is hardly a clear PSS strategy nor a post-land transfer structure, which creates confusion as to who should do what. As a result, some officials or stakeholders can easily neglect their roles, either deliberately or by mistake out of confusion. In addition, one has to bear in mind that these

departments do not communicate with one another closely and there is hardly any alignment or integration, leading to confusion¹⁴⁴¹⁴⁵.

On the other hand, municipalities often view land restitution projects as complicating their work, and that PSS is poorly reflected in the IDPs of most municipalities, partly because land restitution projects often involve private property, which leads to the tardy involvement of municipalities and the lack of different forms of PSS for beneficiaries (Hall, Isaacs and Saruchera, 2007). One government official even claimed that some government departments may compete over a certain project, which can cause confusion as to which department should take over in terms of PSS provision¹⁴⁶. Another added, “We are complicating things for ourselves and we have so many departments that are doing similar things. We need to combine and work together because we are wasting government funds”¹⁴⁷. Also, since key state departments are not aligned to one another, some relevant land departments, such as agricultural departments, often see the role of PSS provision as the responsibility of the Recapitalisation and Development Programme - “Recap” - which causes confusion and delays for support provision¹⁴⁸.

The consequence of bureaucratic delays is that beneficiaries can be given land only to wait for years for support and, most importantly, beneficiaries end up being confused, as they look for answers from these departments. Part of the challenge is that the Commission on Restitution of Land Rights CRLR restores land but does not provide PSS. When the CRLR has restored land, it hands over the restitution projects to the Recapitalisation and Development Programme offices, also known as “Recap” for PSS. As of 2014 the role of PSS for all the land reform projects currently lies with “Recap” (Cousins, 2016b:6-7), but the problem is that it can take “forever” for “Recap” to provide support for restitution beneficiaries when the CRLR has restored land. Such delays for PSS provision after land transfer are caused by a huge backlog of projects that need support. This means that the new projects that are handed over to “Recap” often have to join the queue and wait for older projects to get support¹⁴⁹.

¹⁴⁴ Interview with Vikinduku Mqoboli, East London. 09 December 2016.

¹⁴⁵ Interview with Graeme Todd (academic), Rhodes University. 19 April 2017.

¹⁴⁶ Interview with Khandakhulu Dlamini, Port Elizabeth. 27 February 2017.

¹⁴⁷ Interview with Zuziwe Nhlapho, Grahamstown. 03 March 2017.

¹⁴⁸ Interview with Khandakhulu Dlamini, Port Elizabeth. 27 February 2017.

¹⁴⁹ Interview with Simphiwe Sixoto (Recap official), East London. 10 April 2017.

However, many restitution beneficiaries do not understand the logistics of PSS processes and so they will keep on going to the land reform offices, especially the CRLR offices. The departments often respond by sending them from pillar to post, from one office to the other. This is because the relevant land reform departments do not have a shared policy at project level on land reform projects (Hall and Kepe, 2017:6). For instance, the roles of the “Recap”, Rural Infrastructure and Industrial Development (REID) and the agriculture department are not clear. When asked about the role of the agriculture department on land reform projects, one senior government official said, “It depends on the farmer (land beneficiary), if the farmer has good relations with the nearest agricultural office then they would go freely to request assistance”¹⁵⁰. Clearly, this is a clumsy way of implementing a policy. This demonstrates that the role of the relevant land reform departments is vague, confusing and often done in silos. More importantly, it means that even if there is some agreement with relevant land reform stakeholders, such as municipalities, provincial departments of agriculture, and land reform departments on a certain land reform project, these stakeholders are not bound or obligated to implement their promises¹⁵¹. Practically, the implementing of such agreements would depend on the attitude of a certain official, for instance.

Such policy inconsistency shows that the state policies are poorly implemented and the state lacks sufficient commitment. For instance, a former project officer in Macleantown lamented on the lack of assistance from the government, which required mere commitment. From what he said, one would gather that dealing with the government officials is often daunting, confusing, slow and complex, while the beneficiaries will be waiting for some response and PSS¹⁵². According to another former Macleantown Project Officer who has extensive experience with land reform projects, there is hardly any commitment on the part of government land reform departments after land transfer. Referring to his experience with state departments during his role in the Macleantown project, he said:

We battled with authorities man, just in terms of getting stuff done, the fact that they do not give priority to these projects. When restitution claims are settled, they sign what they call a Settlement Agreement. A settlement agreement is a contractual document that binds all the relevant government

¹⁵⁰ Interview with Maqondisa Ndlovu, East London. 17 May 2017.

¹⁵¹ Interview with Maqondisa Ndlovu, East London. 17 May 2017.

¹⁵² Interview with Ntongayakhe Gontshi, Fort Hare University. 27 March 2017.

departments, their responsibilities in ensuring that the claim is settled. Now, I have not come across one settlement agreement where a government has in fact treated the Settlement Agreement as a priority. Let me refer you to Keiskammahoek. The challenge has always been that the responsibility by authorities to fast track and provide institutional back-up is always lacking. Another issue in Macleantown was that there was a lot of confusion and conflict around the use of the Commonage. For instance, there were residents of Macleantown that abused the Commonage as a commercial farming venture. There was a person who had 100 plus cattle on the Commonage. Now, the intention of the Commonage is not for people to farm commercially, the purpose of the commonage is to give access to the land where people can augment their incomes. They can keep a few head of cattle and sheep on it. The first problem was that there was not a clear Commonage policy, and the policy was not informed, it was not implemented correctly, and people were supposed to pay an annual fee for running animals on the Commonage. The problem at that stage was that the Commonage rules or policy was confusing, which made the enforcement of the rules a problem. So, I think the ability of those government departments to provide efficient back-up services was a problem. Decision-making is not always quick enough¹⁵³.

Part of the bigger problem is that there is hardly anyone from the authorities who wants to take responsibility due to the frustrating bureaucracy that I have demonstrated and it is not clear-cut as to who should take over a particular claim. For instance, one CRLR official lamented about the confusing bureaucracy wherein a certain claim had been restored but there was no government institution that wanted to take over that project and the land was lying fallow¹⁵⁴.

The frustrating bureaucratic delays within relevant land reform departments in relation to restitution claims should be understood in the context of the removal of the Post-Settlement Unit that used to be under the CRLR before the 2009 restructuring exercise by the then new President Zuma government. Part of the restructuring exercise also led to the creation of an

¹⁵³ Interview with Ewald Petros (former Macleantown expert official), East London. 24 January 2017.

¹⁵⁴ Interview with Vikinduku Mqoboli, East London. 09 December 2016.

independent post-settlement Directorate called “Recap” which is responsible for funding the PSS for all land reform projects¹⁵⁵¹⁵⁶. While this restructuring was meant to recapitalise all land reform projects, including restitution projects, it appears that the restructuring has created more problems, red tape and confusion for state officials and beneficiaries. For instance, referring to the Macleantown beneficiaries who often knock at the doors of CRLR offices for support, one CRLR official said, “They (beneficiaries) always come to our offices to inquire about things, but we often send them to the post-settlement directorate (Recap) because this is not part of our mandate”¹⁵⁷.

A related trend also exists in Salem wherein frustrated beneficiaries end up going as individuals to government offices because leaders are often seen as concerned with power, control and infighting¹⁵⁸. Beneficiaries who are in most cases fighting amongst each other over serious issues also frustrate the government officials.

In addition, there were claims by some government officials that “Recap” largely prefers redistribution projects to restitution projects because of low budgets, and also because restitution projects are seen as requiring a lot of administration and are generally problematic because of social conflicts which lead to a high failure rate. In addition, some officials claimed that they found it difficult to understand whether restitution projects fall under their mandate or the Rural Enterprise and Industrial Development (REID)¹⁵⁹. According to the Eastern Cape land reform department officials, REID was created in the 2009 restructuring exercise and most of the staff members of REID were previously under the CRLR’s Post-Settlement Unit. Therefore, there is some confusion as to whether restitution projects should be fully supported by REID or “Recap” or both institutions should support restitution projects. Therefore, it was claimed by CRLR officials that they have many restitution projects that “Recap” has not supported after land transfer. CRLR officials also claimed that when the Post-Settlement Unit was still under the CRLR, it used to be easier to provide support because the project officer

¹⁵⁵ Interview with Sakhile Totana & Viyisiwe Khwephe, East London. 17 March 2017.

¹⁵⁶ Interview with Maqondisa Ndlovu, East London. 17 May 2017.

¹⁵⁷ Interview with Vikinduku Mqoboli, East London. 09 December 2016.

¹⁵⁸ Interview with Zuziwe Nhlapho, Grahamstown. 03 March 2017.

¹⁵⁹ Interview with Maqondisa Ndlovu, East London. 17 May 2017.

would have built some relations of trust with the claimants/beneficiaries, as well as the dynamics of the community members¹⁶⁰¹⁶¹¹⁶².

Another related issue is lack of information or misinformation on the part of some beneficiaries who have erroneous expectations from the government. For example, one senior “Recap” official narrated a story of how he had a harsh exchange of words with some beneficiaries who assumed that the “Recap” was an extension of the ruling African National Congress (ANC) who wanted to “thank the people for voting for the ANC”. This leads to a situation wherein PSS where provided is misused and communities often fail to account for their expenditure, according to government officials¹⁶³. Therefore, according to an inside joke in the government departments, PSS is like “lotto” in that if one gets funding, one will quickly be in the same position they were in because of misuse of funds¹⁶⁴. However, although many beneficiaries have mentors or strategic partners to help them, the misuse of support funds should be understood in the context of poor beneficiaries who have no experience in handling such amounts of money¹⁶⁵.

In some cases, such as Salem, the government departments have been hesitant to provide support because of infighting and factionalism. Some leaders do not arrive for meetings when they are called, leading to an impasse¹⁶⁶. Therefore, given the nature of post-transfer group dynamics, it can be argued that even if there was enough support, group-based land reform projects are likely to fail to function adequately. In fact, one official from CRLR said that they had many restitution cases wherein, even in spite of the presence of PSS, projects would not move forward because of agricultural attitudes, state bureaucracy and social conflicts¹⁶⁷¹⁶⁸. Another explained:

As I was saying, we have millions that are not being used for example for one community we still have 25 million which is just lying here with us. The

¹⁶⁰ Interview with Sakhile Totana and Viyisiwe Khwephe, East London. 17 March 2017.

¹⁶¹ Interview with Vikinduku Mqoboli, East London. 09 December 2016.

¹⁶² Interview with Simphiwe Sixoto, East London. 10 April 2017.

¹⁶³ Interview with Simphiwe Sixoto (Recap official), East London. 10 April 2017.

¹⁶⁴ Interview with Khandakhulu Dlamini, Port Elizabeth. 27 February 2017.

¹⁶⁵ Interview with Maqondisa Ndlovu, East London. 17 May 2017.

¹⁶⁶ Interview with Homla Phakathi, Grahamstown. 23 August 2017.

¹⁶⁷ Interview with Mbabazane Khumalo, Alice. 28 March 2017.

¹⁶⁸ Interview with Sakhile Totana and Viyisiwe Khwephe (two senior land reform officials), East London. 17 March 2017.

other community Magwa for instance has 42 million and it's still here. People are suffering, the project is collapsing, the workers are being retrenched, it goes back to say these bureaucracy sometimes spoil things because now it is a question who has to run with that project, there is department of agriculture there, Department of Rural Development and Land Reform there, you have got the Eastern Cape Rural Development Agency (ECRDA) there. So now there seems to be a competition between these departments instead of having unity so that they can make sure the task of development is fulfilled because there is money that was set aside and approved by the minister but that money remain unused because there are no systems that are clear in terms of how to make sure that this post-settlement happens¹⁶⁹

The struggles of poor alignment of the Land Reform Department are partly related to the restructuring that happened in 2009 which disrupted the lines of communication within land reform departments. One Eastern Cape CRLR official explained:

when the new administration, when the president Zuma took over, bear in mind that the department was not a rural development department; it was a land affairs ministry. It was Hanekom, then Thoko Didiza, then Lulu Xingwana, then Lulu Xingwana handed over to Gugile Nkwinti. Now, at that time in 2009, everything was being restructured, we called it the Rural development, now there were some Directories that were moved. At that time, the post-settlement was within the Commission on Restitution of Land Rights. It was easy for Commission officials to deal with restitution cases, they were reporting directly to the Regional Land Commissioner. Now, in 2009 because of this restructuring, they created "Recap" to provide PSS to all land reform projects. Now the co-operation between "Recap" and CRLR was not good. The "Recap" got another head again. Now taking instructions led to confusion, junior officials were not clear on who to take instructions from. Now, in the meantime beneficiaries keep coming to the CRLR office because that is the office they know. So, beneficiaries are pushed from pillar to post. We have been saying to the senior managers to bring back the post-settlement division under the Restitution Commission. If we can get back that

¹⁶⁹ Ibid.

Post-Settlement Unit, then it would be easier to interact as an official and the handover of the project. You see, I am telling you, if that unit was within the office, it would be easier for people¹⁷⁰

12.10 Post-settlement support

The areas under study have not had a proper systematic post land transfer support structure to guarantee a smooth process for provision of PSS. Evidence indicated that state officials and other relevant stakeholders just call meetings randomly when necessary. Macleantown initially had what they called Project Steering Committees wherein relevant stakeholders such as municipalities, government departments, districts and others would meet periodically to see to it that there is progress, but there are no longer any Project Steering Committees. In Salem, meetings are called when necessary and there is no clear or systematic post-settlement support structure¹⁷¹.

At the time of the writing of this thesis it was still not clear when the government would provide some form of economic or financial capital to support these areas to enable them to be successful farmers. To some extent there was some indication from government officials that they did not see restitution moving beyond land transfer. On the ground, beneficiaries remain without support and one participant had this to say: “We suffer severely from poverty my child and we have no tractors to cultivate our lands... We need tools and cultivating materials so that we can take care of our lands and some basic services that lacks till today”¹⁷². Another added:

We do not get the necessary support from the government man! ... We do not get it, at all, the government is not interested in coming to support us and help us to give us something... there are many people who are interested in farming but there is no support... They do give the land and what is the reason of giving people land and then not help them? Because we need a tractor, we need this and that, we need seeds, when they do get the money from the government, and they put in their own pockets and the corruption...¹⁷³.

¹⁷⁰ Interview with Vikinduku Mqoboli, East London. 09 December 2016.

¹⁷¹ Interview with Sakhile Totana and Viyisiwe Khwephe (two senior land reform officials), East London. 17 March 2017.

¹⁷² Focus Group 1, Macleantown. 3 November 2016.

¹⁷³ Interview with Joshua Klaas, Macleantown. 24 September 2016.

Therefore, for some beneficiaries, the government was seen as having double standards. One participant complained:

As I was telling you, I listen to these things on the radio, the government keeps promising, but those things do not happen on the ground. It is extremely painful to live on your land that you cannot farm, I wish to get inputs, but I cannot. The government's promises end up their mouth only, it does not happen on the ground. I listen to these things on the radio, they boast that they have given us land and we now have access to the richness of the land, but nothing happens to us. There are no actions, but we continue to starve¹⁷⁴.

Another participant added:

There is nothing that we can admire and say the government has done for us. We appreciate the land, electricity, the houses, and water. However, we do not know if this water is clean or it is all right. We are suffering; those who are sick have to be sent to east London to a doctor. It is rough¹⁷⁵.

At Salem, a similar scenario exists. Some limited PSS was provided on one farm (out of the five farms that had been transferred) in the form of fencing in some farms, veterinary services for their livestock, skills workshop, providing fertilisers, seeds, initiating a chicken project, a Nguni cattle project and a Chicory project in the pipeline¹⁷⁶. However, the provision of such support services to one farm has reportedly caused friction, confusion and jealousy amongst beneficiaries, especially those who have not received support. Therefore, the kind of support they are provided with is not enough for the beneficiaries to do proper cultivation that would significantly change their livelihoods. For instance, the relevant stakeholders, such as the Department of Agriculture at Fort Hare University, have largely offered support to one farm, with an intention of stretching it to other farms¹⁷⁷¹⁷⁸. Thus, PSS remains too little, too slow,

¹⁷⁴ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

¹⁷⁵ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

¹⁷⁶ Interview with Mbabazane Khumalo, Alice. 28 March 2017.

¹⁷⁷ Interview with Bandile Sishuta, Salem. 08 February 2017.

¹⁷⁸ Interview with Nomonde Hlatshwayo, Salem. 08 February 2017.

inconsistent and largely provided to one farm, which causes divisions and friction amongst beneficiaries¹⁷⁹¹⁸⁰¹⁸¹.

According to the explanation from relevant stakeholders, it is futile to offer support to the Salem community because they are fighting amongst themselves to a point where there are different factions¹⁸². This means that when meetings are called, only a certain faction may pitch up for a meeting¹⁸³.

In spite of the poor PSS strategies in Salem, it appears that in comparison with the Macleantown case, Salem has received significant post-transfer support. There was also a feeling that, in spite of the massive social conflicts, there is a presence of individuals who genuinely want progress, although they are thwarted by the daunting infighting. Additionally, another problem is poor infrastructure. For instance, it is reported that there are only two tractors that services five farms in Salem. This is aggravated by the fact that there is one family on one farm that reportedly monopolises the use of one of the tractors by blocking its use by others. In one interview, I was told of how a certain leader of a faction in Salem literally shed tears upon realising that they have ruined their future because of infighting and then admitted that if it was not for the social conflict, there could have been progress¹⁸⁴. The causes of infighting in Salem are multifaceted and confusing because each person from a different faction presented a different reason while pointing fingers at others. However, I concluded that the causes of infighting are related to the jostling for positions, abuse of power, a mentality of free for all, failure to agree on certain issues, unaccountability of funds, entitlement syndrome, the big divide between those who live in urban areas and those who live on farms.

In sum, in both Macleantown and Salem there is hardly any consistent, systematic and sufficient post-transfer structure to monitor progress. This is related to the findings by most research that land beneficiaries often lack coherent and systematic post-transfer support. For instance, in a study conducted by Hall and Kepe (2017), it was found that, contrary to the huge

¹⁷⁹ Interview with Busobenyathi Skeyi, Grahamstown. 04 March 2017.

¹⁸⁰ Interview with Mbewu Ntantiso, Salem. 04 April 2017.

¹⁸¹ Interview with Ndukuyakhe Dlamini, Salem. 17 August 2017.

¹⁸² Interview with Busobenyathi Skeyi, Grahamstown. 04 March 2017.

¹⁸³ Interview with Zuziwe Nhlapho, Grahamstown. 03 March 2017.

¹⁸⁴ Interview with Mbewu Ntantiso, Grahamstown. 04 April 2017.

cry for land by politicians, on the ground land beneficiaries are neglected often without adequate PSS and necessary title deeds.

In a different vein, the Salem restitution beneficiaries have not accessed their title deeds by 2017, which makes it difficult for them to operate as a business so that they can access credit and a licence for selling sand¹⁸⁵. It was still not clear why they have not received their title deeds. The lack of title deeds means that the natural capital of the beneficiaries is constrained and this reduces beneficiaries to being caretakers/occupiers rather than the owners of land¹⁸⁶. Asked whether they have a post-settlement structure to monitor progress in Salem, one municipal official who works with the Salem CPA said:

Phew! That is the biggest challenge, we do not monitor progress, we give you land and infrastructure and say goodbye. If we do not monitor, then after two years you (farmer) will suffer and knock in our doors again. The problem is that there is a personal assumption that farmers will do well. Another reason why there is lack of monitoring is shortage of staff. Let us talk about department of Agriculture from Grahamstown, they administer two cities, Grahamstown and Port Alfred. There would be less options”¹⁸⁷.

This is related to an argument by one agriculturalist who noted that the problem with land reform projects is that “things are started but not completed or monitored” because of lack of capacity¹⁸⁸. This means that when things are started and not completed, beneficiaries are left confused on what next to do. Even when PSS is provided, it takes too long¹⁸⁹. Although there were attempts to set up structures to monitor progress, such as a Steering Committee in Macleantown and some inter-stakeholders meetings to monitor progress, such attempts have not been well sustained. The Steering Committee in Macleantown that used to hold meetings to see that there is progress has faded away. In Salem, there are some meetings between beneficiaries and other stakeholders such the municipality and the Department of Agriculture, but such attempts are hardly sustainable because of factionalism amongst beneficiaries. In addition to infighting, another challenge is that the Salem case has been dragging on in courts

¹⁸⁵ Interview with Nompumelelo Mthonti, Grahamstown. 11 August 2017.

¹⁸⁶ Interview with Gert Krige (academic), Rhodes University. 19 April 2017.

¹⁸⁷ Interview with Ncebakazi Gqwetha, Grahamstown. 14 February 2017.

¹⁸⁸ Interview with Maqondisa Ndlovu, East London. 17 May 2017.

¹⁸⁹ Interview with John Smith (agriculturalist), Stutterheim. 16 February 2017.

for many years and it becomes difficult for other stakeholders to emotionally and financially invest themselves in a project that can be turned upside down by a pending court judgement¹⁹⁰¹⁹¹.

12.11 “People have turned to lions”: social fabric on the promised land

One of the biggest disillusionments after resettlement is the realisation that the geographical and socio-economic political environment has changed significantly, which has badly affected the souls of many beneficiaries. In Macleantown, for instance, many beneficiaries narrated how “this country has changed”, meaning that the kind of social-economic and political life they used to live in before forced removals is gone, which affected their souls¹⁹². The literature on land restitution cases has also narrated the shock of beneficiaries after realising that the “beautiful life” and the ordered society they once lived under before forced removals could not be reconstructed again. This is not to say beneficiaries miss apartheid per se. As I have demonstrated above, using Jacob Dlamini’s “native nostalgia” work, beneficiaries tend to romanticise the past because they are frustrated with current problems and easily ignore that segregation and apartheid insulted their dignity. For some communities, the receipt of the land that they lost was a moment of opening old wounds (Du Toit, 2000; Dhupelia-Meshrie 2010: 89). At the core of the complication of the lives of beneficiaries is that the ordered life that is full of *Ubuntu* that they claimed used to exist before forced removals is disappearing as people are more like individuals rather than a community. Describing the social conflict and the inhuman and selfish behaviour of community members, some participants often said, “People have turned into lions”¹⁹³. The argument that poor social fabric in restitution claims and the lack of *Ubuntu* amongst community members after land transfer has increased social conflicts was also raised by other community members from Limpopo during the High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change that was published in 2017.

The worsening crime that most participants in Macleantown talked about is also related to inactivity, unemployment and hopelessness amongst the few youths. Additionally, the youths

¹⁹⁰ Interview with Ncebakazi Gqwetha, Grahamstown. 14 February 2017.

¹⁹¹ Interview with Nomonde Hlatshwayo, Salem. 08 February 2017.

¹⁹² Focus Group 3, Macleantown. 3 November 2016.

¹⁹³ Focus Group 3, Macleantown. 3 November 2016.

are allegedly abusing drugs because of inactivity, unemployment and poverty¹⁹⁴¹⁹⁵¹⁹⁶. Unemployment or joblessness is also related to the wider unemployment rate in South Africa and resettlement theorists emphasise that, after resettlement, relocatees may face high unemployment rates because of lack of planning to enhance creation of jobs (Cernea, 2000a; 2000b).

According to one participant, “there is no happiness in Macleantown because there are thieves who just steal livestock”. Thus, she said, “We are tired of robbery, drugs and alcohol abuse”¹⁹⁷. This means that they do not have the peace of mind that they wanted after land transfer and they said:

Today’s thieves (after land restitution) no longer steal small things; nowadays they steal big things like cows and goats. When we were younger, people never stole goats because in our Xhosa culture stealing a goat brings bad luck, but today they steal everything including the goats. They do not choose. They take from cows to chickens. Back then people never stole pigs because they make too much noise, so one would not succeed, but nowadays the thieves drug the pigs with alcohol so it makes no noise then they steal it. They mix alcohol with bread and feed the pig and surely the pig gets drunk¹⁹⁸.

This shows that the level of crime they experience is new and it is a shock to them. There are also numerous stories of how livestock are consistently stolen and skinned in the bushes while grazing. “Such crime never happened when we were young here!” one woman shouted¹⁹⁹. Macleantown is next to a busy highway that goes from East London to Sutterheim and it was reported that livestock are often hit by vehicles which is a big concern for the residents. In the same vein, on one of the farms in Salem beneficiaries complained that they have lost livestock who have been hit by cars because of lack of fencing²⁰⁰²⁰¹. Related to that was the immoral and selfish behaviour of some ill-disciplined individuals in Macleantown who steal and skin

¹⁹⁴ Interview with Trevor Khumalo, Macleantown. 2 November 2016.

¹⁹⁵ Interview with Muzomuhle Dantyi, Macleantown. 4 November 2016.

¹⁹⁶ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

¹⁹⁷ Focus Group 1, Macleantown. 3 November 2016.

¹⁹⁸ Focus Group 2, Macleantown. 15 November 2016.

¹⁹⁹ Focus Group 2, Macleantown. 15 November 2016.

²⁰⁰ Interview with Vikintonga Mtandane, Grahamstown. 14 August 2018.

²⁰¹ Interview with Nomvelo Dudumashe, Salem. 10 August 2018.

livestock as soon as they are hit by cars²⁰². This is in contrast with the kind of life participants lived before forced removals²⁰³. As one participant explained, “Yhooo! It was nice to live here, there was no crime, we would cultivate our own food and that made us save a lot of money. There was no poverty here as it is now”²⁰⁴

Although the social fabric of community members is now weaker, some participants claimed that they are still in contact with the people with whom they were removed²⁰⁵. However, their social fabric is hampered by poverty, as they cannot share food as they used to before forced removals. Individualism triumphs over communalism. When asked whether, if she was in trouble, someone in Macleantown would help her, one woman said, “There is no such thing, some neighbours have no heart to assist others”²⁰⁶. For instance, “you can go and borrow something, but someone can just say, “*I don’t have it*”. You can get something from someone and the other can say, “*I don’t have*”²⁰⁷.

Asked whether he felt that anyone could help him if he was desperate, one participant said, “In Macleantown I do not have a neighbour, no one has a neighbour here,” explaining the consequences of friction as a community. He continued explaining, “This is because you can stay with someone who had been staying in a certain place of which he/she may not be willing to be united with you and have good neighbourly relations”. Thus, he made an example, “You see that homestead over there, even if there is a funeral here in my homestead, they do not come at all”²⁰⁸.

These are the kinds of social conflicts and friction that cripple any possible development and chances of progress. There were also claims in Macleantown that the government once came up with an initiative to come up with food parcels for people after a means test, but some people within the community ruined that project because of infighting. People were asked to bring their identity documents but those who did not qualify were bitter and vowed to destroy the food parcels. Black communities generally emphasise the importance of having a strong social

²⁰² Focus Group 3, Macleantown. 3 November 2016.

²⁰³ Interview with Nosiviwe Makwetu and Lunga Xhamela, Macleantown. 11 November 2016.

²⁰⁴ Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

²⁰⁵ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

²⁰⁶ Focus Group 1, Macleantown. 3 November 2016.

²⁰⁷ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016).

²⁰⁸ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

fabric and proper social order. One resident expressed his disappointment with their social conflict that has derailed progress and said, “We are no longer united as we were. We are going to talk about such things in the coming meeting. I mean, there are people who are even taking our land illegally because our Committee is weak”²⁰⁹.

Another element that causes friction within the Macleantown community is the issue of ex-tenants (*amabhoda*) and the previous owners of the land. The name *Amabhoda* is derived from boarding which basically refers to staying on a piece of land that does not belong to you²¹⁰. Friction amongst residents in Macleantown is so bad that when I had finished an interview, I asked one participant to accompany me to the next house. Upon nearing the gate, this participant said to me, “Unfortunately I cannot go inside, I will see you”. When I inquired why he could not go inside the house, he simply replied by saying, “I am not on talking terms with those people” and he left²¹¹.

During the fight for land, the Macleantown claimants were united, but soon after land transfer friction emerged, and some residents claimed that they did not get the houses because of friction. This means that they are divided on certain issues and one participant even claimed that the community members live like “enemies”, while another said infighting and friction in Macleantown causes nervousness because “people have turned to lions”, meaning that people no longer have *Ubuntu* and compassion for others, but they have become selfish²¹².

In Salem, there are also allegations that one family is sympathising with “outsiders” who illegally mine sand, which causes divisions²¹³. In the same vein, land invaders in Macleantown have a section of beneficiaries who sympathise with them, which has caused friction. A section of the Macleantown community want land invaders to be removed, while others want them to stay²¹⁴. Other community members claim that they cannot chase away land invaders because they are black people like them. “It’s difficult for us to chase them away especially because they are black people like us. To be honest they stay there illegally but what can we do?” one

²⁰⁹ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

²¹⁰ Interview with Mqondobanzi Qoboshiyane and Mziwamadoda Ndlovu (Border Rural Committee members), East London. 10 November 2016.

²¹¹ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

²¹² Focus Group 1, Macleantown. 3 November 2016.

²¹³ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

²¹⁴ Interview with Trevor Khumalo, Macleantown. 2 November 2016.

beneficiary weighed in²¹⁵. Another version of the story is that some beneficiaries are selling land parcels to land invaders. Referring to the problem of land invaders, one old man complained bitterly that his grandson struggled with his traditional circumcision processes because they could not easily build an *ibhoma* (a house for Xhosa initiates) because of land invasion²¹⁶. However, the issue is quite complicated because there are also claims that some land invaders are related to some restitution beneficiaries who are original landowners in Macleantown. One resident explained:

These fights affected us because we are still fighting, there is nothing happening here. The majority of claimants (original occupants) are the ones who want to take charge of this place. They want to distribute the land as they wish. That is why you see gullies over there. It is our own apartheid. It is our own form of discrimination. So, some of the claimants give those illegal invaders the ground to invade that land. Fights are not yet over. This thing has to be told. As a community here in Macleantown, we are not living a good life because we do not have good relations. There is discrimination. We are not united, not at all. There are no good relations here because we are divided. There are *amabhoda* (ex-tenants), there are buyers, those who bought land, and then there are claimants²¹⁷.

This is in contrast with the strong social fabric they claimed to have had before land dispossession wherein community members related to one another with respect and a spirit of *Ubuntu*. One participant explained:

Oh, we lived nicely here, even though it was during apartheid, our relations were good. It was nice, people were united. Children used to have their own dancing groupings. Life was good. If you were walking with someone from Macleantown to another place, you could fight on their behalf of that person from Macleantown, that's how close we were in those days. That's how we lived. If someone that we lived with got involved in a fight, we would join and support each other²¹⁸.

²¹⁵ Focus Group 2, Macleantown. 15 November 2016.

²¹⁶ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

²¹⁷ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

²¹⁸ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

The disunity and lack of cohesion among restitution communities is not unique to Macleantown and Salem restitution communities. Ntsholo (2015) and the Agrisystems Consortium (2008) have observed that most group land reform projects are characterised by a lack of cohesion and poor social fabric, which leads to widespread infighting and social conflicts that have hampered any possible chance of development.

In Macleantown, restitution beneficiaries view the white neighbouring farmers as complicit in the infighting for two reasons. Firstly, it is alleged, albeit in an exaggerated manner, that white neighbouring farmers are occupying the land pieces that black community members used to own before land dispossession and that generally white farmers “want to own everything”. The Macleantown judgment noted that some claimants were not going to get the direct land parcels that they used to own. Hence, it was agreed that some additional land had to be bought for those claimants whose properties were eroded or where restoration was not feasible because of infrastructural development. Thus, other claimants were given alternative land parcels (Macleantown Residents Association Re: Certain erven and commonage in Macleantown, 1996). Secondly, white farmers are seen as directly or indirectly encouraging land invasions. This is because a big chunk of land invaders are farm workers and white farmers are always seen dropping and taking them off. In some cases, it is alleged that white farmers even provide material for land invaders (farm workers) to build shacks in Macleantown. According to a version from the Macleantown people, white farmers encourage their farm workers to invade Macleantown to evade the Security of Tenure Act and that white farmers do not want their farmworkers to live on their farms²¹⁹.

Disunity amongst the beneficiary community is also present in Salem, where it was also reported that the former farmworkers of the white farmers were confused and are under the impression that they now own the land as well. This led to some friction with land restitution beneficiaries. Related to this were the reported tensions and feelings of jealousy between land beneficiaries who work in neighbouring white farms and those land restitution beneficiaries who do not. This is because those who work on neighbouring white farms have an income, while those who live on restitution farms are not doing well because of lack of sufficient PSS²²⁰. Most beneficiaries in Macleantown described the social fabric they had before forced removals as good, such as one woman who said, “Life before land dispossession was beautiful and nice

²¹⁹ Interview with Trevor Khumalo, Macleantown. 02 November 2016).

²²⁰ Interview with Nomonde Hlatshwayo, Salem. 08 February 2017.

because we all knew each other and families had respect for each other. My mother was the mother to the kids next door. There was law and order, you could not do things without order. And the other thing you did not just cut trees willingly, without approval, we used to have rangers, we have been looking for a ranger for a long time. We need a ranger to bring law and order here (angrily) *Ubuntu* is finished”²²¹. These social conflicts related to the argument by Aliber et al. (2013:177) that social conflict is a common feature of land reform projects (redistribution and restitution).

12.12 Access to social services and amenities

Land restitution is a very complex programme; it does not involve just one department because the new area for resettlement has to be improved to be habitable. One has to deal with several aspects of human settlement, so there are many other social services that are needed, such as schools, water connection, electricity installation, clinics and roads. Therefore, various aspects of government departmental services have to be brought into those unique social spaces²²². Putting all these relevant stakeholders together can be a complete nightmare as I have already indicated.

Just as in Macleantown, the Salem beneficiaries also get water from a truck²²³²²⁴²²⁵. One therefore wonders how beneficiaries are expected to farm effectively when they rely on trucks for water. One Salem beneficiary explained that “the biggest challenge here is water because everything needs water. Without water you cannot be free. The water that we get from the municipality is not enough. We just get them for drinking”²²⁶. In Macleantown, they face a similar problem: “You see, water dries up in our taps sometimes. We wish the government could build us dams here so that we can have places to grow crops. We want to grow crops here”²²⁷. Another related social service challenge, which is also faced by many South Africans, is the struggle to get proper health care, bearing in mind that the majority of the beneficiaries are old and poor, which means that they constantly need medication. One participant complained;

²²¹ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

²²² Interview with Ntongayakhe Gontshi, Fort Hare University. 27 March 2017.

²²³ Interview with Bandile Sishuta, Salem. 08 February 2017.

²²⁴ Interview with Ncebakazi Gqwetha, Grahamstown. 14 February 2017.

²²⁵ Interview with Joshua Klaas, Macleantown. 24 September 2016.

²²⁶ Interview with Bandile Sishuta, Salem. 08 February 2017.

²²⁷ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

You call an ambulance, it does not come! If I can get sick now, maybe the ambulance can come after a very long time. They would say they are busy, or sometimes they do not come at all. They would say there are no ambulances. Jah, it is something like that. That is our situation; we do not have a clinic²²⁸.

This means that on top of their poverty, social services are accessed under a crisis which does not protect the dignity of beneficiaries. When they ask for social services such as medication, they are made to feel that they are a burden and unreasonable. Participants in Macleantown also voiced their concerns on the dishonest mobile clinic workers who are seen as unreliable. One participant therefore said, “We wish the government could build houses, clinics because people are suffering a lot because of the lack of a clinic. These people (beneficiaries) are old and diabetic and the people who run the mobile clinic are not honest. They give empty promises and the elders will be waiting”²²⁹.

Such ill-treatment by mobile health officials in Macleantown makes beneficiaries feel unwanted and undignified. In Macleantown, the lack of a clinic means that they have to go elsewhere for medical attention and when they arrive there, they are ill-treated and often given confusing explanations and directions. The struggle to access proper health care in resettlement areas is related to the observation by resettlement theorists that expenses often increase after resettlement because of lack of social amenities and other services, which will have to be accessed elsewhere far from the resettled area (Scudder, 2005:34). In Salem, a similar situation exists, wherein beneficiaries do not have proper schools, water connection, roads and clinics. Below is a picture of a dilapidated school in Salem.

²²⁸ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

²²⁹ Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.



Photos 11: Picture of Salem school

Source: Fieldwork 2017

According to a research report conducted in Salem by Letsema Circle Trust, beneficiaries in Salem mostly rely on social grants, and there is a serious lack of social amenities such as health care, water and toilets. Just like other South Africans in poor rural South Africa, beneficiaries mostly rely on a mobile clinic that comes only once a month and in cases of emergency they often use private vehicles because ambulances never come. Even the school that houses grade R to 7 that is there is facing closure as it does not have the required number of pupils (Moletsane and Haya, 2016).

Since Macleantown is next to a highway, there were also concerns because people and livestock have been hit by cars²³⁰. The poverty and poor access to services makes beneficiaries compare themselves with other areas. This could be because of lack of information or lack of accountability on the part of leadership. This frustrates the community members because it appears they were promised too many things. The Macleantown School is not enough for the children and children have to go to another school in another area after Grade 5. The children who are above Grade 5 have a scholar transport system and there are allegations that the drivers are always speeding:

²³⁰ Focus Group 3, Macleantown. 3 November 2016.

The situation for our children's schools is painful. Imagine, they use this freeway, it does not sit well with us. We cannot have a peace of mind because of this. There is no other option. We do have an option of building a new school so that our kids can stop going to places that are far away²³¹.

This lack of sufficient infrastructure and services constrains the physical capital, so that beneficiaries are deprived of a life they have reason to value. Another key issue in Macleantown is that, even though some beneficiaries were given houses, some beneficiaries could not get houses. It is not clear why they have not received their houses and different reasons were provided for different beneficiaries. In one case, one woman was told that she could not get her house because the builder of her house died. A former project leader speculated that those who did not get houses could possibly be having RDP houses elsewhere. This is because the houses were built by the Department of Human Settlement; therefore, some beneficiaries may not qualify for another house in Macleantown, if they had another house elsewhere. This could be a result of misinformation on the part of project leaders because some of the things that the beneficiaries claim they were promised were not in the Settlement Agreement (Macleantown Residents Association Re: Certain erven and commonage in Macleantown, 1996). Even those who were given houses are complaining that their houses are cracking, and that their toilets are too far, which means that, if it is raining or at night or when one is having a running stomach, they struggle to use the toilets. The interview below demonstrates the disappointment of beneficiaries regarding their housing:

They never finished building those houses so the government robbed us once again. The water tanks we were promised were never delivered to us. They hire cheap contractors thus our houses are cracking because the people who were hired to build them were incompetent. All I am saying we are never satisfied here because the government does things half way²³².

Beneficiaries therefore asked for more help from the government so that they can live a happy and dignified life. "We want livestock and fencing. Our cows are killed by cars on the roads because we do not have fences. We wish the government could build a bridge here so that our cows will not be able to go on the road. All those things are not happening," one old man

²³¹ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

²³² Focus Group 2, Macleantown. 15 November 2016.

explained²³³. The lack of proper social services is not unique to Macleantown and Salem because other restitution cases such as Munzhedzi hardly have proper social services (Aliber et al., 2013).

Although many beneficiaries complained about other social services issues and housing, the construction of houses in Macleantown is at the core of the advice by resettlement theorists that, to prevent homelessness, proper planning and houses should be put in place (Cernea, 2000:3667b; Cernea, 2000:33-34a; Cernea, 1996:8). On the contrary, in Salem, there were no signs of government built houses for beneficiaries. Most beneficiaries reside in the former white owners' houses, while others have built shacks and mud houses to live in. This is the homelessness risk that was identified by resettlement theorists (Cernea, 2000:3667b; Cernea, 2000:33-34a; Cernea, 1996:8). Generally, the research areas studied showed a great lack of social services, such as health care, water and other social amenities.

12.13 Conclusion

This first chapter on study findings has explained the conflicted position and mixed feelings of beneficiaries, that is, the happiness of being on their ancestors' land and the disillusionment after realising that the life that they lived in the past has been lost. Part of this is related to the fact that most beneficiaries expected the land restitution projects to end their poverty. Therefore, beneficiaries remain bitter as they lack post-settlement support and the state appears to be evasive by providing unclear, unhelpful and confusing answers. Du Toit (2000) and Slavoj Zizek's conception of the "loss of the loss" (Dhupelia-Meshrie, 2010:97) fully captures what the Macleantown beneficiaries have been going through after realising that not only have they failed to re-live the past, but their poverty has not ended after resettlement through the land restitution project. Therefore, the feeling of being "dumped" amongst beneficiaries in Macleantown was very strong and they feel that this restitution process was a mere relocation process and not a restitution process. It is also worth stating that some of the expectations of beneficiaries were exaggerated and not contained in the Settlement Agreement. The Salem project, on the other hand, is not significantly different from the Macleantown project in that in both restitution cases the projects have not enabled beneficiaries to re-create proper land-based livelihoods. The post-settlement period after land transfer in both restitution cases has been characterised by infighting and poor social fabric amongst beneficiaries, lack of proper,

²³³ Focus Group 2, Macleantown. 15 November 2016.

systematic and early PSS, lack of meaningful cultivation/farming, lack of proper social amenities, the pain of realising that the past is lost (especially in Macleantown), as well as an unhelpful and frustrating interface between land restitution beneficiaries and land reform stakeholders. The main difference between Macleantown and Salem is that in Macleantown, since land dispossession happened around the 1970s, most beneficiaries who lived before land dispossession are alive, meaning that they kept on comparing the past and the present, largely romanticising the past. In Salem, since the land dispossession happened quite earlier (1940s), I could find only one beneficiary who claimed that he lived before land dispossession and he is very old. Therefore, the main beneficiaries from Salem could narrate the past stories they heard from their grandparents, which were corroborated by court judgements. In the next findings chapter, I try to make sense of the developmental failure of land restitution projects in Macleantown and Salem restitution projects.

Chapter 13

13. Making sense of the developmental impact of land restitution: the case of Macleantown and Salem restitution projects

13.1 Introduction

The previous chapter presented the dilemma and mixed feelings of land restitution beneficiaries after land transfer when they were faced with the harsh realities of being back on the land that they were removed from in Macleantown and Salem. This chapter builds on the previous chapter and seeks to make sense of the developmental failure of the Macleantown and Salem restitution projects. The developmental failure of these restitution projects is related to the wider failure of restitution projects to function and create developmental benefits for beneficiaries (De Jager, 2015; PLAAS, 2016). This chapter thus discusses the developmental impact of these restitution projects using the Sustainable Livelihoods Framework (SLF) and the capabilities approach. In the first section, using the information from the literature review and the information I gathered from these two restitution projects, I try to join the dots in understanding what goes wrong in land restitution projects after land transfer. Since the major characteristic of most group-based land restitution project is infighting and lack of social cohesion, I then pose a rhetorical question by asking whether group-based agricultural projects made up of different beneficiaries can succeed. The next section seeks to understand the criteria for success and failure on group-based agricultural projects. I then take the analysis further by examining the priorities, judgements, views and aspirations of community members. Then the next section examines the developmental impact of these projects using the SLF and the capabilities approach. From there on, I discuss the sources of income that have been generated by the land restitution project in order to understand the livelihoods impact of these projects. The last section before the conclusion examines the voices and participation of beneficiaries, as well as the accountability of project leaders, such as chairpersons of Communal Property Associations (CPAs).

13.2 Joining the dots: What really goes wrong on land restitution after land transfer?

The biggest challenge of land reform projects is that, from the moment land is purchased or claimed (in the case of restitution projects), operations or production on the farms is often halted, leaving farms workers confused. As one Monitoring and Evaluation Directorate official noted “the problem is once the farm has been gazetted, the white farmer often stops working

so when you go there you find out there is nothing happening, which means that when you put new people they will not know where to start and with what resources”²³⁴. Thus, white farmers normally stop investing in their farms as soon as they see that the likelihood that their farm would be eventually taken away from them is high²³⁵ (De Jager, 2015). This means that the land reform beneficiaries normally take over a farm that is in a poor state, without any production and destitute farm workers. What then follows is the initiation of resettlement into the farms by land beneficiaries while there will be some talks with the government regarding PSS (resources).

Another related problem is that, even after winning the claim, the beneficiaries may not have the necessary knowledge, resources, equipment and skills (managerial, agricultural and marketing) to take over from where the white framers left off. A good example is that of the Salem beneficiaries who failed to nurse pineapple plants when the white farmer had left leading to confusion and quarrels on what was supposed to be done with those pineapple plants²³⁶.

The withdrawal of investments by white farmers due to uncertainty is worsened by the slow pace of PSS delivery (if there is any) as I showed in the stages of PSS. The slow pace of PSS and the withdrawal of investments by the white farmer means that production at a previously functioning white farm can be halted for a long time and the new beneficiaries would have to start from scratch. This often creates an awkward position between land beneficiaries and farmworkers who would have lost jobs (Hall and Kepe, 2017). In Salem, it was reported that some farm workers blamed land restitution beneficiaries for their job losses²³⁷. As land beneficiaries move in, the farm workers are hardly put into the developmental projects and in the cases of the research areas I studied, there was friction and confusion between land beneficiaries and farm workers.

Relocating onto the farms is the moment when the honeymoon of winning a land claim is fading away for land beneficiaries as they realise that they have deeper problems than land acquisition. The strong social fabric and the one voice they had when claiming their land begins to unravel. This is worsened by the slow delivery of PSS together with bureaucratic hurdles with the state departments and importantly, at that stage, beneficiaries will know that there is

²³⁴ Interview with Maqondisa Ndlovu, East London. 17 May 2017.

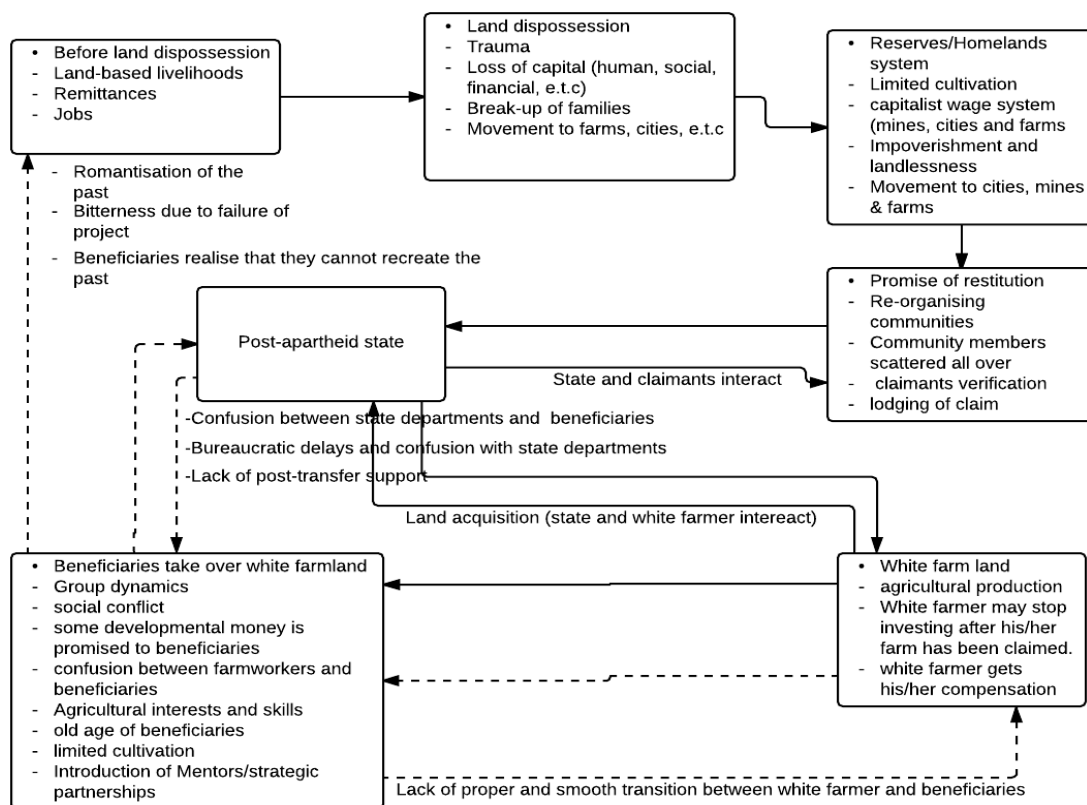
²³⁵ Interview with Zuziwe Nhlapho, Grahamstown. 03 March 2017.

²³⁶ Interview with Ndukuyakhe Dlamini, Salem. 17 August 2017.

²³⁷ Interview with Ndukuyakhe Dlamini, Salem. 17 August 2017.

some money that the government needs to pay them. This therefore means that winning a land claim is not always followed by a smooth path to settling and cultivating their lands. In essence, there is hardly any connecting mechanisms between the previous leaving white farm owner and the incoming group of black communities²³⁸. In the following diagram, I try to summarise the dilemma and challenges that land restitution beneficiaries face. The diagram refers to restitution beneficiaries who chose land compensation. Although this diagram describes the behaviour of this study’s participants, I believe that other restitution beneficiaries elsewhere followed roughly the same pattern.

Table 3: Cycle of impoverishment on land compensated beneficiaries



13.3 Are group projects workable? The case of restitution projects

In my language, isiNdebele, we often say “*abapheki abanengi bayabona ububende*” - loosely translated as “too many cooks spoil the soup”. When it comes to group projects, a lot of energy is lost in arguing and settling individual egos and arrogance, while there is often a presence of

²³⁸ Interview with Ntongayakhe Gontshi, Fort Hare University. 27 March 2017.

certain individuals with sinister motives. In fact, one government official from the Department of Agriculture even said that he sees himself more as a social worker than as an extension officer devoted to technical advice for farming and marketing because there is more infighting than cultivation on the group-based land reform projects²³⁹. Restitution communities often consist of hundreds of beneficiaries with different interests and geographical residences, making it strenuous to organise them. In Macleantown, there are hundreds of beneficiaries, while in Salem there are over a thousand beneficiaries. However, the restitution model creates an impression that the CPAs will be homogenous groups made up of like-minded individuals who want to see progress through farming²⁴⁰.

While this may be true in some group projects, in most cases groups are not homogenous. Most government officials who were interviewed said that in restitution projects there are always huge sums of money and community members may be aware that there is a lot of money that the government will give them. Thus, they added that, after land transfer, the community members would have known that “the government owes them money”. This according to government officials becomes an opportunity for some individuals to enrich themselves, leading to a massive fight over resources and other issues, such as egos, entitlement and jealousy in some cases²⁴¹. In Macleantown and Salem, there was also some indication and complaints from ordinary beneficiaries that those in leadership use their positions to benefit themselves and to accumulate resources and capital. This shows that some claimants are largely led by a sense of entitlement, and not necessarily involved because they want to farm. This explains why one former Macleantown Project officer said, “owning land does not always make you a farmer”²⁴². Sadly, this often means that even if there are certain individuals who are interested in farming, they end up being caught-up in the infighting that may emerge²⁴³²⁴⁴. This is related to the concept of the “tragedy of the commons” wherein the selfish interests of individuals in a commonly held property such as land leads to negative consequences for the entire group (Hardin, 1968; Jacquet, Frank and Schlottmann, 2013). For instance, Binswanger-Mkhize, (2014:259) shows that international experiences show that, although group projects

²³⁹ Interview with Zuziwe Nhlapho, Grahamstown. 03 March 2017.

²⁴⁰ Interview with Ntongayakhe Gontshi, Fort Hare University. 27 March 2017.

²⁴¹ Interview with Sakhile Totana and Vuyisiwe Khwephe, East London. 17 March 2017.

²⁴² Interview with Ewald Petros (former Macleantown expert official), East London. 24 January 2017.

²⁴³ Interview with John Smith (agriculturalist), Stutterheim. 16 February 2017.

²⁴⁴ Interview with Zuziwe Nhlapho, Grahamstown. 03 March 2017).

have been successful in some cases, group projects have struggled to function, leading to subdivision of farms to improve proceedings and thus it is puzzling why South Africa still uses the group ownership model.

As I stated earlier, the fact that claimants were removed from their land does not always make them competent farmers. Even more so, neither will their children likely to be interested in farming because of urbanisation. Most government officials observed that some beneficiaries do not look after their farms and are generally not interested in farming²⁴⁵.

Social conflict in Salem is worsened by the fact that the beneficiaries collectively own all the five farms which creates confusion for those who live on those farms. There is somehow an expectation that some benefits have to be shared with those who do not live on the farms. For example, there have been benefits from the Nguni projects and the chicken project on one farm and here the family that was tasked to be caretakers of the farm that houses these projects is labelled as a gatekeeper who monopolises benefits and the proceeds. In numerous interviews, some beneficiaries lashed out at that family for acting “as if they own that farm” by frustrating a white man who wanted to test the soil for development. Another claim against this family by other beneficiaries is that they rent grazing land to non-beneficiaries, but when beneficiaries ask for grazing lands, they refuse²⁴⁶²⁴⁷²⁴⁸. This kind of confusion is partly a mistake by the government to offer PSS to one farm and a lack of clarity on ownerships patterns. There were also claims that the sand mine in Salem was closed after it was realised that certain individuals were solely benefiting from the profits of it. Beneficiaries were concerned that they have not seen any financial reports from the proceeds of the sand mine, which led to its closure (Moletsane and Haya, 2016:5).

This infighting is not unique to Salem and Macleantown but is characteristic of many restitution cases. Group-based land reform projects are often problematic, especially if the group is large (Aliber et al., 2013). For instance, former president Thabo Mbeki has narrated how high profiled individuals such as the South African celebrated Archbishop Makgoba pulled out of the Makgoba restitution case because of massive social conflicts that did not end because of selfish interests of individual members and traditional authorities (Mkhize, 2017). The

²⁴⁵ Interview with Mbabazane Khumalo, Alice. 28 March 2017.

²⁴⁶ Interview with Nompumelelo Mthonti, Grahamstown. 11 August 2017.

²⁴⁷ Interview with Ndukuyakhe Dlamini, Salem. 17 August 2017.

²⁴⁸ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

argument that group land reform projects, especially land restitution, are hardly workable resonates with the observation by Hall (2009) that social conflicts in these projects often leads to an impasse, leading to some members dropping out of the projects and the subsequent failure of the project to function. The reasons for conflicts are multifaceted and it is often hard to develop compromise between warring factions²⁴⁹. For instance, one CRLR official who has over ten years experience with restitution projects said this about infighting:

Infighting on restitution projects is very bad because you go to a community and you find that the community has groups and there is a certain group that wants to lead over others. As I have said, once you mention development money, conflict becomes wider because there are people who see this for their own interests and who see that this is going to help them to get rich. So, those conflicts have a way to hinder development because even in meetings the discussions are never productive because we discuss the same thing over and over mainly because there will be that certain group that wants to direct everything. So, it has a huge impact in terms of ensuring that development is taking place within the communities²⁵⁰.

Another added:

So, you would find that there is a dominant family in that farm that overrules everybody in the farm and they want their decisions to be final. So, these are the kind of dynamics you get for instance in that farm we had women as primary beneficiaries of the programme but they were taken out of the committee and men were brought into their positions and I think that's when things started to fall apart²⁵¹

Therefore, the challenge is that where there is a developmental initiative, there is always money and not everyone is prepared to work the land. Thus, most government officials observed that other people see restitution development support as a way of making money. In some cases conflicts may be caused by failure to realise project plans and competition over resources (Hall, 2009:27). In some cases, conflicts may be sparked by poor attitudes towards agriculture and

²⁴⁹ Interview with Gert Krige, Rhodes University. 19 April 2017.

²⁵⁰ Interview with Sakhile Totana and Viyisiwe Khwephe, East London. 17 March 2017.

²⁵¹ Interview with Mbabazane Khumalo, Alice. 28 March 2017.

feelings of entitlement, competing selfish interests, old age, differences in opinions, poor social fabric and the whole point that in restitution projects, members are often people who have not been together for decades²⁵². Therefore grouping them together and asking them to do one thing is nearly impossible. For instance, infighting in Salem has been so intensive that high-profiled individuals who were interested in assisting the community have pulled out because of the impasse²⁵³.

The challenge of group farming is perhaps one of the reasons commercial farmers do not farm together, but prefer to collaborate on issues such as marketing, but for some reason the state assumes that black farmers should be farming together²⁵⁴. One participant highlighted the challenge of group projects in Salem saying: “the problem is that farming was in the past done by one person, during apartheid, a farm belonged to a Boer, he had lots of information about everything in the farm, and he ran it the way he wanted, but now there are many of us, we have different ideas, and now those ideas can cause conflict”²⁵⁵. Additionally, he explained that the major problem in-group projects is that it is difficult to organise people because no one has control over any member, meaning that any member is free to do anything they like:

When you farm as a group, some people do not come because of personal problems. For instance, we are supposed to do weeding together and we have to rush so that weeds do not spread, but some people may be sick and we may end up having few people working. It is hard when you work with many people because we need to be organised. Fortunately, the government appears to be flexible, they come up with plans and implement them if those plans do not work. Some people can be lazy you know. For instance, someone can just decide that they do not want to do weeding with others. What can you do? However, we are trying to mitigate that. So, we said people should be paid for weeding, you see²⁵⁶.

²⁵² Interview with Khandakhulu Dlamini, Port Elizabeth. 27 February 2017.

²⁵³ Interview with Gert Krige (academic), Rhodes University. 19 April 2017.

²⁵⁴ Interview with Mike Smith (academic), Fort Hare University. 01 March 2017.

²⁵⁵ Interview with Bandile Sishuta, Salem. 08 February 2017.

²⁵⁶ Interview with Bandile Sishuta, Salem. 08 February 2017.

Another stakeholder in the Salem community project added that they found it far easier to work with fewer people than a large group:

We have found that it is easier to deal with few people than a large group of people. They would apply for a project as a group but the time we reach the middle of the project that group has been drastically reduced in terms of participating on the project. It is because we are able to sift them out and in some cases, they sift themselves. Those that are committed will remain, so you end up with the few. And once you remain with the few then things start moving for the better²⁵⁷

Although I interviewed the participants of only restitution projects, it is clear when looking at other studies by other academics such as Lahiff (2007c) that this is a widespread problem and that group projects often fail to get off the ground. For instance, referring to the impasse in Salem, one government official complained that “there is no sound development or leadership in Salem because everybody wants to be leader because everybody is an owner...No one wants to submit to or follow anyone”²⁵⁸. Therefore, one ends up having too many people pulling in different directions leading to the collapse of the project. Thus, this official ended up recommending subdivision and limiting of the number of beneficiaries in a group. This is because he correctly argued that a family farm is always likely to be successful because a family understand each other and they work together and they understand the intentions behind the business²⁵⁹.

However, while group-based land reform projects are largely problematic, it is still possible to have ones that are less problematic (Aliber et al., 2013). In his PhD study, Ncapayi (2013:203-205) has presented some successful group-based land reform projects. Importantly, Ncapayi (2013) does not rule out the problems (such as social conflicts) of group-based agricultural projects. Thus, he (in his study) concedes that group-based projects have their own problems that include ill discipline of their members and social conflict. One would add that, for a group project to succeed, it would require the presence of unique social relations of beneficiaries and some adequate PSS from the state or other development agencies. It is important to note that his study was based on a land redistribution project formed by people who come from the same

²⁵⁷ Interview with Mbabazane Khumalo, Alice. 28 March 2017.

²⁵⁸ Interview with Zuziwe Nhlapho, Grahamstown. 03 March 2017.

²⁵⁹ Interview with Zuziwe Nhlapho, Grahamstown. 03 March 2017.

village and that the project received systematic support and that members were determined to progress, which limited social conflicts (Ncapayi, 2013:217). Furthermore, group projects in redistribution projects are likely to work better because numbers can be limited (controlled) and often these would be people who would have decided to come together to achieve certain agro-based goals. With restitution, however, the numbers are often higher and individual beneficiaries are often compelled to come together (CPAs) simply because they or their parents used to live together before land dispossession²⁶⁰.

Thus, Aliber et al. (2013:154) question the agricultural attitudes of restitution beneficiaries by arguing that being a claimant does not always imply an interest in agriculture. In fact, in one study involving numerous land restitution cases, researchers found that most people believe that as much as they have a right to receive their land they are not always interested in commercial agriculture (Interview with Mike Smith, Fort Hare University, 01 March 2017; Aliber et al., 2013). While I do not claim that the study by Aliber et al. (2013) represents the patterns across all restitution cases, the study hints at the possible attitudes of most restitution beneficiaries towards agriculture. The study by Aliber et al. (2013) also confirms what most government officials said about the negative attitudes of restitution communities on farming²⁶¹
262263.

Moreover, social conflict on group projects is also related to the history of families before land dispossession²⁶⁴²⁶⁵²⁶⁶. For example, even if a group agricultural project is made up of people from the same village, issues of belonging, identity, jealousy, and past witchcraft allegations against a certain family may be raised which may lead to friction. In Macleantown, social conflict is also related to the differences between the former original owners of the land and the former tenants (*amabhoda*). In Salem, there is a claim that one of the families which is a beneficiary is not really a direct beneficiary. This family has been accused of many things that

²⁶⁰ Interview with Mike Smith (academic), Fort Hare University. 01 March 2017.

²⁶¹ Interview with Zuziwe Nhlapho, Grahamstown. 03 March 2017.

²⁶² Interview with Sakhile Totana and Viyisiwe Khwephe, East London. 17 March 2017.

²⁶³ Interview with Simphiwe Sixoto, East London (Recap official). 10 April 2017.

²⁶⁴ Interview with Zuziwe Nhlapho, Grahamstown. 03 March 2017.

²⁶⁵ Interview with Sakhile Totana and Viyisiwe Khwephe, East London. 17 March 2017.

²⁶⁶ Interview with Ntongayakhe Gontshi, Fort Hare University. 27 March 2017.

include fraudulent selling of cattle and the general attitude that the farm they occupy is theirs only²⁶⁷.

Although Ncapayi (2013) shows that group-based agro-based projects can be successful, it is important to state that the Delindlala redistribution project that was based on collective ownership managed to overcome challenges of group ownership, partly because of the positive attitudes that beneficiaries had, the systematic support that was provided and the action research that was carried out. Such unique circumstances were not present in numerous restitution cases that I had discussed. In the case of the projects I studied, PSS was limited, inconsistent and unclear²⁶⁸. I have also observed that, in most cases, social conflicts often end up in courts, which worsens any prospects for progress on the projects. For instance, in Macleantown a number of group claimants went to court to get rid of land invaders but by the time of writing, it was not clear if they had managed to successfully remove the invaders. In 2010 the Eastern Cape High Court in Grahamstown terminated the initial Amabhoxo Development Trust that was meant to oversee progress in the Salem restitution case because of infighting and allegations that the chairperson was abusing the Trust (Ziqula NO and Others v Jansen van Rensburg, 2010). Part of the allegations against the chairperson of the banned Trust was that he was arrogant and a bully because he also sold firewood for his personal gain without consulting other members of the Salem community claim²⁶⁹.

By 2017, some beneficiaries were intending to go to court to get one of their beneficiaries arrested on charges of illegally selling cattle without notifying other members. But it is not clear now what happened because one beneficiary said they forgave the accused²⁷⁰²⁷¹. The problems with group projects are not unique to South Africa, but other communities have also faced problems when it comes to common property and open-access resources. In other words, the different interests of individuals in a group will eventually lead to the ruin of a group as each member pursues his or her own interests to the detriment of the whole group and the environment. In Namibia, for example, problems of group resettlement include social conflict, lack of technical know-how on the part of beneficiaries, limited institutional cohesion, weak institutional structures, insufficient investments and funds, capacity of local staff, insufficient

²⁶⁷ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

²⁶⁸ Interview with Busobenyathi, Grahamstown. 04 March 2017.

²⁶⁹ Interview with Homla Phakathi, Grahamstown. 23 August 2017.

²⁷⁰ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

²⁷¹ Interview with Gert Krige (academic), Rhodes University. 19 April 2017.

partnerships and collaboration, and too much emphasis on farming when there a need and opportunity for diversification (Hoes, 2010:109).

13.4 What are the criteria for success on agricultural projects?

There is so much talk about failed land reform projects (restitution and redistribution) but the state has failed to provide criteria for success and there is an inherent assumption and expectation that restitution communities should take over from the capacity of white farmers²⁷². For instance, Ncapayi (2013:172) convincingly argues that the debates on the impacts of land reform projects often focus on projects that are in the commercial farming zone, leading to the over-emphasis of the assessments on economic benefits of the projects. Over emphasis on economic benefits overlooks the fact that benefits can be non-monetary or material. A case in point is the Munzhedzi restitution project in Limpopo. By commercial standards, it would appear that the Munzhedzi restitution project was largely a failure as it slightly disrupted the expected commercial production patterns (Manenzhe and Lahiff, 2007:7). However, many beneficiaries of the project were overwhelmingly happy about the outcomes of the project because they felt that they benefitted even though the project did not follow the commercial farming model after restitution²⁷³ (Aliber et al., 2013:155).

Therefore, the case for this argument is that criteria for success should not just be economic or the objectives of the restitution policy, but also the feelings and voices of beneficiaries. Thus, Aliber et al. (2013) concluded by cautioning researchers from exaggerating failure on land reform projects. However, while it is important to question the criteria that are used to judge the success of restitution projects, it is important to state that the restitution communities I have studied, including those in the literature review, have largely failed to function to start with because of social conflicts and group dynamics. Secondly, the majority of beneficiaries in this study clearly explained that their livelihoods have not improved after land restitution.

The main loophole on the part of the land reform projects, particularly restitution, is that the state has not clearly detailed the criteria for judging the land projects and has generally not accommodated the challenges of agriculture as a business. This is because agriculture is a difficult kind of business, contrary to the views of some who believe that agriculture is a hugely profitable business and a viable tool for fighting poverty. This means that the yields for

²⁷² Interview with Mike Smith (academic), For Hare University. 01 March 2017.

²⁷³ Ibid.

beneficiaries would be low²⁷⁴. Surely, when one is judging the success of restitution projects one needs more than the return of a land parcel or cash compensation (Walker, 2012:818). However, somehow, land reform projects are expected to succeed without proper PSS and skills. I raise this argument in the context of declining numbers of white commercial farmers (Aliber et al., 2013) and the fact that during apartheid white farmers struggled although they were massively supported with inputs and the black slave labour. In spite of all the forms of massive state support to white farmers, agriculture remained a risky and difficult business (Aliber et al., 2013:20²⁷⁵).

Emphasising the difficult nature of agricultural projects in a study by Aliber et al. (2013:202), these researchers doubted the success of group-based agricultural projects such as poultry and crop production in contributing towards economic upliftment of beneficiaries. The biggest challenge is that farming under the restitution model moves from a white farmer who did business as an individual to a group of CPA members (often illiterate) who take over without the transfer of skills (managerial, marketing and agricultural). Even in the case where mentors are brought in, studies have shown that such strategic partnerships have been dysfunctional (Cousins, 2016a; Cousins, 2016b). For instance, when asked about what they expected after land transfer as compared to their experience, one participant expressed hope for the future, although he maintained that agriculture is a difficult business and has slow benefits. Thus, he said, “We expected everything to be bright and we thought we were going to make a lot of money, but so far we have learnt that farming is not a child’s play. It takes time. It takes years because we are not like white people who have money. White farmers have many livestock and many employees so the balance between us and them is not the same”²⁷⁶. Another related aspect is that land beneficiaries often lack the managerial and agricultural skills²⁷⁷²⁷⁸.

13.5 Priorities, judgements, views and aspirations of community members

In order to understand the developmental impact of these restitution projects, it was necessary for this study to capture the “voices” of beneficiaries in terms of their priorities in life. The SLF and the capabilities approach are very emphatic on the importance of the priorities, values, judgements and views of community members and what the community members generally

²⁷⁴ Interview with Mbabazane Khumalo, Alice. 28 March 2017.

²⁷⁵ Interview with John Smith (agriculturalist), Stutterheim. 16 February 2017.

²⁷⁶ Interview with Nomonde Hlatshwayo, Salem. 08 February 2017.

²⁷⁷ Interview with John Smith (academic), Stutterheim. 16 February 2017.

²⁷⁸ Interview with Khandakhulu Dlamini, Port Elizabeth. 27 February 2017.

aspire for (Ashley and Carney, 1999:7; Clark, 2005:05; Clark, 2003:178). The majority if not all participants in this study showed an eagerness to be independent. For most beneficiaries, independence and self-sufficiency could be achieved through practising agriculture. As one participant said, “If I can have a proper fence I can plant potatoes, onions, cabbages! I will farm for selling man. If I get my fence up here (raising his voice), I will take my pigs and bring them here”²⁷⁹.

Therefore, access to land provides some feelings of the potential to be independent because all participants talked about how they wish they could be supported to start farming and they were tired of being dependent on social grants that are a pittance²⁸⁰²⁸¹²⁸²²⁸³²⁸⁴. Most participants in this study valued self-sufficiency to the extent that one participant even mentioned self-sufficiency eight times throughout the interview. He desperately wants to be self-sufficient, saying:

I want to work and take myself out of poverty! I can survive on my own, I need to be self-sufficient man. And I wish they could allow me to work up until 70 just like in the States! In America you can work for as long as you want but here, they cut us at 60, because they cannot even create jobs for you young guys man. How can they say we should retire early so that we can make space for the young people?²⁸⁵.

This shows that participants do not necessarily want the government to give them handouts; rather, they want to be empowered to be able to take themselves out of poverty. The main reason for valuing independence and self-sufficiency was well captured by this comment: “If you are dependent on someone, you are a burden so you get help and favours according to that person’s willingness. You do not have a say or anything because you do not have anything”²⁸⁶.

Asked why she desired to come to Macleantown, one woman said:

²⁷⁹ Interview with Joshua Klaas, Macleantown. 24 September 2016.

²⁸⁰ Interview with Ndukuyakhe Dlamini, Salem. 17th August 2017.

²⁸¹ Interview with Andiswa Mtandani Macleantown. 2 November 2016.

²⁸² Focus Group 1, Macleantown. 3 November 2016.

²⁸³ Focus Group 2, Macleantown. 15 November 2016.

²⁸⁴ Focus Group 3, Macleantown. 3 November 2016.

²⁸⁵ Interview with Joshua Klaas, Macleantown. 24 September 2016.

²⁸⁶ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

I got tired and wanted to be an independent woman. I wanted to live my life without relying on my former boss and just wanted my space. I prefer to be an independent women because it is good to do things for yourself and ask for help later when there is a challenge you encounter, but it is always good to know how to initiate things and plan your life accordingly. When I run out of sugar I know the only way to have it again is by buying it myself and that empowers me. I do not want freebies from men that is what shapes my views²⁸⁷.

Another added:

What we want as the community, is that first the government should build us a clinic, then a school, then development land so that we can use this land with our farming expertise that we were taught by Boers. We want to farm here. The government has given us land, but this land is no longer for development, it is now for residential purposes. They should give us land that we will work on, where we will harvest so that we can have something to eat before we sleep. Our biggest request is the clinic, we have been complaining about this, but they always come up with stories, and there is a school, we need a proper school here. We do not have money; we do not have land to plough. Most of the young people are out, they live elsewhere in Mndantsane. There is no work here, so they go to farms²⁸⁸.

Furthermore, the beneficiaries were very emphatic about the quality of life they want to live. The unhappiness of beneficiaries to reap meaningful benefits from land transfer were captured by the following comment by one participant who said, “I do not live the life that I love. However, one should not want to think too much about the Macleantown things because I will have stress and die”²⁸⁹. Interestingly, many beneficiaries managed to articulate their views on happiness or a happy life and they provided definitions of a happy life as reflected in the following comments:

²⁸⁷ Interview with Andiswa Mtandani, Macleantown. 2 November 2016.

²⁸⁸ Interview with Mveliso Skeyi, Macleantown. 01 November 2016.

²⁸⁹ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

I believe a happy life is one that does not revolve around poverty and unemployment²⁹⁰.

To me a happy life is when I can work for myself²⁹¹.

A happy life is being content with what you have or what has been given you to you. With us we are not happy because we were but given what we expected. A happy life is freedom, being able to eat what you like and have no worries²⁹².

A good life is one that will never make you stress about food, money and other things. Life is easy when you have a good life. To afford anything you want in life²⁹³.

Good life is getting dressed with what you want, eating what you want in the time that you want, having money and livestock²⁹⁴.

The kind of life that most beneficiaries live is characterised by limited socio-political and economic “choices”, far from their envisaged priorities. For instance, the majority of participants I interviewed are heavily in debt because their income from state-provided social grants is insufficient. Many participants in Macleantown complained about being in debt which leads to stress as they try to make ends meet with the “little” pensions that they get. This means that beneficiaries have to borrow money from neighbours and *Omatshonisa* (loan sharks) who are notorious for giving their debtors sleepless nights. The interest rates from loan sharks are extremely high but poor people who cannot otherwise borrow money from banks end up resorting to them. This leads to a situation wherein poor people become ‘captured’ by loan sharks, which results in feelings of vulnerability to poverty on the part of beneficiaries in the midst of loan sharks’s brutality²⁹⁵. Participants also claimed that indebtedness means that they are living between a rock and a hard place, in that they have to pay loan sharks even though

²⁹⁰ Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

²⁹¹ Interview with Nosiviwe Makwetu and Lunga Xhamela, East London. 11 November 2016.

²⁹² Focus group 2, Macleantown. 15 November 2016.

²⁹³ Interview with Gamelihle Booi, Macleantown. 4 November 2016.

²⁹⁴ Focus Group 3, Macleantown. 3 November 2016.

²⁹⁵ Focus group 2, Macleantown. 15 November 2016.

they have little money²⁹⁶. Therefore, most beneficiaries described their lives as the kind of lives they do not have reason to value. The following comment also describes the day-to-day hardships of most participants:

My child, it is rough, we see other areas getting developed, there is not even one thing that is tangible here, we are always complaining about a clinic. The first thing that we fought for was a clinic and a school. We are suffering because we do not have money. We have to go as far as Mdantsane to look for help, and it costs money to go there. We are on our own. Remember there is food also, rent. We speak about these same things all the time, there is nothing moving²⁹⁷.

Indebtedness also limits their “choices” for recreation, pleasure and access to basic needs²⁹⁸. Such limited “choices” were revealed in the following comment: “We don’t have money to go to doctors so we are affected badly by this situation. We rely a mobile clinic that comes once a month, meaning if one is sick during the month they will not be able to get help in the community”²⁹⁹. Some also emphasised the lack of basic needs, such as the following participant who said, “That’s our life. You see, I have a government house, but I do not have clothes. There is no TV, I have so much debt”³⁰⁰. This means that the limited “choices” constrain their capability for the functioning of access to better health care.

To illustrate the limited “choices” of Macleantown beneficiaries, it is important to present one beneficiary who is diabetic and stressed. I called him Vuyisile Toli. When I arrived, he became extremely interested in my land topic, and he wanted to show me how they live as land beneficiaries. The assets that he owns are not in any way related to land restitution. He claimed that his assets were bought with his previous income and remittances. He survives on a disability grant, but it is too small to cover all his expenses, and it does not sit well with him. He is in debt, and that same month he did not get his grant because it all went to an instalment for a cupboard, which stresses him. His illness is worsened by the stressing conditions in Macleantown, but there is hardly anything that can end his stress/worries because the future

²⁹⁶ Focus Group 3, Macleantown. 3 November 2016.

²⁹⁷ Interview with Mveliso Skeyi, Macleantown. 2 November 2016.

²⁹⁸ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

²⁹⁹ Focus Group 2, Macleantown. 15 November 2016.

³⁰⁰ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

looks bleak because of lack of support. They also have a problem with illegal land invaders and he claims that the Committee is too weak to deal with these issues, which makes them feel powerless and they remain frustrated³⁰¹³⁰². Since he is on medication, he constantly needs proper food, which he cannot afford, which makes him more stressed, leading to more illness and more stress. Thus, at one point he said, “I am hungry now as we speak. I do not know what I will eat today. I will go around begging. I tried talking to some boy to give me some spinach to boil. He did not have. So I am hungry as we speak”³⁰³. Being in debt weighs heavily on his illness and social life. Another beneficiary was also faced with a similar dilemma and being ill and failing to buy her basic needs which is stressful. Referring to debt, she said:

It stresses me because I worry about how I will pay back the money. Where will I get that money? As I said, my children are not working. They expect me to buy them clothes and look after them. The one who does not have a phone asks for a phone, the one who doesn't have a shoe asks for a shoe. You see that, clothes are expensive for adults. It finishes the whole pension money. hayi, life is hard man. You only realise that Matshonisa is putting into severe debt when you have used his money. You do not think about their brutality when borrowing³⁰⁴.

13.6 Land restitution and development

After identifying the priorities, aspirations and views of community members, it is now important to judge whether such goals were achieved. The SLF stresses that a livelihood is sustainable when it enables people's ability to avoid, or to withstand and recover from stresses, hardships and shocks (Chambers and Conway, 1991:10). In a related vein, the capabilities approach also stresses that development should improve the quality of lives of community members by enabling them “choices” and “freedoms” for people to live a life they have reason to value (Sen, 1999).

Martha Nussbaum adds that a society that does not guarantee basic capabilities falls short of being a just society (Nussbaum, 2003). A good society should enable the attainment of the

³⁰¹ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

³⁰² Interview with Trevor Khumalo, Macleantown. 2 November 2016.

³⁰³ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

³⁰⁴ Focus Group 3, Macleantown. 3 November 2016.

dignity of a human being, wherein citizens live a life that is worthy of that dignity. On the contrary, it was clear that the restitution projects under study largely did not help beneficiaries to avoid such livelihood shocks, stresses or vulnerability to poverty, nor did these projects enable “choices” and “freedoms” for beneficiaries to live the kind of life they have reason to value. Thus, these restitution projects have largely failed to improve the lives of beneficiaries. Such feelings of desperation and vulnerability to poverty and destitution were captured in the following comment by one participant:

I eat anything in front of me that I find. I do not eat the right food that gives me nutrients. This is not a happy life man. We are struggling to survive. We want a better life. Life that is all right. I want a peace of mind. I do not want to have things such as debts. I want rest. I am not all right now because I think about my debt all the time, even at night. I won't get a cent from the pay this month because it will go to the instalment. This money (grants) just vanishes in your hands (emphasising the smallness of grants). I am not happy because I do not have money. That is what make me sick more, as you can see. I did not eat now but I need food to eat because I am on medication, but where will I get food today? There is no money here, money vanishes. Therefore, we keep begging sometimes. The government has not helped us to help ourselves, we struggle alone³⁰⁵.

Lack of money limits their options, which also means that they are not able to afford the health care they want and other basic needs. The Macleantown and the Salem communities depend on a mobile clinic and some ambulances which rarely come to them. This means that, in the case of emergency, one can easily die and the participants do not want such a life of destitution. The daily livelihoods experiences of restitution beneficiaries show that these beneficiaries are far from having the capacity to build resilience against poverty, nor do they have the capability to live a life they have reason to value.

One participant summed up the frustrations of beneficiaries by saying: “Life is hard. We are struggling alone, you see, and our children are not working. My son, we are living because people live, we are here on earth, and we have our land portions back although our hearts are

³⁰⁵ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

not content”³⁰⁶. This demonstrates a sense of vulnerability and that land transfer has largely not managed to help them build resilience against any livelihood stresses and shocks so that they can live a happy and dignified life. They are merely surviving. The small incomes versus bigger needs means that they are vulnerable to poverty and starvation. Most importantly, in Macleantown most beneficiaries decried their living conditions and often stated that they felt that they were “dumped” as the government has not shown much effort to help them. Thus, one participant said:

We feel like we are dumped because we have to buy everything for ourselves. We have old grandchildren who are not working, they have their own children. You see that? Imagine from that R1500, you make groceries, then there is a burial society contribution. If the money gets finished you have to borrow from neighbours. Look now, I have to fetch my daughter in law at hospital, there is no money! I have to borrow R50. We are in debt! It is rough. Can you really share a grant?”³⁰⁷.

This means that the beneficiaries have not built enough capacity or capability to be resilient against poverty or any livelihoods shocks and they remain vulnerable to poverty. The core argument of the capability approach is that development should improve the quality of lives of people through enhancing “choices” and “freedoms” for people to live the quality of life they have reason to value (Sen, 1999:18). Therefore, the capabilities and agency of these beneficiaries should not be constrained and limited by “unfreedoms” such as poverty (including the lack of access to basic services) (Graham, Moodley and Selipsky, 2013:325). Land transfer, under the land reform programmes (redistribution and restitution), should seek to make beneficiaries better off, and little is gained by acquiring land for communities only for the beneficiaries to be worse off (CDE, 2008:2). While land restitution is primarily meant to contribute towards reconciliation and restoring land rights, land restitution beneficiaries should become self-sufficient farmers and have their livelihoods augmented (Dikgang and Muchapondwa, 2016). Most participants in this study claimed that land transfer under the land restitution programme has not decreased their hunger. Expressing their frustration, one participant had this to say:

³⁰⁶ Focus Group 3, Macleantown. 3 November 2016.

³⁰⁷ Focus Group 3, Macleantown. 3 November 2016.

You should become self-sufficient if you have land, but you can also become hungry with that piece of land that you have if you do not have the money to buy seed and other inputs. You need money to buy the necessary manure (fertiliser). Remember you also need a tractor to plough. How can you plough with bare hands?³⁰⁸.

Another added by saying, “You cannot say restitution decreases hunger because some have big acres of land but there is nothing they are doing. We are starving here yet we have land”³⁰⁹.

One participant in Macleantown also said that:

There is no decrease in hunger; you just go back to that place that you love. Land access has not decreased hunger because even though you do get the land that you used to have, the things that used to happen before forced removals do not happen now, things such as growing crops, granaries. There is hunger now because we no longer grow crops as we used to. Women did not work those days, women used to focus on farming in the fields, only men used to work (in mines and in cities). But now everyone works in the household, the husband, the wife and the sister. Or it can be a situation whereby the husband and the wife are working, that’s hunger. Back in the days, that was not there. A wife used to focus on looking after her homestead, farming and looking after livestock and we used to eat well. Life was good. It is hard, there is nothing because we do not grow crops, we are dependent on pensions, and if you have a garden you can at least get some vegetables here and there in the garden. Spinach, cabbages and so on and then eat³¹⁰.

Another participant from Macleantown added:

I would say it life was good before forced removals if I compare it to this kind of life that we live now. We are expected to buy things and have money. Because back then you could do things on your own, have a field, plough vegetables, pumpkin, maize and so on. I mean things like hunger were not there. It’s not the same with the kind of misery we live in now. Yes we were

³⁰⁸ Interview with Joshua Klaas, Macleantown. 24 September 2016.

³⁰⁹ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

³¹⁰ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

under oppression, but hunger, no!, no, no. Our stomachs were not oppressed. You could do your own thing. There was no hunger. We used to plough using cattle, we had granaries, we grew beans, everything. It's not the same with this government³¹¹.

13.7 Sources of income after land transfer

It is important to look at the activities and assets that beneficiaries have as a means of living. By checking the sources of income and asset that beneficiaries have, this study will be able to gauge and judge the livelihoods impact of land transfer under the land restitution programme. As I have indicated in the previous chapter and in the introduction, the majority of beneficiaries in Macleantown and Salem depend on state provided social grants such as the old age grant, child support grant and the disability grant to survive. Most importantly, nearly all beneficiaries from Macleantown and Salem said that the property and assets they have were from previous employment, with only a few who managed to get benefits from land transfer. All beneficiaries who depended on social grants claimed that they did not like being dependent on social grants because the grants are too small to cover all their needs. That is why they consistently asked for more support from the government to cultivate their land so that they could be independent³¹²³¹³.

There was also an indication that some also relied on remittances from their children and relatives, but all of them did not like depending on their children because they felt that they were a burden to their children³¹⁴³¹⁵. A few beneficiaries also get pensions from previous employment that are too small to cover their expenses and needs. In Macleantown, a few households own livestock, albeit in small numbers. Most of the assets that beneficiaries have, be it in Macelantown or Salem, were purchased using previous sources of incomes and are not related to land restitution benefits. In Salem families who reside on farms own a sizeable number of livestock which enables them to access some reasonable benefits, such as having

³¹¹ Interview with Mveliso Skeyi, Macleantown. 2 November 2016.

³¹² Focus group 2, Macleantown. 15 November 2016.

³¹³ Interview with Nompumelelo Mthonti, Grahamstown. 11 August 2017.

³¹⁴ Interview with Joshua Klaas, Macleantown. 24 September 2016.

³¹⁵ Interview with Muzomuhle Dantyi, Macleantown. 4 November 2016.

the ability to sell goats for cultural activities or selling cattle when they need to settle debt³¹⁶³¹⁷³¹⁸.

On one Salem farm, there is a Nguni cattle project that was donated by Fort Hare University that belongs to the whole Salem group of beneficiaries. However, this Nguni project is shrouded in controversy. Some beneficiaries claimed that the family that was tasked with the responsibility of looking after the cattle are blocking them from seeing their cattle, which causes social conflicts. At the time of writing this thesis, there were allegations that the family that was tasked to look after the cattle allegedly sold some Nguni cattle without the knowledge of other beneficiaries and a court case was looming³¹⁹. In sum, I concluded that there is hardly anything significantly new in terms of sources of livelihoods after land transfer that would significantly alter the livelihoods of beneficiaries. In Salem, there is some hope for the beneficiaries to generate significant land-based livelihoods on condition that the current infighting can be solved and that more systematic support can be provided.

The livelihoods experiences of beneficiaries are worsened by the fact that they do not get enough remittances from their adult children because their adult children are married. Importantly, the majority of beneficiaries claimed that their adult children do not have proper jobs such as permanent employment, which strains their livelihoods. For instance, one participant told me that she does not like asking for financial assistance from her sons because her sons are married, indicating that her sons' incomes are not always enough to share. This means that their incomes are often accessed under a crisis. Asked whether her children who are working assist her financially, she said "*eish*, they have wives. Four of them have wives. So, we do ask but it is hard, they only assist here and there if they have a chance". Therefore, she largely survives on her state old age grant and the child support grants (CSG) that her grandchildren receive³²⁰.

Thus, state provided grants become the sole income in most households in Macleantown. The heavy dependency on social grants in Macleantown was captured in the following statement from one of the participants: "I am dependant on that grant. All my problems have to be solved

³¹⁶ Interview with Ndukuyakhe Dlamini, Salem. 17th August 2017.

³¹⁷ Interview with Andiswa Mtandani, Macleantown. 2 November 2016.

³¹⁸ Interview with Trevor Khumalo, Macleantown. 2 November 2016.

³¹⁹ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

³²⁰ Focus Group 3, Macleantown. 3 November 2016.

by that grant. There is nothing besides this grant”³²¹. The massive reliance of social grants for survival in Macleantown is not unique but characteristic of the larger South Africa society. In the 2017/2018 budget, there were about 17 million social grants recipients in South Africa, while 11 million of that number were younger than 18, and, most importantly, social grants support 33 percent of South Africans (Rossouw, 2017). Additionally, the unemployment of adult children was not surprising given the high broader unemployment rates in South Africa. By 2017, the unemployment rate in South Africa stood at, 27, 7 percent (Yu, 2017). This means that their poverty is related to the larger problems of unemployment in the country³²². Another added challenge is that the grants are not enough because of inflation, larger families and the socio-economic environment. Their problems to survive were well expressed in this interview: “Things are expensive my child; it is expensive to buy groceries. I do a grocery of R1400; imagine there are other things that have to be bought in this household and for the children”³²³. This shows that most beneficiaries are barely surviving and she is struggling to make ends meet³²⁴³²⁵. Also, most households that had younger children in Macleantown receive the CSG.

Many participants showed a great yearning to own livestock, not only for cultural activities, but because livestock is a sign of wealth in African communities. For instance, one woman who owns cattle had this to say:

A cow is the most treasured thing in our culture because should anything happen, I can take my cow and sell it to get money and resolve whatever problem I would be facing at that specific period of time. I do sell them especially when I encounter financial difficulties³²⁶.

In Salem, I found a few households that managed to get a few benefits from cultivating their land. Benefits included cultivating vegetables and rearing livestock, which saved them from buying. However, it is important to note that, although land transfer enabled some limited “choices” for some families, such “choices” were accessed under dire straits. For instance, at the time of writing, the tractors were not functioning and they did not have the money to fix them. Households have not managed to create a sustainable and a beneficial food chain so that

³²¹ Interview with Nomalanga Makwetu, Macleantown. 25 September 2016.

³²² Interview with Joshua Klaas, Macleantown. 24 September 2016.

³²³ Focus Group 3, Macleantown. 3 November 2016.

³²⁴ Interview with Nonqawuse Toli, Macleantown. 3 November 2016.

³²⁵ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

³²⁶ Interview with Andiswa Mtandani, Macleantown. 2 November 2016.

they could sell their produce to supermarkets. It was reported by one household that they tried selling their produce, but they ended up stopping upon realising that the transport costs were too high, which meant that they could not make a profit. Another related challenge that they face in farming is the lack of sufficient water that limits the scale of their cultivation. Again, the family that reported these benefits is under scrutiny and there are allegations that they monopolise group projects such the Nguni cattle project³²⁷³²⁸³²⁹.

13.8 Accountability and administration: Voice and participation in administration of the place

The SLF and capabilities approach are all emphatic on the importance of public participation. Thus, the people affected by poverty should actively participate in poverty reduction initiatives and development initiatives, rather than local elites and leaders imposing ideas on poor people (Carney, 2002:48; Ashley and Carney, 1999:1; Clark, 2005:8). In both places, there was a strong belief that leaders are dodgy, evasive, unaccountable and blocking progress and that the behaviour of leaders stifled public participation in the progress of these areas. Therefore, most participants were not happy with the administration of their areas. “We are fighting with the councillor, and there is no clear meaningful response. There was money to deal with our issues, but when we asked the councillor, he did not give us a clear response,” one resident explained³³⁰. There is therefore a strong suspicion of corruption and embezzlement of funds as this statement shows:

Some things do not happen here, we were talking about this and when we put these issues to the Committee, nothing happens. How many years have we been here? There is nothing that has happened besides these houses and that water that is brought to us. In addition, the quality of the water is not good. I thought life would be better than what I am now without any hurdles. We expected a better life, and a good health. They (government) had promised us compensation for our damaged property. No one is following up on those issues. We ask the leaders but they do not give us clear answers and when we speak they are against us. They give that impression that we are not educated. There is a young man who was apparently given money to do things for us;

³²⁷ Interview with Nomonde Hlatshwayo, Salem. 08 February 2017.

³²⁸ Interview with Luvo Nobantu, Grahamstown. 14 August 2017.

³²⁹ Interview with Homla Phakathi, Grahamstown. 23rd August 2017.

³³⁰ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

we ended up not having houses because of him. He ended up not coming to the meetings. We are not sure if we are going to see him in the coming meeting on Wednesday. We do not trust these leaders. They even have cars, and they want us to pay for their petrol. We have that problem. We used to do it, but we realised that nothing happens; there is nothing that they are doing for us, and then we stopped³³¹.

Another one added:

These leaders never say anything concrete. I only have six months ever since I got here but I would not say I have heard them saying anything constructive. I have attended four meetings here but I still believe there is no development because we lack people of influence. We are supposed to be discussing what we lack at and plan on how to achieve those things, schools, clinics and water issues³³².

Leadership positions are therefore seen as an opportunity to benefit and control, rather than helping communities. It was also reported that there was a terrible infighting for positions, which led to a suspicion by some that leadership positions are beneficial. Leadership wrangles and allegations of corruption by leadership are not unique to Macleantown and Salem. Restitution leadership structures, be it CPA structures or Traditional Authorities, have been characterised by corruption, greed and maladministration of funds (Aliber, Maluleke, Manenzhe, Paradza and Cousins, 2013). In 2010, the Grahamstown High Court dissolved the initial trust in Salem that was developed to oversee progress. The banning of the trust came after other beneficiaries complained that the then chairperson was abusing the trust and not consulting other members (Ziqula NO and Other and Others v Jansen van Rensburg, 2010;³³³).

By 2016, there was an indication that leadership wrangles were too strong in Salem. There was a proposal that each farm should have its own CPA, but CPA leaders rejected that proposal. Moreover, by 2016 there was no clear auditing of books, which led to friction amongst beneficiaries. It appears that by 2016 the term for CPA leaders had expired and, despite the insistence by some beneficiaries to remove them, the leaders did not want to be removed. It

³³¹ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

³³² Focus group 2, Macleantown. 15 November 2016.

³³³ Interview with Homla Phakathi, Grahamstown. 23 August 2017.

was reported that when there are meetings to discuss serious issues, some leaders decide not to come, which has contributed to the current impasse in Salem (Moletsane and Haya, 2016:5). In Macleantown, by the time the data collection ended in 2016 many beneficiaries were complaining that leaders were evasive and that there were no meetings held anymore³³⁴. When asked how senior politicians and administrators respond when they ask those questions, all beneficiaries expressed disappointment in their leaders. One distraught resident in Macleantown said:

The government officials do not often come. They were here in that last meeting asking us to vote for them and we did not see them again after that. When government officials are here the hall is always packed and we ask many questions but they duck and dive. They always come with clever stories... We ask them! When is the houses coming? What are you doing for us? Why don't they put tarred road? Why do they give us this type of toilets? We are supposed to have water on site and eh, uhhmm, and water toilets, flush toilets huh?"³³⁵.

The issues of beneficiaries clamouring for positions in the Committee or CPA is not unique to Macleantown and Salem. Part of the bigger problem is that restitution communities often consist of hundreds of beneficiaries, which means that it becomes difficult to quantify benefits and share benefits equitable with everyone. What then happens is that beneficiaries often push to get into the Committee or leadership structures where they can control proceedings, including controlling funds, so that they can benefit through payments such as attendance fees for example. Such attendance fees are justified on the grounds that leaders cannot spend hours neglecting their home chores to attend a meeting that does not give them an income³³⁶.

In Macleantown, the committee members are accused of selling sites illegally and beneficiaries are bitterly rejecting that³³⁷. This was well expressed by one participant who said, "All of the leaders are like that (corrupt and uncountable). There is nothing good that comes out of

³³⁴ Interview with Nosiviwe Makwetu and Lunga Xhamela, Macleantown. 11 November 2016.

³³⁵ Interview with Joshua Klaas, Macleantown. 24 September 2016.

³³⁶ Interview with Simphiwe Sixoto, East London. 10 April 2017.

³³⁷ Interview with Trevor Khumalo, Macleantown. 2 November 2016.

them”³³⁸. This leads to power struggles and leadership squabbles wherein community members try to remove the leaders due to dissatisfaction, while leaders often resist removal because of the love for power and money. This usually drags on for a long time, and these disputes often end in courts. “We don’t regret by coming here because we loved this place, we still love it. But the way they lead us, is very painful”³³⁹. Another beneficiary in Macleantown also expressed similar dissatisfaction about their leaders:

We have tried so many times to remove these leaders, but they do not want to be removed. They do not want to be removed because they are benefiting from those positions. We are fed up of them. There were some politicians, who came here driving a car campaigning, and we told them our issues, even the Municipality people came here and said life would be better. They have been coming here for a long time; there is nothing that they bring us. Even if they say something, it does not happen. It has been a year now; we have not even had a Committee meeting. We are heading towards the year-end, nothing has happened. This woman’s situation is even worse, she told you about her situation. Here house has not been built³⁴⁰.

Such conditions are stressful because residents seem to be dancing on the same spot without much progress or a sign of positive change. Therefore, one resident in Macleantown said, “We are not content about our lives because we vote but the government does nothing for us”³⁴¹. What makes the plight of the Macleantown community members and other restitution cases more difficult is the complex nature of land reform departments and other relevant stakeholders. For instance, in Macleantown beneficiaries complained that when they visit the municipality or government offices they are always pushed from one office to the other without getting any clear answer or willingness on the part of office-bearers to help. Part of the problem is that there are divisions and factions amongst the community leaders and committee members, so they may go to the government offices with different agendas and report issues differently³⁴². This leads to confusion and frustration on the part of everyone involved. It becomes difficult for the government to help people who are not united. As one government

³³⁸ Interview with Mveliso Skeyi, Macleantown. 02 November 2016.

³³⁹ Interview with Vuyisile Toli, Macleantown. 25 September 2016.

³⁴⁰ Interview with Vuyisile Toli. Macleantown. 25 September 2016.

³⁴¹ Focus Group 1, Macleantown. 3 November 2016.

³⁴² Focus Group 2, Macleantown. 15 November 2016.

official explained, “You see, today you will meet someone and explain to them, tomorrow they will come and say, ‘*why are you listening to that guy*’”³⁴³. In some cases, it will be new staff members who do not know how to help, and even if some will be in a position to help, the bureaucratic nature and the rules are always a hindrance to service provision. For instance, one Macleantown resident complained that he once went to the land reform department offices and he did not get help and he ended up giving up. Thus, he said:

What I can tell you is that we are all not interested in going to any government department because you will be pushed around and that is very discouraging. You never go to any department and leave satisfied with the help you receive so it is devastating. I was once went to East London and some woman from these departments overheard me saying my address so she took my contact details and said they will visit. My main aim was for them to come and see how poor people live in this area. They came and all they did was to take pictures with my animals for their monthly newsletter, so they portrayed themselves as people who visits these farms and assist whereas they do not. Therefore, I felt manipulated by that and that is when I realized that I actually do not need them here. And from that time I’ve always chased them away when they come here. The woman who came here is an inspector, she promised to give me medication for my animals but she never did, that is a sign she was only using me. So, you just don’t see any need to go to them and seek for help, it’s better to be independent and rely on yourself³⁴⁴.

Such complaints about poor leadership and lack of a voice in the administration of restitution land shows that beneficiaries want to have a voice about how their place is administered. Such aspirations are at the core of Sen’s advice that development should not leave communities without agency and decisive power, but rather communities should own their destiny and have agency. The people who are directly affected by development projects should have the opportunity to participate in deciding what should be chosen, rather than local elites or “cultural experts” (Clark, 2005:08). Freedom should also entail the processes of decision making as well as opportunities to achieve valued outcomes (Sen, 1999:291). Freedom also means that

³⁴³ Interview with Vikinduku Mqoboli, East London. 09 December 2016.

³⁴⁴ Interview with Trevor Khumalo, Macleantown. 2 November 2016.

poor people should have the ability to achieve what they deem valuable after thinking it through (Walker and Unterhalter, 2007:02). Therefore, “the general enhancement of political and civil freedoms is central”, and these “freedoms include the liberty of acting as citizens who matter and whose voices count, rather than living as well fed, well clothed and entertained vassals” (Sen, 1999:288). Thus, according to Sen (1999:11), with sufficient social opportunities, individuals can effectively shape their own destiny and help each other. Beneficiaries of development projects should not be seen primarily as passive recipients of the benefits of cunning development programmes.

13.9 Concluding remarks

Although my study shows the malfunctioning of group-based land restitution projects as a form of resettlement, I was quite fascinated by studies by Ncapayi (2013) and Chitonge and Ntsebeza (2012) and others which have shown some evidence of successful group-based land redistribution programme projects. In this chapter, I have explained that resettling into a new area after land transfer exposes land restitution beneficiaries to numerous risks and challenges. Based on the interviews conducted in Macleantown, it is clear that beneficiaries still talk about their pre-forced removals period, the traumatic experiences of forced removals and the marginalisation they faced from host communities after resettlement and the subsequent failure of post-apartheid restitution to alleviate their poverty. This is because most beneficiaries expected land restitution to re-create the past, wherein communities lived off the land because land dispossession was the reason for their poverty. In Salem, there was a clear tendency to romanticise the past, even though most of the beneficiaries were not directly removed from Salem. Much of their information was based on their information they received from their grandparents. There was thus an expectation from beneficiaries to materially benefit from land restitution. Indeed, this thesis confirms the commonly held view by resettlement theorists that if there is insufficient planning after communities have been resettled, impoverishment becomes inevitable (Cernea, 2000a; Scudder, 2005). The swift change from white landowners to black communities’ access to land has not meant that black communities would continue from where the white farmer left off. The benefits of land restitution in both areas remain symbolic rather than material.

When an individual white landowner leaves to pave the way for group-based occupants, a crisis would often be looming. This is because the model of land restitution, wherein a group of beneficiaries are expected to manage large farms after land transfer, exposes them to inevitable

infighting and lack of proper PSS and proper planning. Indeed, the resettlement scholars such as Scudder (2005) and Cernea (2000a) were correct in their observation that resettlement often exposes relocatees to impoverishment and other related risks and challenges because of lack of sufficient planning. Part of the bigger problem is that the government is overly concerned with land transfer so much so that they often tend to give “land to the people” without dealing with concrete issues such as red tape, poor alignment of relevant stakeholders, low budgets, poor agricultural skills, proper PSS and the different competing skills amongst beneficiaries. There is a utopian assumption on the part of the state that if people are given land, everything will follow but this is often extremely difficult given the complications I have discussed above. I have explained and discussed the dilemma and burden on the part of land restitution beneficiaries to create or construct livelihoods after land transfer using the resettlement theories. In this chapter, I have explained that the projects under study have hardly ever come near to uplifting the lives of beneficiaries. This is because beneficiaries have not managed to build resistance against livelihood shocks and poverty leading to a lack of capability to lead a life they deem valuable.

Chapter 14

14. Conclusions and recommendations

14.1 Introduction

Land reform has become a controversial, sensitive and politicised issue in South Africa and this thesis sought to contribute to the debates on land reform by studying the post-settlement livelihoods experiences of land restitution. The main aim of the study was to understand the post-settlement livelihoods experiences of land restitution beneficiaries in South Africa, with a primary focus on the Macleantown and Salem restitution cases. The study topic was chosen after a realisation that most scholars, the government, leftist organisations and black communities tend to focus on the struggles for land acquisition for land reform and less on the post-settlement livelihoods experiences of beneficiaries. There are also some disagreements amongst scholars, state officials and the public on whether the agricultural aspect of land reform is still valued by black communities as a means of generating their livelihoods (Ncapayi, 2013; Kane-Berman, 2016; Makhanya, 2015). The few studies that have focused on land access and livelihoods have managed to show the reasons for failure of many land reform projects (Lahiff, 2011; Aliber et al., 2013; Cousins, 2015; Walker and Cousins, 2015) but this study goes further by capturing the “voices” of beneficiaries and state officials to understand more fully the vast gap between policy and the practice of restitution.

I have demonstrated that the benefits of land transfer under these land restitution projects remain largely symbolic/sentimental and that restitution projects have hardly improved the livelihoods of beneficiaries nor have the restitution cases functioned properly, even in their own terms. This study has demonstrated the complex nature of post-settlement livelihoods experiences of restitution beneficiaries and the impasse that characterises restitution communities after land transfer. However, the land restitution programme remains a tool for the ruling African National Congress’s (ANC) political capital as it is often thrown around to invoke emotions from black voters (Du Toit, 2017a; Du Toit, 2017b). I argue that the impasse and the failure of restitution projects to function and improve the livelihoods of beneficiaries is largely related to the faulty design of land restitution projects. Thus, the thesis is critical of the restitution projects wherein large numbers of people are expected to manage tracts of land, sometimes as a community, through a CPA in a co-operative kind of arrangement, sometimes as a group of loosely affiliated claimants with individual title and sometimes in a mixture of

the two. With the issues of CPAs, the individuals in these entities often have different competing interests because they have been apart from each other for a long time.

One of the major themes I explore in the thesis is the fact that post-settlement support (PSS) is either not forthcoming or inadequate. However, even if PSS were to be provided, there would be little chances of success for restitution communities because of group dynamics which make it difficult for them to reach consensus. A contributing factor is the old age of beneficiaries which is disadvantageous for proper cultivation, while their children are often living elsewhere and are not interested in farming. Further issues contributing to failure include infighting, old age of beneficiaries, lack of alignment on the part of land reform stakeholders, poor agricultural and managerial skills and feelings of entitlement on the part of beneficiaries.

Another issue is that the handover process from white land owners to new group-based owners (land beneficiaries) is often not smooth. This explains the confusion in terms of cultivation patterns as soon as land beneficiaries take over land from the former white farmers. This thesis does not claim to provide the solution for the crisis of restitution communities, but it does contribute to the diagnosis of the problems in rural restitution cases and also contributes to debates on land reform in general.

There exists an unwritten rule or belief amongst leftist organisations in South Africa who are pushing for expropriation without compensation that land acquisition is the sole problem on land reform. Therefore, while it is important to talk about the struggles to acquire land, leftist organisations such as the Economic Freedom Fighters (EFF) political party do not appreciate the full scale of the problems of land reform. In other words, even if land was to be miraculously acquired on a massive scale, for as long as the current post-settlement (PSS) structures and processes of land reform exist, it would lead to far reaching negative consequences. With the 2017 ANC Conference adopting “expropriation without compensation”, it is still not clear whether such a principle will be practically implemented. The land question in South Africa will not only be solved by merely increasing the power of the state to acquire white farm land for land reform, but it would be solved by putting new, flexible and less rigid post-settlement systems in place to see to it that land reform projects function and benefit beneficiaries.

Additionally, referring to the massive failures, infighting and the complex nature of land restitution after land transfer, former South African president Thabo Mbeki once correctly said that land reform needs to be discussed properly and seriously, without slogans, in a sober

manner (Mkhize, 2017) because simply arguing for land acquisition without acknowledging the complex nature of land reform would be fatal. It needs to be appreciated that the biggest strategy that was used by the apartheid government through land dispossession was to disempower, break up and disenfranchise black communities by confining them in overcrowded “reserves” and in cities where they could not fully practice agriculture for decades (Thwala, 2006:58; Kepe, 2012:394). Some decades later, the post-apartheid ANC government assumes that they can re-create the communities that were lost through land dispossession by forcing land restitution beneficiaries to re-group in CPAs or as a group of loosely affiliated individual claimants to administer their lands. Therefore, such strategies by the apartheid government have far-reaching negative consequences for land restitution post-1994.

However, it is also important to stress that this thesis does not seek to claim that black communities cannot farm. Therefore, this is not an argument to dismiss the land restitution programme and an act of disregarding the dignity restoration that comes with land transfer for communities. The racist forms of land dispossession that happened in South Africa were the most evil, immoral and painful period for black communities (Platzky and Walker, 1985:85; Walker, Bohlin, Hall and Kepe, 2010; Atuahene, 2014). Therefore, I see the huge chorus for land acquisition for land reform in the context of the failures of land reform projects to function and benefit its beneficiaries as related to the bitterness against the racist past of South Africa. Although there are some competent black communities that have managed to create land-based livelihoods (Ncapayi, 2013; Chitonge and Ntsebeza, 2012), what largely makes people in South Africa aspire for land acquisition is poverty, bitterness against apartheid and the fact that land was unfairly confiscated from them. Therefore, the majority of black South Africans want their land back, no matter what consequences. In fact, even the ANC government acknowledges that land hunger in South Africa has been taken out of proportion and that South Africa is no longer an agrarian society that it was before 1913. In addition, the ANC government has acknowledged that the children of most land reform projects are not interested in farming (Walker, 2015; Kane-Berman, 2016).

14.2 Addressing the goals of the thesis

The preceding chapters highlighted the struggles and risks that land restitution beneficiaries face in their attempt to cultivate their lands to live a life that they desire.

Chapter 2 of this study which discusses resettlement theories demonstrated that resettlement or relocation is often related to the impoverishment of relocatees because of lack of sufficient

planning for them to establish a new life and recreate livelihoods. Thus, it becomes difficult for those subjected to resettlement to reconstruct livelihoods afterwards because of reasons I have discussed in that chapter (Scudder, 2005; Cernea, 2000a). I then tried to relate the inherent impoverishment of resettlement projects to the experiences of restitution beneficiaries.

Chapter 3 provides a guide to gauge the human development impact of land restitution projects by showing that any development project should make communities resilient to livelihood shocks, stresses, hardships and poverty. Moreover, development projects should improve the quality of life for communities to live the kind of life they have reason to value. This chapter also tries to understand if restitution projects improve the quality of life for beneficiaries.

In order to understand the reasons for having land restitution and also to understand the failure of land restitution projects, chapter 4 discusses the dehumanising mechanisms of the apartheid regime, such as forced removals, "betterment", destruction of African peasantry, Bantu education, overcrowding in the homelands, trauma of forced removals, livelihoods impact of forced removals and the fall of apartheid, which ultimately led to the emergence of land restitution.

Chapter 5 details post-apartheid land reform, the contestations around this project and the general "crisis" of land reform.

Chapter 6 builds from chapter 5 by zooming in on the debates on land reform in South Africa, while chapter 7 details the land restitution structures and the general successes and failures of land reform in South Africa.

In order to fully understand the challenges of land access and livelihoods, it was important for this study to look at the post-settlement livelihoods experiences of land beneficiaries outside South Africa, which chapter 8 discusses. In chapter 9, I specifically discussed the post-settlement livelihoods experiences of land restitution beneficiaries in many restitution contexts in South Africa. It therefore became easier to relate the livelihoods experiences of beneficiaries from Macleantown and Salem to other South African restitution cases. In chapter 10, I discussed the research methods, including ethics, limitations of the study and other issues, whereas chapter 11 provided the background of the two study sites, including maps, pictures and other issues. Chapters 12 and 13 discussed the findings of the study.

The information from these chapters helped to locate and fit the restitution cases of this study to wider land reform debates on land acquisition and livelihoods. This concluding chapter seeks to tie together these arguments from all the chapters to illuminate more clearly what happens when restitution communities are given land in terms of livelihoods impact, as well as understanding why these restitution communities have failed to function and improve the livelihoods of beneficiaries.

When it comes to land restitution, the literature on land reform reveals a worrying trend wherein restitution projects have failed to function or benefit its beneficiaries and, even where there are benefits, these benefits are usually marginal/insignificant (Aliber and Cousins, 2013; De Jager, 2015). Other sections of this thesis have shown that the reasons for failure of restitution projects are multifaceted and complex (Aliber et al., 2013; Aliber and Cousins, 2013; Xaba and Roodt, 2016b). Furthermore, in the cases where beneficiaries have chosen strategic partnerships (trusts, joint ventures), the processes and structures of such partnerships have been flawed, confusing and have largely not benefited beneficiaries because they are poorly supported and mostly dysfunctional (Cousins, 2016a).

The land reform debates are currently largely based on land acquisition, whether the state should abort the “willing buyer willing seller” policy, or whether the state should employ a more aggressive expropriation without compensation approach. The ruling ANC government has hinted at its intentions to expropriate more land without compensation, including stretching the cut-off date to before 1913, sparking a huge debate on land reform (Du Toit, 2017a; Du Toit, 2017b). It was not clear whether such statements were an attempt to further politicise the land issue or the ANC government does have intentions to employ a radical approach. However, critics argue that the government has enough powers to expropriate “in public interests” and in the case that there is a dispute, a court of law can determine the amount of compensation. However, there is more and more frustration and populist rhetoric around land, and land has become a highly charged and politicised issue in South Africa (Cousins and Hall, 2017). Leftist organisations such as the EFF political party, black communities and other land-based organisations have strongly called for more land acquisition and the return of “stolen land” and generally, the calls for “expropriation without compensation” have a sizeable support (SABC Digital News, 2013; Cousins, 2013; SABC Digital News, 2014).

14.3 Arguments on land access and livelihoods in South Africa

There are generally two arguments related to land access and livelihoods in South Africa. One is an optimistic argument that shows the improvement of livelihoods after land reform in different areas. Such group of scholars do not seek to deny the failures of land reform projects, but they are at pains to explain why land reform projects have failed to function and improve livelihoods, rather than claiming that beneficiaries of land reform are not interested in farming (Chitonge and Ntsebeza, 2012). This group of scholars, therefore, offers solutions on how to make land reform projects function and operate well so that there can be a better future for land reform (Chitonge and Ntsebeza, 2012; Ncapayi, 2013). For instance, convincing studies by land reform optimists such Chitonge and Ntsebeza (2012) and Ncapayi (2013) provide positive results on the livelihood impact of land reform in certain areas. Ncapayi (2013) is emphatic on the view that land is still an important factor for the livelihoods of rural communities and rejects the view that black people are generally not interested in farming because of urbanisation and proletarianization. In contrast to other scholars that argue that group-based land reform projects cannot function because of social conflict, this group of optimistic scholars show that group-based land reform projects are workable. Thus, the studies from this group of scholars show how, in some areas, land has been important in improving the livelihoods of rural people.

Another argument is that of those scholars who, although acknowledging the pockets of land reform successes, still question the contribution of land reform to the livelihoods of beneficiaries. Convincing studies by this group of scholars show that land reform, especially land restitution, has failed to improve the livelihoods of beneficiaries (Hall, 2009; Cousins 2015; Cousins 2016b; Hall, 2007; Dikgang and Muchapondwa 2016). Scholars who fall into this category often argue that the years of land dispossession and assimilation of indigenous people into the capitalist wage system (proletarianization) has transformed indigenous people in such a way that they are more concerned with getting jobs than farming (Chitonge and Ntsebeza 2012; Makhanya, 2015; Makhanya, 2017). Such scholars cite three main issues as the major reasons for failure. The first one is the lack of interest in farming on the part of beneficiaries and the group dynamics that cause land projects to fail to function because of social conflict. The second reason is the lack of proper profiling, targeting and recruitment of beneficiaries and, lastly, the lack of proper systematic and consistent PSS (Hall, 2009; Ncapayi, 2013:169). There are some scholars who even go as far as arguing that it is illogical for the government to acquire more ground for land reform, when the majority of current land reform projects have collapsed (de Jager, 2015). For instance, referring to the massive failures of

group-based land restitution projects, Cousins (2016b) even argued that land restitution claims would be better solved through cash compensation.

The government, through its Ministerial statements has admitted that about 70 to 90 percent of land reform projects have failed to improve livelihoods, while other land reform projects have collapsed. However, while there is some merit in acknowledging massive failures, these government statements do not have a clear empirical basis and it is not clear how the government officials arrived at such statistics. Studies show that over 50 percent of land reform projects have failed to improve the livelihoods of beneficiaries (Binswanger-Mkhize 2014: 259; Cousins 2016b; Dikgang and Muchapondwa 2016), and even where there are benefits, these improvements are minimal (Cousins 2016b). The ruling African National Congress (ANC) has admitted that land hunger may have been taken out of proportion in South Africa because many black people have been “deculturalised” from farming (Cousins 2015:258; Kane-Berman 2016:6; Jeffery, 2015; Dlakavu, 2014; Cronje, 2015).

My study contributes to these debates by using the two land restitution cases to demonstrate what happened in terms of their livelihoods when these restitution communities received their land. This study set out to understand the post-settlement livelihoods experiences of land restitution beneficiaries in Macleantown and Salem cases that are situated in Eastern Cape, in South Africa. This also involved trying to understand the sociological and emotional impact of forced removals, successful restitution and return to the original Macleantown land and land transfer in Salem.

14.4 Summary of findings

It is important to reiterate that in both restitution areas all participants emphasised that land compensation has restored their dignity. This was also in line with the argument that land compensation restores the dignity of land beneficiaries in that they become land owners and that even cash compensation has been linked to restoration of the dignity of beneficiaries in some cases (Atuahene, 2014). Even though there are discrepancies in terms of issuing of title deeds and leases, most beneficiaries that I interviewed enjoyed living on their ancestors’ land. The thesis findings show that land restitution beneficiaries face systematic challenges that are beyond their capacity to resolve because of their poverty, lack of youth participation, lack of skills and old age. There are three issues that need to be emphasised. The first one is that the current land restitution post-settlement support system/design has not guaranteed early, systematic and proper PSS. The second one is that the period of land dispossession wherein

families were broken up by the “homelands” system has made it difficult for the group-based land restitution communities to function. This is because beneficiaries are scattered all over with different interests, poor, old, and mostly unskilled in agricultural production and managing their projects, making it difficult for their projects to take off. The third issue is that social conflict in group dynamics appears to be inevitable.

I therefore found out that the restitution beneficiaries face some of the post-settlement risks and challenges that the resettlement theorists talked about. Such risks include lack of proper planning, landlessness, impoverishment (food insecurity), joblessness, homelessness, lack of good relations between neighbouring white farm workers and beneficiaries. In Macleantown, neighbouring farm workers are alleged to be illegal land invaders while, in Salem, ex-farm workers see their joblessness as the result of the coming of land beneficiaries. In this way, land restitution beneficiaries have failed to reconstruct the land-based livelihoods. According to the SLF, it is required that people should be versatile, well informed, quick to adapt and have the ability to exploit diverse resources and opportunities (Chambers and Conway, 1991:5). Most beneficiaries in Macleantown and Salem have not managed to derive a proper and sustainable means of livelihoods after land transfer. A sustainable livelihood is one that enables community members to avoid, or to withstand and recover from, stresses, hardships and shocks (Chambers and Conway, 1991:10; Morse and McNamara, 2013:21). Thus, their future remains bleak and unpredictable. According to Farrington et al. (2002:1) successful strategies of SLF must strive to improve and consolidate poor people’s access to and control over assets, thereby leading to an improvement in their livelihoods, as well as helping them to reduce vulnerability to shocks and stresses which can otherwise result in a downward cycle of indebtedness and impoverishment. These restitution projects have not guaranteed an improvement in the lives of beneficiaries nor have they enabled beneficiaries to use the natural, physical, economic, human and social capitals properly to pursue different livelihood strategies. There was strong evidence from the interviews that beneficiaries largely do not have the capability (substantive freedom) of leading a life they have reason to value and that land restitution has largely not enhanced the real “choices” and “freedoms” as envisaged by Sen (1999:293). Thus, land access for these beneficiaries has not led to a just society that enables the attainment of the dignity of a human being, wherein citizens live a life that protects that dignity (Nussbaum, 2003:40).

The study therefore found that in both restitution areas there was hardly anything significantly new in terms of sources of income brought by resettlement or relocation under the land

restitution programme. Thus, the study concluded that the benefits of land transfer have been largely symbolic/sentimental rather than material. Despite the minor material benefits, there has not been much cultivation in restitution areas. The major new sources of income are state provided grants because of the old age of the beneficiaries. The irony is that, besides contributing towards national reconciliation, restitution beneficiaries are expected to be self-sufficient farmers who will contribute towards food security, economic growth, sustainable development and poverty alleviation (Dikgang and Muchapondwa, 2016). There was hardly any significant activities to work around to improve their livelihoods because beneficiaries believe that the government has to provide them with PSS for them to till their land. Another related limitation is the old age of most beneficiaries, which makes it nearly impossible for them to diversify their livelihoods such as by seeking employment. However, there was some slight indication that some households tried to diversify their income through selling/vending and cultivation, although these activities did not significantly change their livelihoods position. The main sources of income remain largely state provided grants, remittances for some and some cultivation.

Therefore, the new livelihoods activities of land restitution beneficiaries after land transfer are largely not in alignment with the objectives of land reform and land restitution. The broader land reform aims of land reform in post-apartheid South Africa are to address the injustices of forced removals and denial of black people of access to land. Land reform projects are supposed to be followed by support services and land reform is also expected to contribute to employment creation, increasing rural incomes, poverty alleviating, as well as eliminating overcrowding (Aliber et al., 2013). Successful restitution and eventually land transfer have largely not led to human development. Most land restitution beneficiaries reported struggling to make ends meet, including accessing basic needs such as proper schooling, proper health care and living a life free of hunger. Therefore, using the SLF and the capabilities approach, the study concluded that land restitution projects in Macleantown and Salem have largely not led to a decent life for beneficiaries. Despite occupying their land, most beneficiaries remain vulnerable to poverty. Thus, land transfer under the land restitution programme has not led to self-sufficiency. Therefore, this study has not seen the livelihoods improvements that were observed by scholars such as Ncapayi (2013), as well as Chitonge and Ntsebeza (2012), largely because these projects have failed to function because of group dynamics.

14.5 Thesis arguments

In the context of massive land restitution failures, a huge chorus for land acquisition and bitterness against apartheid, it would seem illogical and morally wrong to deny restitution communities access to land in exchange for cash compensation as Cousins (2016b) suggests. It would be a huge blow for reconciliation because many black South African communities want their land back because landlessness is related to white supremacy and conquest (Belinkie, 2015:221; Walker, 2005a:806). However, the problem lies with the fact that with the current design of land restitution, there is little prospect for the ability of restitution cases to function and to improve the livelihoods of beneficiaries, as well as meeting the goals of land restitution. Therefore, one is forced to ask this question: how does it benefit the South African society to continue acquiring more ground for land restitution if there is so much failure because of the design of land restitution? The biggest problem with land restitution is that it is clouded with emotions, bitterness against the past and feelings of entitlement. The process of land restitution is clouded with the “We want what’s ours” attitude, as the author of one book correctly noted (Atuahene, 2014). This narrative does not capture the attitude of beneficiaries towards farming, their age, the attitude of their children towards agricultural activities and the general infighting characterised by the majority of land restitution projects.

This study does not attempt to cast aspersions on the competency of black communities to farm, but the emphasis is that the government’s utopian idea that the “communities” that are created through the formation of CPAs or even with group claims such as Macleantown can work together is misleading. The biggest problem with land restitution is that the government somehow assumes that beneficiaries are a homogenous group and that they can create a crop of farmers through the CPA or other cooperative or committee structures and everything will fall into place. This is because, years after land dispossession, most restitution beneficiaries are deskilled and “deculturalised” from agriculture and assimilated into the capitalist wage system and this therefore does not always mean that they are always interested in producing on the land (Cousins, 2016b:18; Aliber et al., 2013). Part of the problem is that restitution “communities” are to greater extent no longer cohesive intact communities, but rather a group of individuals with different competing interests (Ntsholo, 2015; Claassens, 2016:74, 78). This means that, from the onset, these communities are likely to have serious problems of infighting and divisions, which derails any efforts to bring about progress.

Also, since farming is a low profit-making business (Hendricks, 2013), it would be difficult to lure the youths into farming because the youths are used to the capitalist wage system and popular culture in urban areas (Swarts and Aliber, 2013:25). Farming is tough and it requires passion and patience, and it is not a hugely profitable industry. There is even evidence that many land reform beneficiaries have left their projects because it takes time to reap benefits, leading to a scenario where some land beneficiaries end up going to cities to look for jobs. I am generally arguing that accessing land does not or has not meant that land restitution communities automatically become farmers. Owning land is one part of a long, complex journey of community reconstruction, as well as attempting to reconstruct land-based livelihoods, which have failed in most cases (Walker, Bohlin, Hall and Kepe, 2010:02).

Moreover, before forced removals, black communities were subsistence farmers and some were small commercial farmers, but now, through CPA structures, the government somehow has an assumption that they will administer tracts of land when they are old, while most of their children are not interested in farming (Bundy, 1988; Kane-Berman, 2016). Based on different restitution cases, the major issue that leads to failure of many restitution cases is that these community members have been apart from each other after land dispossession, and over time, the differences in people's accumulated wealth has led to a degree of class differentiation, leading to different attitudes towards each other and, most importantly, different attitudes towards land-based livelihoods. The mistake that communities and to some extent the government make is to assume that they will go back to what they used to do before land dispossession. However, the reality is that infighting, lack of skills, poor land reform designs, class differentiation, weak leadership, weak social fabric and egos derail any meaningful potential that the community has once they are given land (Aliber, Maluleke, Thagwana and Manenzhe, 2010:289; Walker 2005:655; Agrisystems Consortium, 2008:16; Xaba and Roodt, 2016b).

Besides the restoration of dignity that goes with successful land restitution (Atuahene, 2014), land restitution processes have largely not been productive wherein groups of communities in CPA structures have stalled production on farms that were previously productive (Kane-Berman, 2016; de Jager, 2015; Cousins, 2016b). While there is more need to correct the imbalance of land ownership created by apartheid, one should take into cognisance that time has passed and black communities are different human beings than they were before, some decades ago. An individual who has been assimilated into the capitalist wage system for

decades may not simply go back to farming, which can take time to yield benefits. The obsession with acquiring more land when there is a huge backlog of unresolved claims and failed land reform projects will likely have a negative impact on the livelihoods of land restitution beneficiaries. There is therefore a need to design the land restitution programme in a way that meets the modern capitalist needs of beneficiaries. People on the ground also need to move away from the assumption that farming is a hugely profitable industry and that if they get land everything will fall into place. Land restitution in South Africa appears to be largely entitlement and reconciliation driven rather than farm production driven. It appears that land restitution largely seeks to repair the old wounds of apartheid through land compensation or cash compensation, without putting much effort into what is going to happen when land claims are won or looking at the profile of beneficiaries (de Jager, 2015).

Although lack of proper, sufficient and consistent PSS has been a major contributor to the failure of land projects (Xaba and Roodt, 2016b; Manenzhe and Lahiff, 2007:25), it is important to look at the communities as well in cases where support has been provided. According to many government officials interviewed, in cases where PSS is provided, under the “Recap” Directorate, it is mostly seen as a curse or more like “lotto” money wherein when one receives it, he/she will become broke because of misusing the money. Most government officials cited rampant misuse of PSS and wrong perceptions about the “Recap” Directorate wherein some beneficiaries assume that the Directorate is a way by the ruling party to “thank” them. This shows that problems in the post-settlement are beyond the lack of adequate PSS and that even if adequate support was to be provided, infighting will often derail any developmental efforts.

Land transfer or land restoration (finalisation of claims) by the CRLR marks the complex, legalistic and largely bureaucratic processes of providing support by the “Recap” Directorate and community reconstruction, which takes a long time to deliver support if any (Walker, Bohlin, Hall and Kepe, 2010:02). This is the main discourse that emerges in my findings. While all the bureaucratic processes are dragging on, the previously productive white farm is lying idle with beneficiaries fighting amongst each other in most cases, or/and looting of infrastructure. Infighting also normally happens because there is often money involved and other beneficiaries who are not interested in farming see it as an opportunity to enrich themselves. Embezzling of money by beneficiaries is partly a realisation by some beneficiaries

that farming is not a lucrative venture, and thus they often decide to embezzle the money before it is invested on the ground.

Land beneficiaries feel that they have not been restituted and they remain bitter and disillusioned, as the government promises have not been fulfilled²⁰¹. However, one has to emphasise that land dispossession, access to land and failure to access land should not just be reduced to agricultural productivity. As Nxesi (2015:3) puts it, land is a factor of production and it also holds the wealth of the nation and through it human beings can perform cultural, economic and political activities and hence black communities strongly feel that they need to get back their land that white governments robbed them of. This means that the debates on land are likely to continue, whether land reform projects succeed or fail.

14.6 The way forward

One of the world's most celebrated scientists, Albert Einstein, once said that "The problems that exist in the world today cannot be solved by the level of thinking that created them" and that we should avoid "doing the same thing over and over again and expecting different results" (Fullan and Scott, 2009). I raise this argument in the context of a failing land restitution model that the state needs to rethink. However, providing solutions or recommendations for the land restitution programme appears to be very tricky because, as much as land restitution has largely failed to function or to improve livelihoods and provides a gloomy picture, millions of black communities are living in poverty and access to land has been presented as one of the solutions to poverty. Most claimants, who are mostly old still want their land back, no matter what consequences. The narratives of restitution are faulty, however, in that some claimants see restitution as a "return to the old ways" wherein after land transfer they would be together and reap gains from land access more easily (Ellis, 2010:192-193). Therefore, as Hendricks, Ntsebeza and Helliker (2013b:341) note, "the land question will not be resolved by monetary compensation to beneficiaries as restitution for land rights lost through the application of apartheid laws". Landlessness is a reminder of white domination, oppression and defeat on the part of most black communities. Therefore, I do not think that most black communities would accept Cousins' argument that land restitution cases could largely be resolved through cash compensation. Cousins supports his argument by noting that relatively fewer claimants want to be producers on the land and that land restitution is not an effective way to redistribute land (Cousins, 2016b:18).

In order for land reform to have prospects of success, there is more need for integration/alignment of government departments and all other relevant stakeholders on land reform in order to have a better post-settlement period (Manenzhe and Lahiff, 2007:26). For instance, the post-settlement unit that used to be under the CRLR directorate before the creation of “Recap” needs to be brought back to CRLR to limit red tape or bureaucratic delays. Alignment of land reform departments and the bringing back of the Post-Settlement Unit under the CRLR is likely to improve the provision of sufficient and co-ordinated PSS by limiting unnecessary bureaucratic delays. This is because, currently, it takes time for land beneficiaries to get PSS from “Recap” because of bureaucratic challenges. In the meantime, farms are declining in productivity levels.

There is also need for a close relationship between the outgoing commercial farmer, the mentors and beneficiaries to avoid confusion on land cultivation patterns when the white farmer has left. There are also cases wherein bitter white farmers destroy the farm infrastructure on their way out. Whenever a restitution claim is successful, it is likely to run down a productive farm because the land reform processes are too bureaucratic, slow and there is less integration between the first phases to the last phase of implementation of land reform. Integration/alignment should also mean conscientising and clarifying the role of municipalities on land reform projects because municipalities generally see restitution claims that fall within their areas as complicating their work. What further complicates the role of municipalities in restitution claims is that often these lands are privately owned (Murisa and Helliker, 2011:59).

Moreover, support should also be provided in entire value chains, especially providing fixed markets for land reform farm products so that land reform beneficiaries may not struggle in getting markets. For instance, a market-driven support system can be implemented when the government comes up with strong policies that oblige state departments such as hospitals to acquire 60 percent of their food stuff from land reform beneficiaries to ensure that land reform projects are viable and commercially sustainable. A market-based support system is important because there are reports that in some cases when development funds are pumped into some land reform projects, some opportunist beneficiaries prefer to embezzle the money before it is invested in the ground because agriculture/farming is not hugely profitable. If PSS could be largely market-based, it would sift out opportunists who are driven by money, and then the passionate, hardworking beneficiaries can remain farming.

At production level, the government needs to come up with strong post-settlement structures that will be comprised of all relevant stakeholders and then meet regularly to monitor and evaluate the success of these projects. This could be done by re-introducing Project Steering Committees that used to be there when land reform started.

The government needs to restructure land reform in such a way that it rewards hardworking individual black farmers and moves away from this one size fits all umbrella approach wherein black communities are somehow miraculously expected to farm after forming a CPA. This is because not everyone who is entitled to have land is a farmer. For instance, during my interviews I was made aware of successful subsistence farmers in Lady Frere who own over 100 head of cattle each. These subsistence farmers need to be given more land. I am aware that part of restitution has to do with reconciliation, but land restitution without checking on the ability of claimants to farm poses huge risks for food security.

Although de Jager (2015) challenges the viability of smallholder farming by arguing that small farmers can barely compete with bigger commercial farmers, I think land restitution needs to consider providing individual allotments to individual beneficiaries, and move away from the group settlements. However, it is important to note that subdivision would be difficult, given the massive numbers of claimants on most restitution projects (Aliber et al., 2013). This means that, in order to have a proper and effective subdivision model, beneficiaries need to be coached on agricultural business before buying out a big chunk of beneficiaries with cash compensation, so that a few may get land compensation.

There needs to be flexibility on restitution awards, rather than merely rewarding beneficiaries with either land or cash compensation. For instance, children of land restitution beneficiaries could be provided with scholarships or vocational courses that they may choose to do and be introduced to market-based development projects such as brick making, sewing. This is because the fact that one was impoverished by land dispossession does not always mean that land reform will always improve one's livelihoods as Chimhowu (2006) has shown. The government needs to move away from the whole idea that, because people's land was grabbed from them, then the way to retribute them is to give them their land or cash; rather, it should stretch beyond that and include other development projects. Thus, Walker (2015:249) argues that land compensation for restitution communities should not just be blindly (in a nostalgic way) seen as the only superior option because South Africa is no longer an agrarian society. Another solution would be for beneficiaries to be given an option of claiming, securing and

fencing their ancestors' graves first before dividing themselves between those who want land compensation and those who want cash compensation.

If productivity is to be used as a measure, I agree with Cousins' argument that land reform should prioritise large-scale redistribution of both land and water to a class of small to medium scale farmers who are able to engage in agriculture from below (Cousins, 2015:250). This is because agriculture requires passion, sacrifice, skills and adequate PSS. Having noticed that the majority of beneficiaries have been 'de-culturalised' from agriculture (Cousins, 2016b:18), the government needs to also attempt to meet the modern needs of beneficiaries rather than expecting beneficiaries to create only land-based livelihoods. If an individual was disposed of his/her land 40 years ago, it does not follow that getting that person back to the same spot he was will mean reconstruction of land-based livelihoods.

This thesis contributes to knowledge and insights into the restitution policy, especially looking at the challenges of policy and practice. The restitution policy was crafted to restore land rights for the previously dispossessed black communities, as well as to improve livelihoods and sustainable development. The restitution policy level appears to be well intentioned, but, practically, this policy has failed to achieve its set goals of contributing to sustainable development. However, the dignity restoration that comes with land compensation should also be seen as contributing to national reconciliation, in that beneficiaries have a feeling of being "land owners". This thesis also provides empirical evidence that supports the existing literature on land access and livelihoods in South Africa, which has shown that land access under the land reform programme in general has largely not improved livelihoods. This is related to the developmental impact of land reform. This also speaks to the argument by resettlement theorists that resettlement projects often fail to improve the livelihoods of beneficiaries because of the risks in resettlement and the lack of planning for these risks. The state has largely failed to avert these risks on land restitution projects.

14.7 Implications of this study for further research

This research on land restitution shows that restitution projects are struggling to not only be viable and sustainable, but also to function and significantly benefit beneficiaries. I attribute this to many issues but mainly the design of land restitution projects and the processes of post-settlement support. For further research, I recommend a national survey and in-depth studies on all restitution communities that chose land compensation so that a way forward for policy reform could be sketched.

There was some indication that the land reform departments, through the Monitoring and Evaluation Units, do some progress analysis after land settlement, but because of small budgets and lack of adequate staff the department could not reach all projects. It is therefore important to increase the budget of the land reform departments.

Additionally, further research is needed on the relationship between mentors/strategic partners and CPAs. There is desperate need to make the relationship between mentors/strategic partners and communities (CPA) work.

Some research also needs to be done on a bureaucratic overhaul with all relevant land reform stakeholders to ascertain how provision of PSS can be fast-tracked. I have demonstrated that, even if sufficient funds for PSS could be available, the red tape in the relevant department would limit a smooth provision of PSS. The findings of this thesis relates to many studies on land restitution, but the thesis does not claim to represent all the land restitution in South Africa. Therefore, there is need for a replication of this study in the main provision of South Africa to get a more detailed understanding of the risks and challenges of land restitution after land transfer. Moreover, since there are debates on whether black communities are “deculturalised” from farming, there is need for more empirical evidence in the form of surveys on black land claimants and redistribution beneficiaries.

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Appendices

Appendix 1

Questionnaire

Understanding the post-settlement livelihoods experiences of land restitution beneficiaries in South Africa. The case of the Macleantown restitution project in the Eastern Cape.

Central questions

What are the sociological and emotional impact of forced removals, successful restitution and return to the original Macleantown land?

What are the post settlement livelihoods risks for resettled families as identified by the resettlement and livelihood theorists?

What are the new sources of income brought by resettlement (if any), as well as the changes/improvements in their sources of income that resettlement may have brought?

Are the new livelihoods experiences of land restitution beneficiaries in alignment with the objectives of land reform and the implications for land restitution as part of the broader land reform project?

Is there any link between successful restitution and human development?

Does land restitution lead to self-reliance?

Introduction

What is your name?

How old are you?

Who is the head of the household?

What is your highest level of education?

How many people live in your household?

Are there any members of the households who are not currently here and if so why?

How many are employed? If so, say what type of employment, e.g. seasonal, part time, full time, self-employed, migrant, etc.

How long have you been staying in Macleantown since restitution?

Have you stayed elsewhere before Macleantown (area before restitution)? If YES, what is the name of the place that you previously stayed in?

What type of house structure do you live in? eg Brick layered house, hut (*homelessness*). Who built the current house, was it the government or your family?

So, what was the previous household structure before relocation (restitution)?

SUB-QUESTIONS:

Struggle against forced removal

Tell me about what happened on the day when you were forcibly removed from Macleantown?

Kindly explain to me in detail what life was like before forced removals.

Was there hunger before forced removals?

Did you have any livestock that you lost during forced removals?

How did you feel about being removed from your forefathers' land?

Have you forgiven the apartheid government for what they did to your community?

I hear your community spent a lot of time struggling to claim back Macleantown. What did you do to claim back Macleantown?

Were there any people who died?

What did you lose?

Tell me about life in the place where you were resettled:

- Did you receive any compensation from the then government? - if so, how much?
- Did they provide you with housing after the forced removal?
- Do you still own a house in Chalumna or wherever you ended up after forced removals?
- Who is living in your house now?
- What kind of livelihood activities did you engage in your place of resettlement?

Tell me about the struggle to return to Macleantown:

- What happened during the restitution process?
- What role did the Border Rural Committee (BRC) play in assisting the Macleantown restitution claimants?
- What role did the Commission on Restitution of Land Rights play?
- Were there conflicts within the claimant community during the restitution process?
- If so, how did the conflict affect the restitution process?
- How did it affect the subsequent resettlement?

How did you feel when you heard that you were going to go back to Macleantown again?

From forced removals to where you were sent, did you struggle to survive?

Resettlement

How did you support yourself before you came to Macleantown? How are you supporting yourself now? Did you struggle to find new ways of feeding yourself? Also, did you lose any source of income by relocating here?

What is your household source of income? In other words, what sort of livelihood activities do you do to survive?

What is the main source of income?

Is your income enough to cover household expenditure?

Tell me how you spend money (income), what are the things you mainly buy?

What assets do you own, e.g. land, bank account, TV and which asset is the most valuable to you?

Did you buy these assets after coming to Macleantown and where did you get the money?

Would you say you are better off or worse off than before restitution (resettlement) in terms of livelihoods? If BETTER OFF, then, are you able to support yourself (livelihoods)? If WORSE OFF, why?

Post-settlement support (PSS)

What sort of support have you received from the government (PSS)?

Is there anyone who gives you inputs for farming? Such as fertilisers, seeds, etc.

Is there any type of development infrastructure that the government built in your area (*physical capital*) to assist your farming activities? Such as roads, dams, water, etc.

Where do you get water and electricity?

Have you been trained on certain skills to till the land (*Human capital*)?

Have you received any agricultural advice? If so, by whom? If not so, what could be the reason?

What is it that you wish the government or NGOs can do for you to support you?

Natural capital

Do you have access to a garden (*natural capital, loss of access to common property and services and landlessness*) in Macleantown? If YES, has your land holding increased or decreased from what you had before coming to Macleantown? If the answer is NO, why don't you have a garden?

What are the land use patterns and what crops do you grow?

Do you sell any crops? If so, who buys the produce do you consume or sell most of the produce?

Are there any challenges you face when you are farming? So what would you say are the main challenges affecting people here?

Is the produce from the fields enough for household consumption?

Do you have livestock and what do you use the land for?

Did you gain any of these after land restitution; pastures, forested lands, water bodies, burials grounds, quarries during forced removals

Is the land enough for cultural activities, grazing lands and other activities?

Did unemployment rise after relocation?

Adjusting in the new environment

Are you happy with your stay here in Macleantown now? If so, why? If not, why?

Are there any issues that stressed you about your relocation to Macleantown? If so, what are those?

How was/is your relationship with the host population in Macleantown, did you ever feel marginalised (*drop in status*) by the host community?

Did you lose any of these because of relocation; pastures, forested lands, water bodies, burials grounds?

Did successful restitution interrupt schooling of school going children, If so how?

Social networks and friends (*Social capital*)

Were there any intra-households fights and tensions after coming to Macleantown, such as fights over land inheritance or grants?

Were there any family members who decided to stay in the Ciskei?

Did you sell any of your assets before you came to Macleantown, if so, why?

Are you still in touch with the people with whom you were forcibly removed in Macleantown during apartheid?

Would you say relocation has torn apart your social fabric as a community (any kinship fights)? Are you still as close as you use to be before resettlement?

How often do you visit friends (*social capital, social disarticulation (breakdown of social fabric)*)?

Are you still in contact with the neighbours, relatives and friends you had before coming to Macleantown?

Is there any help that you get from neighbours or relatives for free?

If you were in trouble and desperate, do you think your neighbours or relatives here would help you? If so, why, if not, why?

Do you have any associations such as burial societies, farmers' unions, water user associations, cooperatives, and rural or municipal councils?

Did you fight with host population over resources and employment at some point? Have you felt marginalised by the larger Macleantown community (*marginalisation*)?

Are there any things that you fight about as a community?

Are you still united as you were before forced removals?

Do you feel at home in this new place now?

Did you find it difficult to adjust to the new environment in terms of finding new friends?

Sustainable livelihoods

Some people say land restitution decreases hunger, do you agree with that?

Do you have schools here?

How many times do you eat?

Do you have clothes that you prefer/comfortable?

Did you have problems with diseases (*increased morbidity and mortality*) before coming to Macleantown?

Do you have savings in banks?

Are you in debt? If in debt, how does being indebt make you feel?

Do you have a clinic or hospital here? If so, is it free? And do you get help from the hospital when you want it? If there are no health facilities, where do you get health care, and how much does it cost you?

What do you understand by the term self-sufficiency?

Would you say you have been self-sufficient after coming to Macleantown?

Would you say you are living a life that you desire, that you like?

Is there anything that stresses or worries you about this place? (*Social sustainability*).

Would you say the future of the restitution project is bright?

Are there any environmental awareness programmes available (*environmental sustainability*)?

Do you have a say in the administration of the restitution project (designing of projects)?

Who runs and manages the restitution projects?

What did you expect the post-restitution life to be like? Would you say you are living the kind of life that you expected?

What is self-reliance to you?

Would you say land restitution has made you to be self-reliant?

Would you say land restitution has restored your dignity?

Freedom and choices

Would you say that you are living the kind of life that you prefer (have reason to value)?

What is “good life” to you? Did you get that after restitution?

What are the things that you think you would have not had if it wasn't for the land restitution?

Have you benefitted from the restitution period?

Are you happy with the kind of compensation (transfer of land)? If so, why?

Appendix 2: Interviews and focus groups

Kindly note that due to the sensitivity of the matter pseudonym names were used to protect the respondents.

Interview 1: Interview with Joshua Klaas. Macleantown 24 September 2016.

Interview 2: Interview with Nomalanga Makwetu. Macleantown 25 September 2016.

Interview 3: Interview with Vuyisile Toli. Macleantown 25 September 2016.

Interview 4: Interview with Mveliso Skeyi. Macleantown 2 November 2016.

Interview 5: Interview with Andiswa Mtandani, Macleantown. 2 November 2016.

Interview 6: Interview with Trevor Khumalo Macleantown, Macleantown. 2 November 2016.

Interview 7: Focus Group 1: Macleantown. 3 November 2016.

Interview 8: Interview with Nonqawuse Toli, Macleantown 3 November 2016.

Interview 9: Interview with NoCollege Mngxitama, Macleantown. 3 November 2016.

Interview 10: Interview with Nosiviwe Makwetu and Lunga Xhamela, East London. 11 November 2016.

Interview 11: Focus group 2: Macleantown. 15 November 2016.

Interview 12: Interview with Muzomuhle Dantyi, Macleantown. 4 November 2016.

Interview 13: Interview with Gamelihle Booi, Macleantown. 4 November 2016.

Interview 14: Interview with Mqondobanzi Qoboshiyane and Mziwamadoda Ndlovu (Border Rural Committee members): 10 November 2016.

Interview 15: Interview with Vikinduku Mqoboli, East London. 9 December 2016.

Interview 16: Focus Group 3: Macleantown. 3 November 2016.

Interview 17: Interview with Ncinyane Nkomo, Macleantown. 3 November 2016.

Interview 18: Interview with Ewald Petros (former Macleantown expert official). East London. 24 January 2017.

Interview 19: Interview with Bandile Sishuta Salem 08 February 2017.

Interview 20: Interview with Ncebakazi Gqwetha. Salem 14 February 2017.

Interview 21: Interview with Nomonde Hlatshwayo, Salem beneficiary 08 February 2017.

Interview 22: Interview with John Smith. Stutterheim, 16 February 2017.

Interview 23: Interview with Khandakhulu Dlamini (Directorate of Recapitalisation and acquisition. Port Elizabeth, 27 February 2017).

Interview 24: Interview with Zuziwe Nhlapho, Grahamstown. 3 March 2017.

Interview 25: Interview with Busobenyathi Skeyi, Grahamstown. 4 March. 2017.

Interview 26: Interview with Mike Smith. Fort Hare University 01 March 2017.

Interview 27: Interview with Sakhile Totana & Viyisiwe Khwephe two senior CRLR officials 17 March 2017.

Interview 28: Interview with Graeme Todd, Rhodes University 19 April 2017.

Interview 29: Interview with Mbabazane Khumalo. Alice 28 March 2017.

Interview 30: Interview with Simphiwe Sixoto (Recap official). 10 April 2017.

Interview 31: Interview with Maqondisa Ndlovu (Monitoring and Evaluation Directorate), East London. 17 May 2017.

Interview 32: Interview with Mbewu Ntantiso. Salem. 04 April 2017

Interview 33: Interview with Ntongayakhe Gontshi, Fort Hare University 27 March 2017.

Interview 34: Interview with Gert Krige (academic). Rhodes University. 19 April 2017.

Interview 35: Interview with Homla Phakathi, Grahamstown 23rd August 2017.

Interview 36: Interview with Nompumelelo Mthonti, Grahamstown 11 August 2017.

Interview 37: Interview with Ndukuyakhe Dlamini, Salem 17th August 2017.

Interview 38: Interview with Luvo Nobantu, Grahamstown 14 August 2017.

Interview 39: Interview with Nomvelo Dudumashe, Salem. 10 August 2018.

Interview 40: Interview with Vikintonga Mtandane. Grahamstown. 14 August 2018.

Below is a template of a consent form. There are two versions, that is, the one in English and the other translated version in Xhosa.

English version

Appendix 3: Informed Consent Agreement between Mzingaye Brilliant Xaba (Researcher) and Respondent

Thank you so much for agreeing to be interviewed by me for my PhD study. This interview is specifically for my study and I will keep your name anonymous. I will use pseudonym names in my study to preserve your confidentiality. I will also remove any personal details that will locate you or reveal your personality. I will conduct this interview as ethically as possible, without any harm to you or any discomfort. Please feel free to ask me any further questions you may have before signing this consent form. Also, should you feel uncomfortable with some questions, kindly tell me so.

The aim of this research is to document and investigate the livelihood experiences of land reform beneficiaries, particularly looking at land restitution beneficiaries. I _____ agree to be interviewed by Mzingaye Brilliant Xaba, a Rhodes University student, for his PhD study on land reform.

I understand that:

1. My participation will involve being interviewed at my convenience for a duration of about one hour.
2. I am giving permission for this interview to be audio-recorded, transcribed by the researcher who will then use the transcribed data (e.g. my direct quotes) for his PhD study.

3. I may be asked to answer questions of a personal nature, but I can choose not to answer any questions about aspects of my life which I am not willing to disclose.
4. I am invited to voice to the researcher any concerns I have about my participation in the study, or consequences I may experience as a result of my participation, and to have these addressed to my satisfaction.
5. I am free to withdraw from the study at any time should I have concerns about my participation which I did not originally anticipate.
6. The report on the project may contain information about my personal experiences, attitudes and behaviors, but that the report will be designed in such a way that it will not be possible for me to be identified by the general reader.

Signed on (Date):

Participant: _____

Researcher: _____

Xhosa version

ILETA YESIVUMELWANO

Isiqinisekiso nesivumelwano phakathi kuka Mzingaye Brilliant Xaba (Umphandi) kunye nalowo uthathe inxaxheba kolu phando

Ndiyabulela ngokuba usamnkele isicelo sam sokuba sibeno dliwano-ndlebe kwaye uphendule nemibuzo endinayo kuphando endilwenzayo kwimiba yemihlaba. Olu phando ndilwenza phantsi kwezifundo zam zePhD.

Ndiyafunga kwaye ndiyathembisa yonke inkcazelo ondinika yona andinakuze ndiyipapashe neenkukacha-magama akho, ndizakuqweba igama elitsha. Xa ndibhala ingxelo yam malunga nenkcazelo ondinike yona, igama lakho ndakuligcina luyimfihlo ndisebenzise olo ndiluqwebileyo kuphela. Ndiyathembisa ukuba akukho mntu endiyakumxelela malunga nokuyinkcazelo esuka kuwe. Kwakhona ndiyaqiniseka olu phando aluyi kuvumela ukuba

uzive ukwisimo esikwenza ungakhululeki emoyeni, ndiyafunga ukuba ndizakukuhlonipha kwaye ndizimamele izimvo zakho.

Ukuba kunenkcazelo ethe vetshe oyidingayo phambi kokuba utyikitye esi sivumelwano, wamkelekile ukuba ubuze imibuzo. Kwakhona, ukuba kukho imibuzo onganqweneli ukuyiphendula xa sele sisenza udliwano-ndlebe, wamkelekile ukuba undazise.

Isizathu solu phando kukubhala ingxelo malunga nokubuyiswa kwemihlaba kwakunye nendlela abachaphazeleka ngayo abantu emva kokohluthwa imihlaba yabo. Uphando lugxile kakhulu kubantu ababuyiselwa imihlaba yabo.

Mna _____ Ndiyavuma ukwenza udliwano-ndlebe kunye noMzingaye Brilliant Xaba, umfundi wePhD wase Rhodes University kwimiba yemihlaba.

Ndiyaqonda ukuba:

1. Ngokuthatha kwam inxaxheba kolu phando, ndizakuba nodliwano-ndlebe malunga neyure nomfundi.
2. Umfundi ndimnika imvume yokusebenzisa iteyiphu-rekhoda ngexesha lodliwano-ndlebe lwethu kwaye umfundi wamkelekile ukusebenzisa inkcazelo yam xa ebhala ingxelo yakhe.
3. Ndingabuzwa ukuba ndiphendule imibuzo eqondene nam, kwaye ndinelungelo lokwala ukuphendula imibuzo enjalo.
4. Ndinali igunya lokuthetha nomfundi ophandayo malunga nemibuzo okanye ezinye izinto ezindenza ndingonwabi xa sino dliwano-ndlebe.
5. Ndinalo ilungelo lokurhoxa kolu phando xa sele ndingafuni kuphendulo mibuzo okanye ndiziva ndingakhuselekanga ngokuthatha inxaxheba kolu phando.
6. Ingxelo inganika imizekelo ngokwenkcazelo yam kodwa akufanelekanga ukuba inkcukacha magama am apapashwe.

Ityikitywe (Umhla):

Othathe inxaxheba: _____

Umphandi: _____