



Synthesis report

LAND DIVIDED: LAND AND SOUTH AFRICAN SOCIETY IN 2013, IN COMPARATIVE PERSPECTIVE

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1 INTRODUCTION

Three institutions, the Centre for Law and Society at the University of Cape Town, the Department of Sociology and Social Anthropology at the University of Stellenbosch and the Institute for Policy, Land and Agrarian Studies at the University of the Western Cape hosted a three day conference *Land Divided: Land and South African Society in 2013, in Comparative Perspective* from the 24th - 27th March, 2013 at the University of Cape Town. The conference was supported by the Ford Foundation, Konrad Adenauer Stiftung and Atlantic Philanthropies.

The conference was held to mark the centenary of the 1913 Natives Land Act. The social, economic and ecological consequences of this legislation remain deeply incised in South African society and the landscape. The event provided a major opportunity for researchers in academia, civil society and the state to reflect on the continued significance of the 'land question' in South African society and to provide fresh analysis and new ways of thinking to untangle the complex web of historical and contemporary factors shaping relationships to land at the start of the twenty first century.

The conference facilitated the confluence of different streams of academic and social research while enabling contemporary rural voices to be heard. The conference also saw the launch of the Umhlaba 1913-2013 photographic exhibition at the Iziko National Gallery. The exhibition was co-curated by David Goldblatt, Bongji Dhlomo-Mautloa, Pam Warne and Paul Weinberg and provided powerful insights into the multiple meanings of land in South Africa, past and present. A second photographic exhibition was hosted at the District Six Homecoming Centre, featuring the work of Sophia Klaase, a young photographer from Paulshoek in Namaqualand.

1.1 The report at a glance

This report sets out to try and capture key elements from this interchange of comparative perspectives and identify issues for policy and practice which emerged from the four thematic areas shaping the conference deliberations. The conference was broad and interdisciplinary in scope. It combined five plenary sessions and 43 panels organised into thematic clusters which also included a focus on the experiences of other countries in Southern Africa including Zimbabwe, Namibia and Malawi. These sessions provided multiple and frequently divergent perspectives which illuminated the conference focal areas – the legacy of the 1913 Natives Land Act, land and agrarian reform policy in southern Africa, the multiple meanings of land and ecological challenges - in strikingly different ways. This breadth of focus ensured that the conference programme was tightly packed and time did not allow for rapporteur report backs on the content of the panel sessions. As a result the policy issues identified in this report reflect a partial rendering of the proceedings and are drawn from the plenaries and selected panels attended by the report writer, augmented by a scan of conference presentations and abstracts.

2 INTRODUCING THE PRIMARY CONFERENCE THEMES

The Conference was organised around four core themes which are briefly profiled below¹.

2.1 The legacy of the 1913 Natives Land Act

The passage of the 1913 Natives Land Act is widely recognised as a defining moment in the history of South Africa. The Act provided the legislative basis for subsequent efforts to divide the country into a white core encompassing 87% of the land and most of the wealth, and a black periphery in the remaining 13%. While analysts have argued over the nature of the political and economic forces that produced the Act, as well as its significance for land ownership at the time, the consequences of this radical blueprint for white domination and black exclusion still reverberate across South Africa and the wider region today. The Act remains a key reference point for South Africa's land reform programme which has struggled to address its complex legacy. The promulgation of the Natives Land Act provides the historical marker to identify acts of land dispossession which qualify for restitution. The consequences of the Act and related legislation further underscore the need for a thoroughgoing programme of land redistribution and tenure reform to redress the deep spatial, economic and political consequences of segregation and apartheid.

Yet as South Africa approaches 20 years of democracy in a context shaped by structural poverty, significant urbanisation, mounting ecological challenges and the declining contribution of agriculture to the livelihood strategies of most rural people, questions need to be asked about the contemporary nature of the legacy of the Land Act.

2.2 Land reform and agrarian policy in Southern Africa

Over the past three decades land and agrarian reform has been a key issue for most newly independent governments across Southern Africa. This thematic area set out to identify and critically examine the lessons which can be learned from land reform across the region and internationally. Land and agrarian reform programmes have surfaced a wide range of contentious issues including the relative merits of large scale versus small scale production and their implications for food security, the relative security of different forms of property rights and the governance of land tenure systems derived from 'customary' norms, values and institutions. Land reform programmes in South Africa and Namibia have been criticised for their slow progress while confiscatory land reform in Zimbabwe has generated major controversies.

Plenary and parallel sessions provided a space to compare and reappraise land reform policies within a fast changing setting characterised by linked global food, energy and environmental crises that have triggered global 'land grabs'. The sessions examined how the key objectives of agrarian reform aligned with this new conjuncture.

¹ The text introducing each of the four thematic areas draws on edited and abbreviated versions of the introductions provided in the conference programme.

2.3 The multiple meanings of land: Identity, rights and belonging

Land is a source of identity that links people through claims to shared spaces of belonging and meaning that operate at different scales. Land as a source of identity also divides people through contestations over individual and group entitlements to resources which are further infused with assumptions about 'race' and ethnicity and shaped by gendered claims. People's relationships to the land and environment are major themes within the art and literature of the region and are woven tightly through the contested politics of land and conservation in the region. Sessions provided the opportunity for analysts to examine the multiple meanings of 'land' and 'the environment' in struggles around identity, rights and belonging.

2.4 Ecological challenges

Questions of land in South Africa are irreducibly ecological in character. In a largely semi-arid country with limited agricultural potential, scarce water resources and a growing population a central focus on policy must be the long term sustainability of all forms of land and natural resource use, factors underlined by the projected impacts of climate change. The social and economic inequities within current systems of large scale agriculture must be addressed together with its contribution to climate change and loss of biodiversity. Key challenges include the following:

- Can alternative food production systems be developed that are socially and ecologically sustainable?
- How can water reform and land reform be articulated to best effect?
- How can biodiversity conservation be integrated into South Africa's redistributive land reform programme and be practised on farms, in communal areas and nature reserves?
- Can a shift to a 'green economy' help address unemployment, poverty and inequality?
- To whom do South Africa's protected areas belong – to those with ancestral claims on them, to the nation at large or to the 'global community'?

These and other challenges require us to understand the impacts of changing land use systems under different economic and land tenure regimes and to project the potential impacts of alternative policy options.

3 SESSION HIGHLIGHTS

3.1 The legacy of the 1913 Land Act: Opening plenary session

3.1.1 Minister Gugile Nkwinti – Department of Rural Development and Land Reform

In his opening address the Minister of Rural Development and Land Reform Gugile Nkwinti highlighted the impact of the 1913 Land Act which continues to shape and haunt South Africa and has contributed to systematic rural impoverishment. He reviewed the four pillars of land reform stating that government has paid more attention to redistribution and restitution but has neglected tenure reform and rural

development. He outlined the on-going Green Paper policy process which is made up of six work streams reporting to a national reference group backed up by a legal task team which is making "tremendous progress" in policy development and drafting of legislation. The Minister noted that the state requires much greater land administration and governance capacity and the proposed Land Management Commission is designed to address this together with the proposed Land Rights Management Board.

The Minister observed that the market mechanism remains the primary mechanism for redistribution. However to date the state has not been able to sufficiently redistribute assets. He noted attempts to strengthen tenure rights through the streamlining of eviction procedures across different laws. He also spoke about improved dispute resolution processes where the Land Rights Management Board will establish committees to take on local dispute resolution functions.

He conceded that land reform processes are too slow and that only 7% of agricultural land has been redistributed to date. He noted that smallholders currently contribute only about 5% of agricultural GDP in a context characterised by declining food security and the concentration of land and agricultural production in fewer hands.

The Minister was questioned about the replacement for the Communal Land Rights Act (CLARA) which had been struck down by the Constitutional Court and the proposed re-opening of land claims, while several speakers expressed widespread concern about the disenfranchisement of rural people by the Traditional Courts Bill.

3.1.2 *Mamphela Ramphela - Agang*

Ramphela reaffirmed the continued importance and challenging nature of the land question. She argued that the 1913 Natives Land Act had undermined the economic self-sufficiency of the black peasantry, citing Colin Bundy's *Rise and Fall of the South African Peasantry* – a narrative of a prosperous peasantry systematically undermined by competing with white farmers who were increasingly protected and supported by the state. She outlined how the Land Act was part of a wider set of initiatives designed to force people into wage labour. She highlighted how the Land Act had had far reaching rural governance implications, with the creation and manipulation of state-sanctioned chiefs and tribal authorities. She argued that these institutions were colonial constructs and had led to new forms of control over land and new sets of entitlements assumed by chiefs. She observed how 'tribal' formation was also engineered as a consequence of the Land Act. She criticised the ANC government for continuing to entrench the autocratic rule of traditional authorities and for putting rural people under intense pressure through the proposed Traditional Courts Bill. This will affect 16 million rural South Africans who will be rendered the ethnic subjects of chiefs. She argued that chiefs are being established as gatekeepers of rural services and are charging tribal levies for a host of functions. She argued that the current situation exhibits strong similarities with 'native rule' in the previous era, which was now being implemented by the post-colonial state. This legislation was casting rural people as ethnic subjects while

contributing to the perpetuation of the migrant labour system – a system whose impacts needs to be reversed.

With regard to land reform, she argued that nine out of ten farmers receiving land have 'failed' but observed how, 19 years after democracy, the land question still holds strong symbolic, emotional and economic significance. She highlighted the increasing concentration in the agricultural sector noting that there are 36 000 commercial farmers today as opposed to 100,000 in 1994. She proposed that structural measures are required to address the 'land question' which itself has been structurally created. In her view, successful land reform requires productive partnerships and mechanisms to access value and supply chains.

3.1.3 *Prisca Shabalala - Rural Women's Movement*

Shabalala illustrated the legacy of the 1913 Natives Land Act by narrating the story of Matiwanoskop, which was bought by 120 men in the early 1900's. The men and their descendants worked together to develop and drain the land, grow crops and keep cattle. They subdivided the land into individual portions and retained the remainder for future development. The apartheid state had attempted to expropriate the land through forced removals but the community was able to resist being removed due to local unity. She outlined the emergence of a self-styled chief in the community, and how over time the institution of chieftainship had become less and less accountable to the community, quickly destroying the work of previous generations. Shabalala was critical of government for ignoring the rural women's movement and for promoting legislation to entrench traditional leaders who "oppress women and men". She called for the scrapping of the Traditional Courts Bill.

3.1.4 *Peter Delius - Wits University and William Beinart - Oxford University*

Delius spoke to the two authors' joint paper. He acknowledged the symbolic significance of the 1913 Natives Land Act, but noted that this was often based on a misunderstanding of the context leading to the passing of the Act. He argued that "simply to think about land is inadequate - it is more complicated than that". He cited the example of the Pedi kingdom to illustrate how much land dispossession had taken place prior to the passing of the 1913 Natives Land Act. He argued that despite the Act being a marker of 20th century segregation and land inequality, it did in fact play a role in preventing further dispossession, by protecting the heartland of old pre-colonial polities – many of which contained significant amounts of quality agricultural land.

In 1913 black people had been restricted to just 7% of the land. The subsequent Native Trust and Land Act of 1936, which expanded the reserves to a total of 13,6 per cent of the land in South Africa, had involved a massive process of land acquisition. Delius noted that for a long time after the passing of the 1913 Land Act the majority of people living on nominally white owned land were black. The Act was a complex piece of legislation which took decades to implement - some of it only came into force more than two decades later after the 1936 Land Act was passed. Many of the provisions contained in the 1913 Land Act were ineffective. For example while the Act abolished sharecropping, the story of Kas Maine as

documented by Charles van Onselen illustrates how sharecropping persisted for decades after the Act was passed. Significant levels of African smallholder production continued up to the 1950s, until huge densities accumulated on the land in the reserves governed by patriarchal chiefs, which contributed to their steep decline. The collapse of the reserves was exacerbated by the toxic legacy of the migrant labour system and the impacts of the Land Act on tenure systems in the reserve areas. Individual tenure proposed under the Glen Grey Act in the Cape Province was abandoned in favour of versions of African customary tenure fabricated by the state which resulted in profound changes over 20th century. This allocated powers to chiefs which were unheard of in the 19th Century. Delius noted that security of tenure remains one of the unmet requirements of the Constitution.

Overall Delius argued that the impact of 1913 Natives Land Act was probably exaggerated in contemporary discourse. However he noted that the long term consequence of the Act was its contribution to rural political exclusion and the emergence of a predatory class which undermines citizenship of rural South Africans. At the same time the continuing rural skills deficit further disadvantages rural youth.

3.1.5 Sipho Pityana - Council for the Advancement of the South African Constitution (CASAC)

Pityana noted that the unresolved land question continues to cast a shadow over South Africa. The Land Act had been bolstered by a raft of discriminatory legislation which reduced rural people to peripheral players in the economy. South Africa was still struggling with a persistent problem of poverty and inequality. Pityana argued that land reform remains excruciatingly slow and asked why this is so. He noted that conventional wisdom was that this was a result of the Willing Buyer Willing Seller (WBWS) formula and the constraints imposed by the property clause in the Constitution. Pityana argued that the constraints impacting on the pace and success of land reform do not lie in the Constitution, but are rather a reflection of the limitations of policy choices adopted post-1994.

He noted that Section 25 of the Constitution seeks to balance competing interests. There is no reference to WBWS in the Constitution and most of the criticisms which allege that the Constitution is a key constraint reflect a conservative reading of the Constitution, and Section 25 in particular. Pityana argued that the real factors impacting on the slow pace of land reform are the consequences of policy choices, which to date have advantaged powerful interests such as organised agriculture, markets and traditional leaders. He asked how systems of traditional leadership can sit side by side with a democratic dispensation, arguing that the continued extension of chiefly powers has had adverse effects on security of tenure in rural areas. To date no alternative has been put in place to address the void left by the striking down in 2010 of the Communal Land Rights Act of 2004, despite an undertaking to the Constitutional Court by the Minister. Pityana reflected that, ironically, the centenary of the Land Act exposes how rural people lack citizenship and security of tenure. Pityana described the Traditional Courts Bill as an embarrassment and characterised the institution of traditional leadership that it espouses as deeply flawed. He pointed to conflicting readings of customary law and

communal tenure. He concluded by stating that “we have to ask difficult questions of government and of ourselves given the multifaceted legacy of the Land Act where the past persists in the present and continues to shape our future”.

3.2 Plenary 2: Land reform and agrarian policy

The plenary was introduced by two speakers from the Konrad Adenauer Stiftung and the Ford Foundation, who noted that land reform was an inter-generational process which requires a long term vision. It currently takes place within a highly competitive economic setting. This requires a dedicated focus on bringing actors together in dialogue. Overall there is a need for fresh analysis and thinking on land given that the 30% redistribution target cannot be reached.

3.2.1 Ruth Hall – University of the Western Cape

Hall sketched out the history shaping current approaches to land reform in South Africa. She outlined the process of territorial separation, the system of subsidies to consolidate white agriculture, and restrictions on property rights which were linked to restrictions on the political rights of black people. A number of measures were implemented over a long period of time – all of which shaped rights in land. The Glen Grey Act of 1894 was originally focused on the creation of smallholder producers with access to 47 ha of land under quitrent title in the Cape Province. However, this was abandoned in favour of a one man-one plot formula which saw allocations of 4 ha in most of the Transkei, and which ensured that an African class of commercial producers could not emerge. This thinking was later echoed by the Tomlinson Commission, with a proposal that only *bona fide* farmers would have access to land on ‘half economic units’ under freehold. This was subsequently rejected by the government of the day as the landowning peasantry envisaged by Tomlinson would fall outside the control of traditional authorities. However these proposals to develop a modernised class of African farmers have persisted, resurfacing in the DBSA farmer support programme in 1980's. This was unsuccessful and the estimated costs of about R50,000/participant were primarily a welfare transfer.

Hall also provided an overview of the changing ANC policy on land, from a call to be able to participate freely in land markets in 1916 and receive government support like white farmers, through to the redistributive calls contained in the Freedom Charter and the subsequent Morogoro conference, which called for confiscation of land and a prohibition on hired labour. However there was little evidence of systematic planning for future land and agriculture policy in the 1980's. ANC position papers advanced conflicting perspectives, alternatively advocating nationalisation and the establishment of state farms with the promotion of small scale production. During the transition period multiple proposals were put forward by different actors for land redistribution and restitution. The World Bank proposed deregulation of agriculture and cutting of subsidies to white commercial farmers coupled with the provision of vouchers for black people to buy and cultivate land. A market-led state-assisted model of land transfer was adopted in 1994.

Hall outlined the successive phases in the land reform programme commencing with the Settlement/Land Acquisition Grant – a flat household grant - which was

succeeded by the Land Redistribution for Agricultural Development (LRAD) programme, which introduced a sliding scale of grants and required an own contribution from beneficiaries. However, continuing restrictions on the subdivision of agricultural land have meant that group-based projects have remained the norm. This has prompted a shift away from grant-based purchase altogether and towards state purchase through the Proactive Land Acquisition Strategy. Between 2009 and 2012, 2,4 billion rand has been spent purchasing land at approximately 5,3 rand million per project and 1,3 million rand per household.

Hall argued that to date land reform has focused on ‘how’ and not on ‘what’, ‘where’ and ‘why’? Overall there is no agrarian reform policy - rather an anti-agrarian reform approach premised on a commercial ‘proper farming’ model which sharpens the dualism cemented by the 1913 Natives Land Act. Policy still has no answers for more concentrated ownership of farmland, job shedding and eviction from farms, underutilisation of land acquired through land reform and in communal areas, together with the cost price squeeze on farmers. Undoing dualism requires changing land uses and settlement patterns combined with a clear focus on **what** land reform is for, **who** it focuses on, **where** it should take place and **how** it should be done.

3.2.2 Nick Vink – University of Stellenbosch

Vink, speaking on behalf of Mohammed Karan (Dean of the Faculty of AgriSciences at the University of Stellenbosch and a member of the National Planning Commission) reviewed state spending on land reform to date, excluding Department of Agriculture, Forestry and Fisheries (DAFF) spending on the Comprehensive Agricultural Support Programme (CASP and the cost of land administration. This amounted to approximately 53 billion rand. However in real terms this was very close to 70 billion rand. He noted that 2/3 of the subsidies in the apartheid era was spent on conservation and argued that the state needs to continue to spend this kind of money instead of spending money on land reform which is not working. Turning to the relative efficiency of small farm versus large farms and reviewing evidence from five countries, Vink argued that large commercial farmers were producing a surplus and that small farms are not more efficient. In the absence of state-funded farmer support programmes, farm sizes will continue to increase until they reach industrial scale. The state needs to concentrate on support services as opposed to land transfers as a means to overcome dualism and invest in farmer support programmes.

3.2.3 Sam Moyo - African Institute for Agrarian Studies (AIAS), Harare.

Moyo argued that the politics around land inevitably trumps the detail of the large - small farm efficiency debates. There is a particular politics of dispossession which must be addressed and a persistent Eurocentric trajectory on the outcome of land reform which must be challenged. Land reform is something that emerges out of real political struggle rather than technocratic programme design. In Zimbabwe the focus has been on confronting the edifice of settler colonialism. What has been effected there is the most thoroughgoing land redistribution globally. Initially attempts were made to deracialise land holding through market mechanisms but this was not successful. The current confiscatory land reform has created a new

trimodal agrarian structure. While capital initially resisted the reconfiguration of markets it has since returned because it sees that money can be made.

3.2.4 Henry Bernstein –University of London

Bernstein set out to compare the agrarian worlds of 1913 and 2013 and identify implications for land reform today, highlighting the patterns of change in capitalist and 'peasant' agriculture and the relations between them. He traced the first wave of 'globalization', aka imperialism, from the 1870's to 1920's which saw the last great movement of European colonial expansion. South Africa in 1913 had effected a historic compromise between imperial capital and the agrarian interests of Afrikaner settlers. Bernstein highlighted radical changes from peasant farming to capitalist agriculture with its integration into circuits of capital and its connection with industry. Bernstein sketched the emergence of international food regimes and tracked the growth of capitalist agriculture from 1950's investment in mechanization and 'chemicalisation' which contributed to greater concentration of agribusiness.

Bernstein noted a contemporary revival of commitment to agrarian reform which involves much changed social forces today than those propelling the peasant wars of the twentieth century. Recent additions to current radical agendas of land reform concern gender relations in the countryside and beyond, the ecological destructiveness of organized capitalist agriculture, the emergence of the food sovereignty movement originally introduced by *La Via Campesina*, which combines an anti- capitalist farming and agribusiness position and the promotion of small-scale family farming.

However while most of the world's population were peasants in 1913 this is no longer the case for a global population which has increased 4.5 fold since 1913. This has implications for labour productivity in farming, and remains an unresolved tension in the agenda of 'food sovereignty' which tends to focus on (rural) household and 'community' self-provisioning of food.

Bernstein posed the question of how this new agrarian reform agenda will work in practice. It will require new forms of farming able to displace the levels of mechanisation 'chemicalisation', concentration and economies of scale of capitalist farming, with the capacity to feed the worlds rapidly growing population. This will require different technologies, types of state support and social organisation than is available to most small-scale farming today. This also implies that only a minority of current rural people will be able to thrive as small-scale farmers. This may call for types of land redistribution which aim to support the livelihood or reproduction base of rurally based wage workers (including labour migrants) rather than setting out to establish them as full-time farmers.

3.3 Plenary 3: The multiple meanings of land: Identity, rights and belonging

3.3.1 Jacob Dlamini - Yale University & University of Barcelona

Dlamini set out to challenge what he described as a romantic and sentimental depiction of the land question and the assumption of organic connection of Africans to the land as “sons and daughters of the soil”, observing how the 'Natives' emerge from this construction. In his paper *Edward Tsewu and the struggle for African property ownership: Rethinking the prehistory of the 1913 Natives Land Act* he argues that property ownership was conceptualised as a link with modernity. Modern subjects buy property – property ownership is a modernist claim. He noted an incipient clash between the language of paternalism and the language of rights. He argued that property ownership was seen as a mark of distinction which enabled participation in modern society.

3.3.2 Antjie Krog - University of the Western Cape

Krog presented a prose poem *Baas van die Plaas: identities of land-disdain*, which provided an ironic reading of an Afrikaans children’s song, through which she deconstructed the racial and gender hierarchies embedded in the relationship to land as ‘*plaas*’ or farm that the song confirms. She also pointed to the persistence of these themes/identities in other settings and critiqued the banality of current land reform rhetoric on all sides noting its persistent patriarchal character.

3.3.3 Robert Muponde - University of Witwatersrand

Muponde presented a paper entitled *Jambanja?: The politics and aesthetics of land in Zimbabwe* which reviewed how land is represented in Zimbabwean fiction. The origins of the term *Jambanja* lie in a song about marital affairs where a man had an affair and his wife takes action to punish her rival. Muponde compared depictions of white and black owned land with their contrasting narratives of hope and despair. Many Zimbabwean writers associate land with lack. Land reform is presented as a journey to prosperity, a milk and honey political imaginary associated with the symbolic and material spectacle associated with the undoing an oppressive political and economic order or as 'jambanja'. This is counterposed by rival European narratives which present land reform as a “mix of chaos, irrationality, looting, loss and a reinsertion of the brutal and primitive in African life”.

3.3.4 Cheryl Walker - Stellenbosch University:

Walker presented a paper: ‘*Land meaning and time: Reflections on the making and remaking of Cremin in northern KwaZulu-Natal, 1912 - 1913*’.

Cremin is a property purchased in 1912 by 28 original owners and expropriated in 1977 from 114 registered land owners who were removed to Ezakheni. Cremin was subsequently restored after a Restitution claim was lodged in 1995. Walker identified four themes running through the experiences of dispossession and restoration. These highlighted:

- how rural land ownership provided the basis of a new collective identity after 1913 – one which took pride in the diverse ethnic backgrounds of the different owners;
- how the experience of struggle had shaped the claimant leadership;
- how removals had been subsequently interpreted as having some unintended positive consequences;
- how important generational differences had now emerged in the interpretation of the relationship to the ‘restored’ past and the restored land.

Walker noted that land was frequently presented as representing a stable set of meanings. The pre-colonial period is often presented as a golden era of social harmony and economic self-sufficiency shattered by colonial dispossession. In the case of Cremin, however, the post-1913 period, after the Land Act was passed, was regarded as the community’s golden era, by land claimants in the 1990s. The Cremin case exhibits the multiple meanings associated with land. Land ownership was associated with class differentiation between owners and tenants and linked to notions of respectability and progress. Some claimants have subsequently come to see the removal as a blessing in that it prevented the growth of overcrowding on the land. The harsh experience of dispossession was offset by the consolation of restoration for older people – even if this was a “consolation of the heart” as many of them were now too old to return. However this consolation and sense of restoration experienced by older claimants lacks meaning for many young people, the descendants of those removed who have grown up in urban locations, and who regard Cremin as a rural backwater.

3.4 Plenary 4: land questions and the environment

3.4.1 Tim Hoffman – University of Cape Town

Hoffman presented a paper entitled *Changing patterns of rural land use and land cover in South Africa and their implications for land reform*. This drew on an analysis derived from historical and contemporary photographs in order to track changes in land cover in selected research sites. The research set out to examine what has happened to the vegetation in South Africa over the last 100 years. Hoffman illustrated how the political history of the country has impacted on land use practices. Almost twice the amount of numbers of livestock are carried in communal areas than on predominantly white owned commercial farms, which impacts on forage quality. The broad historical trajectories of vegetation change from west to east indicate that the arid west is largely stable and even improving. Landscape cover assessment using photography as a longitudinal monitoring tool reveals stable or increased cover partly attributed to a significant decline in livestock numbers in the western areas. There has been an increase in the grassy centre and a decrease of Karoo scrublands. This is also a reflection of a reduction in livestock numbers largely brought about by a combination of stock reduction schemes and a change in climate with greater incidence of early summer rain, combined with improved management practices and environmental awareness. Towards the eastern parts of the country, however, there is extensive bush encroachment due to a variety of factors. There is a very fast rate of change of 5% in

the land cover every decade. This partly reflects the abandonment of cultivation in former homelands. Bush encroachment is also being influenced by the global driver of increased carbon dioxide.

What can we learn from these changes? Land use is important. The number of animals grazed and the grazing management system do impact on vegetation and grazing quality. Farmer support programmes are key but need to be sustained over time, However there has been a marked reduction in spending on these which is a matter of concern. Future climate change forecasts predict a hotter and drier future, resulting in biome contraction. The impacts of climate change need to be factored into land reform planning as it shapes future agricultures.

3.4.2 Maano Ramutsindela – University of Cape Town

Ramutsindela presented a paper entitled *Conservation: A de facto land reform 'policy'?* He observed how there is a persistent push for land for conservation. This push gains momentum during periods of political change and coincided with South Africa's signing of the Convention on Biodiversity in 1992. Conservation and the declaration of protected areas often reflects a clash between 'northern' and 'southern' perspectives, in the context of different environmental regimes and framed by different value sets. The Convention sets biodiversity targets expressed as a percentage of land to be retained for conservation. This was rising in response to global climate change. Conservation has a number of implications for land reform. Initiatives such as transfrontier parks and 'peace parks' propose to enclose large areas for conservation, but the maps of the planned parks obscure where rural people are currently living. Their presence and rights are not adequately reflected in the treaties, as only people with legal land claims are mentioned in the text. Conservation imperatives can serve to lock land away from land reform. Ramutsindela highlighted a dissonance between human and animal treatment across borders and observed that discourses of conservation and co-management can silence discussion about land access and rights.

3.4.3 Jacqueline Cock - University of Witwatersrand

Cock presented a paper entitled: *The green economy: A sustainable development path or a 'wolf in sheep's clothing'?* Her key assumption was that the land question has to be understood within the broader crisis in nature. The key question is whether the green economy with its promise of green growth and jobs can address the crisis in nature, or is it a wolf in sheep's clothing promoting a green variant of neoliberal capitalism?

The crisis in nature is deepening. Fossil fuel corporations are asserting an extreme energy agenda based on fracking, deep sea drilling etc. Fossil fuel use is leading to overheating of the planet leading to projections of temperature rises by four or six degrees. This will have major impacts for southern Africa. The dominant attempt to address the crisis in nature is the further marketisation of nature under the rubric of 'the green economy'. The green economy revolves around a central idea of reducing carbon emissions. There are two variations – a moderate and an extreme version. The extreme version involves the "financialisation" of the functions of nature which are termed "ecosystem services". Nature is measured and valued

according to the services it provides, which can be traded as commodities creating a market for new products which will enclose the commons of nature itself. This model purports to use business to protect the environment. According to Richard Branson “the only way to stop climate change is for industries to make money from it”. This financialisation of nature strips it of aesthetic and social value and Susan George argues that this represents the “triumph of the Davos class”. Cock illustrated how the continued invisibility of the crisis in nature evokes Rob Nixon's concept of “slow violence, which is insidious, extends over time and remains relatively invisible”. The case of Steel Valley near Vanderbylpark illustrates the slow but fatal spread of toxic pollution that infects groundwater and results in a rise in genetic defects and cancers as a consequence of unrestrained corporate power.

South African government policy contains versions of the green economy which incorporate both moderate and extreme dimensions. The real economy remains carbon intensive and environmentally disruptive. Inflated claims are made about ‘green jobs’ which mask concerns about working conditions and job quality.

The green economy is still based on a model of economic growth increasingly characterised by land and resource grabs and the reduction of nature to ‘natural capital’. If we are to address this crisis our relationship with nature has to change. In the midst of a massive ideological assault promoting the financialisation of nature, Cock identified an opportunity to challenge relations of power and recognise that *homo sapiens* is a member of the ecological community and not the master of it.

3.4.4 Phil Woodhouse – University of Manchester

Woodhouse presented a paper entitled: *Property and productivity in African natural resources – dual trajectories*. Woodhouse argued that land and water reform in South Africa have proceeded without reference to each other. He outlined trajectories of land and property which included European expansion up to the 1890s, and European administration 1890s - 1930s which involved suppression of land markets in African rural areas. In South Africa the Land Acts suppressed African ownership. Elsewhere in Africa the drive for modernisation after World War 2 resulted in attempts to introduce titling in some countries.

Post-independent African countries have been dominated by neo-liberalism which sought to roll back the state and the withdrawal of state subsidies. In South Africa this trajectory has seen the restructuring of capitalist agriculture based on the premise of ‘get bigger, get better or get out’. This has seen the transformation of farming into agribusiness. Much land restored by restitution is managed by SA businesses. Land reform has been hampered by a lack of meaningful water allocation reform. Water resource management is characterised by extreme information asymmetry. Information is retained by Water Users Associations and there is a progressive commodification and technicalisation of services which does not serve the interests of the poor.

3.5 Plenary 5: Options for effective land and agrarian reform in South Africa

3.5.1 Ben Cousins – University of the Western Cape

Cousins introduced the final plenary noting that several presentations made at the conference have pointed to the intersections between our history and the present. Some analyses have focused on the dualisms which have developed while others emphasise the particular nature of the South Africa political economy which has structurally produced the disparities which we have discussed. The key question is how do we think through the diverse policy challenges which confront us, given the complexity that characterises this landscape, in order to address questions about how to restructure land holdings and the agricultural economy and best manage the environment? While addressing these questions we also have to recognise multiple agents and accommodate competing meanings and visions around the land and our future.

3.5.2 Aninka Claassens – University of Cape Town

Claassens spoke on the subject of *Law, land and custom 1913 -2013: What is at stake?* She pointed to the emergence of two zones - one central and modern and the other - the rural periphery. Much land dispossession took place prior to 1913. The primary violence stemming from the Land Acts took the form of forced removals. In particular the 1936 Land Act played a pivotal role in rural disenfranchisement. The Act simultaneously bought land and enabled forced removals. It extended chiefly powers and provided them with subjects. This led to the formalisation of the Bantustan system described by Luthuli in 1962:

Inside this closed world there is no hint, not even the remotest suggestion of democratic rule. There is provision only for the march back to tribalism – but in a far more dictatorial form than Shaka dreamed of. The modes of government proposed are a caricature. They are neither democratic nor African.

Claassens argued that:

The current Traditional Courts Bill entrenches this disenfranchisement with new legislation which privileges a chiefly elite. The dividing line is no longer one of race but the boundary of the former homelands. What is at stake? Control over revenue from coal, platinum, tribal levies and access to chiefly salaries. The Bill seeks to deny black ownership within the former boundaries of the homelands and reasserts a version of custom stemming from the 1936 Land Act. The law privileges traditional leaders to unilaterally define the content of custom and serves to consolidate the boundaries of former homelands. This creates fundamentally unequal power relations in the bantustans where some 16 million people live.

Despite these constraints women have been drawing on the Constitution to make claims on land since 1994 in freehold and communal areas. While the state suffers

from a poverty of vision and a lack of alternatives there is an extraordinary blossoming of alternatives in different places.

Claassens concluded that the “effect of the legislation is to turn citizens into chiefly subjects through bifurcated systems of tenure which extend the power of chiefly elites over resources and which side the state backs”. She noted that we have to acknowledge the deep structural inequality constructed since 1913 through which the rural hinterland has been kept isolated and intact. “These tribal boundaries are now being used to place people under the authority of imposed leaders and structures”.

3.5.3 *Theo de Jager - AgriSA*

De Jager presented the perspective of organised agriculture. He set out this position as follows:

I am a commercial farmer. The land issue has got everything to do with what I do and who I am. The debate has to be tackled about 1913. I am here with a full mandate. There is nothing we want to defend about 1913. We must rectify. This must be done in an orderly way which preserves the agricultural output that we have today. Land is not a farm. A farm is much more. It requires investment and capital. Too many land claimants have claimed land and got farms and then the farm went back to being land.

De Jager argued that policy makers and academics had romanticised the role and potential of smallholder farmers. “I have never met a wealthy or satisfied smallholder farmer. They only have a future if they fit within a value chain. They must understand laws governing our industry which are dependent on economies of scale”. At the same De Jager expressed concerns about how the corporatisation of agriculture threatens the end of the family farm, noting that this sector could only be maintained if it received state subsidies. He sketched aspects of the challenging agricultural economic environment. “We work in a global and competitive environment. We compete against the best farmers in Southern hemisphere. We are driven into Africa by the quest for profits”. He reiterated that organised agriculture was nervous about scrapping the WBWS principle and the reopening of restitution. He argued that to date restitution has had devastating outcomes. Given the shift in policy where land purchased for redistribution is retained by the state this means that black commercial farmers have been turned into *bywoners* or tenants which will not provide a solution to the legacy of the Land Act.

3.5.4 *Mazibuko Jara – Democratic Left Front*

Jara argued that we need to understand post-apartheid agrarian change from a perspective critical of capitalism. The financialisation of agriculture and its integration into global value chains meant that profits will always come before social, ecological and economic concerns. In order to reshape the agrarian reform agenda we need to understand the global agro-food system and critically examine policy ‘solutions’ which link smallholders into global systems which are experiencing a deep systemic crisis. He argued that no agrarian reforms are possible without a clear vision of a restructured agrarian sector. This vision is

lacking due to an absence of developmental reformers within the state. He characterised current policy makers as an exhausted political force, dependent on neoliberal economic logic which continued to anchor policy to the extraction of cheap minerals as a key driver of the economy. “South Africa needs an economic transformation strategy which charts another path for the SA economy. But without the backing of social and political forces on the ground it is all academic.”

Jara pointed to the Landless Workers' Movement in Brazil (MST) as providing a possible example to show what an alternative would look like and help us think beyond a system which is in crisis to tackle deep inequality. MST has shown how the profit logic can be contested by different logics of food sovereignty. However currently in South Africa this vision and alternative policy logic remains absent from academic and popular forces. Future alternatives need to be anchored in new agro-ecological production systems.

3.5.5 *Hilton Toolo – Department of Rural Development and Land Reform*

The final input was from Hilton Toolo Chief Director of Policy Development in the Department of Land Reform and Rural Development. He stated that for the past 18 months the Department had been working to develop policy. Responding to criticisms concerning closed door policy making processes Toolo responded that the Green Paper critics had opted out of the policy making process. He referred to the “political economy of policy development” in which “those who are there make the day”. Toolo concluded his response with a rapid click through of key elements of the DRDLR’s Green Paper alluded to by the Minister in his opening address, pausing to provide brief commentary on the role of the Valuer General, the Land Management Commission and the concept of private land with limited extent.

4 POLICY ISSUES RELATING TO THE FOUR THEMES

The identification of policy issues highlighted by the Land Divided Conference is constrained by absence of reports from the different parallel sessions and the absence of papers from several presenters. The issues discussed below represent a small slice of a much larger and richer conversation which we have not been able to fully capture here.

4.1 The legacy of the 1913 Natives Land Act

4.1.1 The entrenchment of the legacy of the Land Act in the democratic era

There was broad agreement on key features of the South African socio-economic landscape attributable wholly or in part to the passing of the 1913 Natives Land Act. There was acknowledgement that extensive land dispossession had taken place prior to 1913 and that the Land Act had served to cement this spatially. The 1936 Land Act had added land to bring land allocated to Africans up to 13,7% of the total. This companion Act had provided the basis for the delineation of the bantustans which provided the spatial and social frames for state imposition of distorted systems of traditional leadership, customary law and practice. It was strongly argued that these boundaries and systems have been further entrenched since 2000

through the contentious Traditional Leadership and Governance Framework Act and, potentially, the Traditional Courts Bill. Many argued that this legislation is incompatible with a democratic order and threatens the disenfranchisement of rural South Africans residing within the former Bantustan areas. The legacy of the Land Act has been entrenched and the tribal boundaries that were established and enforced by the apartheid government have been confirmed. Claassens (Plenary 5 above) examined the impact that this legislation has on the 16 million people who live in the former bantustans. Mnisi-Weeks confirmed that:

In its purported bid to 'empower communities', government devolves increased power to those in the highest stratum of those communities who already possess it and often use it at the expense of those who are weak. The state has elected to perpetuate colonial and apartheid policy that confined black people to rural enclaves as 'subjects' of 'native-' then 'tribal authorities'; contradicting scholarship and community will.

At the same time the state had not been able to provide an alternative to the Communal Land Rights Act which had been struck down by the Constitutional Court, despite an undertaking to the Court that this would be forthcoming. To date South Africa had not been able to effectively address the legacy of the Land Act. Tenure security in former Bantustan areas had not been assured and land rights management remains in disarray.

4.1.2 *The 1913 Natives Land Act and community land claims*

The 1913 Natives Land Act provides the cut-off date for restitution claims in terms of the Constitution. Community claims, which involved the historical dispossession of large groups of people have proved to be immensely complex as the 'communities' and their descendants which had been removed had often fragmented and undergone processes of social differentiation. Despite this there remains a strong element of nostalgia for a golden era of an imagined pre-colonial past which continues to inform current land policy and politics. This was made even more complex by competing conceptions of 'tribal/traditional' leadership and authority. Robyn Turner examined how the Barokologadi Tribal Authority had metamorphosed into a Traditional Authority - something deeply resented by many residents who had moved away from the chief. She observed how place and affiliation intersected with ancestry and history to shape identity and affect the validity of claims which in turn gave rise to multiple identity conflicts between land owners and tenants. This was highlighted in other papers by Cheryl Walker, Deborah James and Michelle Hay which examined the issues of stratification and the gender relations that mediate access to land and resources, illuminating complex challenges for policy and practice.

4.1.3 *Competing conceptions of community*

State policy and legislation such as the Restitution Act, the Traditional Leadership and Governance Framework Act and other legislation contain competing understandings and interpretations of 'community'. This gives rise to different interpretations and positions that ultimately affect people's access to, and claims over resources. Multiple interpretations of community are contained in legislation

and precedents for these definitions have been established through subsequent case law which require further research and analysis.

4.1.4 *The decline of agricultural production in the former homelands*

While there were different narratives about the impact of the Land Act on the nature and character of the South African peasantry and the timing of its decline, several conference inputs highlighted the precipitous decline of arable agriculture in the former Bantustan areas despite the fact that some of these areas enjoy good quality soils and above average rainfall. At the same time, however, livestock numbers are relatively high. A variety of reasons were advanced for this. William Beinart noted that since the passing of the Natives Land Act there had been very little attempt to conceptualise policy for those areas that Africans did hold on to. The ANC had come to power without a smallholder policy and it still does not have one. The current emergent farmer strategy does not engage with the intractability of production constraints in former homeland areas. The key question is: why does smallholder crop production struggle so much in 20th century South Africa when there is good quality land available?

Research highlights a steep increase in the number of abandoned fields and a shift to the cultivation of home gardens. This was also borne out in research presented by Hoffman. The prevalence of livestock and absence of fencing and labour for herding makes it very difficult for cultivate without incurring crop losses. This has contributed to the abandonment of cultivation which has been further discouraged by the prohibitive costs of production inputs and equipment. The question of labour has been neglected in rural research. Family size and composition has changed contributing to a crunch in women's labour time and their progressive withdrawal from agricultural labour. Beinart pointed to “a quiet rebellion against agricultural labour by women” although he observed that their transition to wage labour was slow due to high levels of unemployment. This can also be seen as challenging the assumption of docile family labour which is implicit in some of the arguments in relation to the efficiency of small farms.

4.1.5 *Discriminatory minerals and mining legislation*

Smith argued that mining legislation remains racially biased and unconstitutional. He noted that the NDP calls for a review of mining investment in rural areas. The 2012 Minerals and Petroleum Resources Development (MPRDA) Amendment Bill does not address the legacy of the 1913 Land Act. The 1936 Act abrogated mining rights to the South African Development Trust. Black people who were not owners are restricted in their ability to apply for new order mining rights.

Smith highlighted the risk that new mining applications will effectively sterilise land claims. Mining law discriminates against communities who are ignored or left to rubber stamp decisions. There is a need for further research on the impact of mining legislation on rural communities with a view to ensuring that property rights of communities are better protected and defended in the African Charter.

4.1.6 *Differential urbanisation*

Du Plessis highlighted increasingly complex migration patterns highlighting how the broad trends of increases in the net urban population and migration flows to urban centres fail to illuminate more nuanced urbanisation processes, and counter-migration and sub-stream migration patterns. He noted that on the 17 million ha in rural areas where there are traditional authorities there had been no overall negative decline in population numbers, but a change in population age distribution characterised by the rise of a rural pensionariat. There had also been strong population growth in these areas which were next to large cities and on the urban edge. Areas in the Eastern Cape were showing a decline in the rural population and a rising Gini coefficient.

4.2 Land Reform and Agrarian Policy in Southern Africa

4.2.1 *The extent to which constitutional frameworks and WBWS inhibits or facilitates land reform*

Several contributors examined the extent to which the Constitution and Section 25 served as a brake on land reform. In the opening plenary Siphon Pityana made it clear that the Constitution made no reference to WBWS and that it was a conservative reading of the Constitution which fuelled the argument that the Constitution impeded land reform, while Kevin Russell highlighted how an early Constitutional Court ruling in *Transvaal Agricultural Union vs. the Minister of Land Affairs* had provided a mandate to the government to achieve substantive change in restitution, redistribution, and tenure reform. This supports the argument that conservative policy choices with respect to land reform are not a reflection of Constitutional limitations.

Michael Aliber examined WBWS, noting that in the question of Restitution claims land owners had a monopoly on the land which had pushed prices up. He proposed that WBWS should not feature in the context of Restitution and that the state should simply expropriate. However in the case of Redistribution he argued that WBWS was “far better than the alternatives” but could be improved through a deliberate focus on particular areas to promote concentrated redistribution. He cited the example of the Elliot District in the Eastern Cape where 23% of the farmland had been redistributed between 1999 and 2009.

4.2.2 *The development of a highly skewed agricultural sector further incised by post-apartheid policy choices*

Dispossession and neglect of agriculture in the former bantustans, coupled with heavy past state investment in the white agricultural sector, has meant that South Africa has developed an enormously skewed agriculture. Geyer observes that the historical bundle of “stimulation packages, pooled marketing of produce and input subsidisation which uplifted white farmers for decades, protecting small farmers from price competition and preventing market exploitation by the retail sector, was destroyed by neoliberal WTO policies before it could be used to uplift small-scale black farmers.

According to Geyer commercial farmers who constitute just 6.1% of the total number of people involved in some form of agricultural activity earn 97.2% of recorded agricultural income while subsistence farmers (93.9%) earn a fraction (2.8%) of agricultural income. This concentration of ownership is being further accelerated by the financialisation, chemicalisation and corporatisation of agriculture and its integration into global commodity chains and food systems.

Anseeuw observed that the corporatisation of the farming sector is a marker of rising farm debt which can no longer be covered by the value of land as collateral. This has seen the emergence of new business models where other players start to finance agriculture with commercial banks, engineering companies etc. taking over debt and production and obtaining an ownership share. Huge commercial farming entities are rising up which are swallowing medium size farms resulting in a concentration of land and production capacity and the emergence of 'commodity kings'. By contrast the smallholder sector is stagnating and the state is attempting to borrow models of corporate farming and insert them into land reform. These models are also penetrating communal areas and represent a reinforcement of the South African dualism. The key question is whether there is space for the development of other farming systems.

4.2.3 Barriers to entry

The combination of factors above have created immense barriers to entry into commercial agriculture by small producers. Genis makes two observations about the challenges facing new entrants to agriculture given the current policy and economic environment:

- a) *With the present system in place, they will enter on the margins of production, processing or markets and stay there, probably on somebody else's terms*
- b) *Other opportunities exist, but the reason why very few people recognise and exploit them is because they often present such a departure from the present models of large-scale commercial farming and thinking about marketing and consumer preferences. Little, if any, research is being done on suitable alternative practices.*

4.2.4 Casualisation and externalisation of agricultural labour

A corollary of the restructuring of agriculture has been the steep decline in agricultural labour overall and the creation of increasingly precarious casual and externalised employment. Metelerkamp observes that:

Dramatic farm size increases are indicative of other farmers who have failed to keep pace and fallen by the way side. These mirror international trends. But more troubling is what appears to be happening when farms get bigger – the purchasing farm tends to keep their existing labour and run both the old and the new farm with these employees, meaning that the seller's workers are rendered unemployed and moved off the land.

Eviction and displacement from farms have swelled the population of rural towns with concentrations of poor households with little prospect of permanent employment.

4.2.5 *Food security and urban agriculture*

Other panels highlighted the issue of food security given the rapidly growing urban population. Bernstein questioned whether the smallholder sector has the capacity to address this. This highlighted the need for research to examine food security issues and to better understand the place of urban agriculture.

4.2.6 *The slow pace of land reform and the inadequacy of support systems*

After nearly 2 decades, less than 10% of agricultural land has been transferred against the post-apartheid state's initial 30% target. However, there are districts and provinces where the pace of redistribution has been much faster, highlighting the need for more nuanced regional targets and associated performance data rather than national statistics which tended to obscure progress and innovative approaches in particular districts.



Overall, there appears to be mounting evidence of under-performance and the failure of many transferred “projects”. However, the appropriateness of the current land reform project logic and business planning and commercialisation paradigms employed as part of the restitution and redistribution processes are widely contested. It was argued that the Recapitalisation and Development Plan introduced to rescue projects in distress effectively places agricultural development in the hands of big agri-businesses through the introduction of strategic partners.

Several presenters highlighted the unequal spread of farmer support and the need to directly involve resource-poor small farmers and landless farm workers in policy development and implementation. The operations and co-ordination of departments remains a concern. There is a need for planned and tighter institutional interactions/coordination between the Departments of Land Reform (DRDLR) and Agriculture, Forestry and Fisheries (DAFF) in particular.

4.2.7 *Access to capital and markets*

Lahiff's review of commercial partnerships in South Africa's land reform programme highlights the widespread failure of joint ventures on estates acquired through Restitution. However specific commodity based approaches and outgrower schemes run by large agro-processors show some signs of success, with a steady flow of benefits from an early stage.

4.2.8 *The need to rethink the focus of smallholder agriculture*

Alcock's photo essay *The curious case of the unknown farmers* provided a powerful critique of the conventional land reform and agricultural extension imaginary, which revolves around mechanisation, capitalisation, adding to GDP and employing people. It is a model which frequently privileges those who already have power and resources and ignores the majority of invisible and unsupported small producers. He proposed a refocus on smallstock farming involving goats and village chickens and a recognition of the important socio-economic contribution these make to local livelihoods through ceremonies to mark births, engagements, marriage and deaths.

Agricultural research and extension and land reform should recognise and support this widespread ‘invisible farming’ and set out to address real problems facing these farmers without imposing externally conceptualised models and commercialised farming practices upon them.

4.2.9 Can land reform survive in the context of declining state support for agriculture and the absence of a clear strategy for agrarian reform?

Black et al argued that land reform cannot survive where established farmers are struggling and a major sectoral consolidation is taking place. He notes that support for agricultural producers had declined from 15% of the value of gross farm receipts in 1995 to just 2% in 2010. In 1995- 97 South Africa had spent 1% of GDP on support for agriculture which declined to 0.3% in 2008 – 10. Although the budget for extension had increased, the service remains widely regarded as expensive and ineffective. South Africa’s share of world agricultural exports had declined while a huge spike in imports has all but eliminated the trade surplus. Of particular concern, given the mounting crisis in industrial agricultural production systems, coupled with the threats posed by climate change and water scarcity is that there has been no real increase in expenditure on agricultural R&D since 1994 and neither has there been expansion in the area under irrigation.



The past two decades have been characterised by a rapid decline in agricultural employment and the shrinking contribution of agriculture to GDP. The National Development Plan (NDP) aims to create a million new jobs in agriculture but government spending remains skewed towards the support of heavy industry. A comparative assessment of the value of subsidies to agriculture nationally and aluminium smelting in the Eastern Cape put this in stark perspective. While the value of subsidies to the BHP aluminium smelter in Coega was worth the equivalent of R500,000 per employee, commercial farms nationwide employed 600 000 workers and received subsidies which worked out to R472/farm worker/ annum. These figures highlight serious flaws in the NDP projections for agricultural employment which do not appear to be grounded in the realities of government expenditure.

4.2.10 Data inconsistencies and poor state information management

Anseuw observed how comparative data is difficult to find due the measurement of different things. Conventional wisdom has it that in 1948 there were 120,000 farmers while today there are around 37000. However Anseuw noted that 1948 we measured plots, then farm entities. After 1994 the StatsSA definition of a farm was tied to a minimum turnover of R300,000, the level at which VAT taxes becomes payable. There is very little information about those entities involved in agriculture which operate under the R300 000 limit as most farmers in this category don't pay tax. However overall it is clear that both the number of producers and the number of permanent workers in the agricultural sector has shown a steep decline.

Other presentations also highlighted data gaps, poor information management, weak monitoring and evaluation of land reform and poorly targeted agricultural support services. It was proposed that agrarian reform needs to be supported by a regular nationally representative small farmer survey which would improve

understanding of small-scale/ smallholder agriculture, livestock holdings and utilisation.

4.2.11 Scale and subdivision

Lahiff and Hall highlighted the importance of subdivision, however Hart highlighted the challenge of accessing water. Overall there remains a continuing reluctance to entertain the subdivision of agricultural land despite evidence from research that many people seek relatively small portions of land. This needs to be addressed at a policy level which should also examine how to stimulate the development of smallholdings, particularly in peri-urban areas.

4.3 The multiple meanings of land: identity, rights and belonging

Research presented at the conference highlighted the multiple meanings and diverse connections with land. The panel on photography expanded on themes raised at the Umhlaba 1913-2013 photographic exhibition at the Iziko Gallery and examined the issue of photographic representation.

Land and natural resource policy needs to incorporate this range of needs and meanings – many of which are socio-cultural such as the importance of being able to visit graves and conduct ceremonies. Hebinck and Shackleton highlighted how cultural values associated with different resources require different readings of the landscape which extended far beyond the narrow conception of its value as an agricultural or ecological resource.

4.4 Ecological challenges

4.4.1 Integrating environment into land reform and rural development

Sheona Shackleton observed how the question of environment has failed to gain traction within land reform discourse. It is important to recognise the value of ecosystem services and the relationships between people, land, landscapes and meanings across social groups and forms of tenure.

4.4.2 Developing a better understanding of the contribution of ecosystem services to livelihoods

Charlie Shackleton highlighted the important contribution of ecosystem services to land-based livelihoods. People make daily use of provisioning ecosystem services in rural areas. They provide safety nets and contribute 20% - 30% to the value of peoples' livelihoods. Currently land reform typically focuses on the farming dimensions and fails to recognise that ecosystem services may actually contribute more in value than agricultural production. This means that an increase in ecosystem services or quality can make a substantial contribution to land based livelihoods and provide significant savings to poor rural households.

4.4.3 Recognising the accelerating crisis in nature

Cock argued the crisis in nature in South Africa continues to remain largely invisible. This crisis is generated from multiple impacts associated with mining,

water abstraction, natural resource management, 'alternative' energy options such as biofuels and fracking for shale gas as well as systems of industrial agriculture.

Bernstein cited Weis's (2010) analysis of the accelerating biophysical contradictions of industrial capitalist agriculture which he characterised as "highly unstable, with intractable biophysical problems created in the substitution of labour, skill and knowledge with technology, and overridden with unsustainable 'technological fixes' and masked by a host of externalized costs".

Land and agrarian reform policy needs to pay urgent attention to this critique to better integrate ecological management challenges into the national vision for restructuring agriculture and the management of land and natural resources.

4.4.4 *The implications of game farming for land reform*

Brandt and Spierenburg highlighted how the conversion of agricultural land to game farms was reshaping rural areas and making this land unattractive for land reform by destroying existing infrastructure which made it hugely expensive to reverse the transition to game farming. Former farm workers are being laid off and displaced from the farms where they have lived, swelling the ranks of the unemployed in small rural towns.

5 CONCLUSION

The conference deliberations reveal the complex interplay of historical and contemporary factors which shape the social, political, economic and ecological context in the centenary of the 1913 Native Land Act. It is clear that undoing the legacy of the Land Act extends far beyond attempts to correct the skewed nature of the ownership and control over land. Attempts to confront the consequences of the Land Act have to proceed on many fronts. Researchers, civil society activists and practitioners must find ways to address the immense concentration of wealth, assets and power that characterise the global economic system. Research must expose the toxic ecological impacts of this system that drive climate change and the broader, concealed but mounting crisis in nature. We must reverse the distortions of tenure and governance systems which impact on the lives and undermine the rights of millions of South Africans. This also requires a careful examination of the trajectories shaping agriculture, natural resource use and land based livelihoods.

The conference illuminated the many ways in which South Africa remains a land divided. It highlighted the profound changes in the structuring of the agrarian economy. It charted the rise of global food and commodity chains and the intense concentration in the control over land and productive resources associated with global industrial agriculture production. The rise of agribusiness was accompanied by mounting ecological and human costs which remain poorly understood.

Research presented at the conference revealed how social inequalities and the marginalisation of rural people are being perpetuated by state policy choices and elite alliances. These are further embodied in legislation governing traditional

authorities and courts. While there has been rapid urbanisation and profound demographic shifts over the last 100 years the detail in the patterns and the nature of differential urbanisation remains poorly understood. This has great significance for the development of policy on urbanisation, land and agrarian reform which must better conceptualise the dynamic nature of rural-urban linkages. The conference cautioned that accelerating and overarching environmental pressures will introduce new divisions in the social and ecological landscape.

While the land reform programme has been designed to restore and redistribute land a key question which emerged from the conference is what chance this programme has of success in a context where established farmers are struggling and a major consolidation within the global and national agricultural sector is taking place.

As Cousins and Hall have noted in a post conference reflection while R53 billion has been spent on state-driven land reform since 1994 on the transfer of 8% of commercial farmland many land reform projects have experienced problems. They have argued that the “key missing ingredient has been a well-funded farmer support programme for land reform beneficiaries and communal area farmers. Small farmers require the means to farm (capital, skills, technical advice, water for irrigation and access to markets, amongst others) in addition to land” (Cousin and Hall 2013). The conference highlighted the urgent need for research into alternative, climate-smart and sustainable agricultural systems which address the real needs of both small and large farmers.

Overall, the conference made the argument for new forms of interdisciplinary research to address the interconnected web of issues that shape the rural and urban development agendas in South Africa, and which factors in lessons and experiences from elsewhere in the region. This research challenge requires the facilitation of an ongoing conversation which cuts across specialist fields and which generates the new thinking that is required if the divided countryside inherited from the past is to be transformed.

6 REFERENCES

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