

Agrarian Change, Gender and Land Reform

A South African Case Study

Cherryl Walker

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Acronyms

AFRA	Association for Rural Advancement
AFReC	Applied Fiscal Research Centre
AgriSA	Agri South Africa
ANC	African National Congress
COSATU	Congress of South African Trade Unions
CPD	Critical Project Database
CRLR	Commission on the Restitution of Land Rights
CSS	Central Statistical Service
DLA	Department of Land Affairs
GEAR	Growth, Employment and Redistribution Strategy
GNU	Government of National Unity
IFP	Inkatha Freedom Party
IMF	International Monetary Fund
IPLRAD	Integrated Programme of Land Redistribution and Agricultural Development
ISRDS	Integrated Sustainable Rural Development Strategy
LRAD	Land Redistribution for Agricultural Development
MERG	Macro-Economic Research Group
NAFU	National African Farmers' Union
NDA	National Department of Agriculture
NGO	Non-governmental organization
PLAAS	Programme on Land and Agrarian Studies
RDP	Reconstruction and Development Programme
RWM	Rural Women's Movement
SLAG	Settlement and Land Acquisition Grant
SDI	Spatial Development Initiative
UDM	United Democratic Union
WNC	Women's National Coalition

Summary/Résumé/Resumen

Summary

This paper looks at the land reform policies of the ANC government in South Africa from the democratic transition in that country in 1993/1994 until November 2000, and the extent to which women's rights and interests in land were addressed during that time. It concludes that while a small number of women gained access to land through the programme, land reform did not take place on a sufficiently large scale to benefit the great majority of poor, rural women. Furthermore, poor women are unlikely to benefit from the new direction of land reform policy since 1999, which prioritizes the promotion of a black commercial farming class above other commitments.

The first section of the paper discusses the context for land reform, including the historical, political and economic background, the strength of the women's movement before and after 1994, and conditions in rural South Africa. The political and economic pressures for land reform grow out of a history of colonial dispossession and the racial pattern of land ownership that was enforced by successive white minority governments after 1910; and the demand for land continues to be fuelled by severe poverty in the rural areas as well as high unemployment in the formal economy. However, despite the political and symbolic significance attached to land and property issues in the constitutional negotiations of the early 1990s, the ANC government has not regarded land and agrarian reform as an important component of economic policy. Its focus has been on urban-industrial strategies and the fashioning of an investor-friendly macro-economic policy, which has set strict limits to its ongoing commitment to the redistribution of resources. The emergence of a small but growing black middle class has also influenced the determination of political and economic priorities.

The women's movement played a significant role in entrenching gender equity as a basic constitutional principle in the new democratic dispensation in South Africa, to which other constitutional provisions that guarantee freedom of cultural expression and a role in government for the institutions of traditional leadership are subordinate. However, the movement of gender activists into parliament and the public service after 1994 weakened organization among rural women, and the ability of rural women to utilize the enabling spaces created by the national "gender machinery" is limited.

The second section of the paper looks at the land reform programme after 1994. It analyses developments in what is identified as the first phase of the land reform programme, between 1994 and 1999, and then discusses the policy shifts that have taken place during President Thabo Mbeki's term of office, since the national elections of mid-1999.

The land reform programme that emerged out of the constitutional negotiations and policy debates of the early 1990s had three main components: restitution for those who had lost land rights as a result of the racially discriminatory policies of the past; redistribution of land to poor and landless or land-hungry black people; and tenure security for black people living on commercial farms and under attenuated forms of communal tenure in the former native

reserves or Bantustans. The policies that were formulated attempted to combine a strong commitment to the goals of social justice (including gender equity), redress and poverty alleviation with acceptance of the protection of property rights and the principles of a market-led programme of land redistribution that had been mandated by the compromises of the constitutional negotiations.

By 1999 the achievements of the land reform programme were very modest in relation to both popular expectations and its own, stated goals. Implementation had proved far more complex and resource-demanding than anticipated. While poor people were targeted, very little land had been redistributed and where land had been transferred, evidence of economic development was minimal. This made the programme and its advocates politically vulnerable. Implementers had also struggled to turn high-level commitments to the principle of gender equity into workable project interventions.

The elections of 1999 ushered in a new phase in land reform, in which the redistribution of land has been linked strongly to policies within the national Department of Agriculture to enhance agricultural productivity and promote a black commercial farming class. In early 2000 the new Minister for Land Affairs (who is also the Minister for Agriculture) initiated a major policy review and set ambitious new targets for the restitution and redistribution of land, a process which was accompanied by a substantial turnover in staff among senior management in both the Ministry and the Department of Land Affairs. These developments led to a period of debilitating institutional turmoil and policy uncertainty, which was still having some impact on the land reform programme at the time of writing.

There are serious questions about the viability of the commercial farming strategy, given the hostile global conditions under which South African agriculture is operating. There are also concerns that the new policy direction signals a shift away from the redistribution of resources to the poor—a criticism which the advocates of the new policy strongly deny—and that sufficient cognizance is not being taken of the lessons gained during the first phase of land reform about the challenges of implementation. In the communal areas, the claims of traditional leaders for a larger stake in land administration and land ownership now appear to be more favourably regarded than before, although the announcement of formal policy on the future of these areas continues to be delayed. Ongoing monitoring of the implementation of the new policies will be important in order to assess the validity of these criticisms and the impact of these developments on agrarian change.

The implications of the new policy direction for poor rural women are potentially negative, given the general weakness of their position socially and economically, and the lack of official capacity to implement confirmed gender policy. These are issues for follow-up research.

Cherryl Walker was Regional Land Claims Commissioner for the province of KwaZulu Natal from March 1995 until April 2000. She is currently working as an independent researcher and consultant on land issues.

Résumé

Cherryl Walker se penche ici sur les politiques de réforme agraire suivies par le gouvernement de l'ANC en Afrique du Sud depuis le passage à la démocratie en 1993/1994 jusqu'en novembre 2000 et sur l'attention portée aux droits et intérêts fonciers des femmes pendant cette période. Elle conclut que, si le programme a donné à un petit nombre de femmes accès à la terre, la réforme agraire n'a pas été assez étendue pour profiter à la majorité des femmes pauvres des campagnes. Celles-ci ont, en outre, peu de chances de bénéficier de la nouvelle orientation prise par la politique de réforme agraire depuis 1999, qui privilégie avant tout la promotion d'une classe agricole noire acquise aux cultures commerciales.

Dans la première partie, elle brosse la toile de fond historique, politique et économique de la réforme agraire, sans oublier le mouvement féminin avant et après 1994 et la situation dans les campagnes sud-africaines. La dépossession liée au colonialisme et le caractère racial de la structure foncière maintenue par les gouvernements minoritaires blancs qui se sont succédés après 1910 faisaient relever la réforme agraire d'une nécessité politique et économique. De plus, la misère dans les campagnes et le chômage élevé dans l'économie organisée ont alimenté les revendications de terres. Pourtant, malgré l'importance politique et symbolique attachée aux questions relatives à la terre et à la propriété dans les négociations constitutionnelles du début des années 1990, le gouvernement de l'ANC n'a pas jugé bon de faire de la terre et de la réforme agraire une composante importante de sa politique économique. Il s'est plutôt attaché à se doter de stratégies urbano-industrielles et d'une politique macroéconomique propre à attirer les investisseurs, ce qui a sévèrement limité son action dans le domaine de la redistribution des ressources. L'émergence d'une petite classe moyenne noire en expansion a aussi pesé dans le choix des priorités politiques et économiques.

Le mouvement féminin a beaucoup contribué à consolider le principe d'équité entre hommes et femmes comme principe constitutionnel de base dans la nouvelle démocratie sud-africaine et à le faire passer avant d'autres dispositions constitutionnelles garantissant la liberté de l'expression culturelle et un rôle dans le gouvernement aux institutions dirigeantes traditionnelles. Cependant, le mouvement d'activistes pour la parité entre hommes et femmes au parlement et dans la fonction publique après 1994 a affaibli les efforts d'organisation des femmes rurales qui, par ailleurs, n'ont que peu de possibilités de mettre à profit les espaces créés par "l'appareil national de promotion de la femme".

La deuxième partie de l'étude porte sur le programme de réforme agraire après 1994. L'auteur analyse l'évolution qui s'est produite pendant ce qui a été identifiée comme la première phase du programme, située entre 1994 et 1999, puis aborde les changements de politique survenus pendant le mandat du Président Thabo Mbeki, depuis les élections nationales de juin 1999.

Le programme de réforme agraire issu des négociations constitutionnelles et du débat politique du début des années 90 se composait essentiellement de trois éléments: recouvrement des droits fonciers pour ceux qui les avaient perdus à la suite des politiques raciales discriminatoires du passé; redistribution de terres aux pauvres et sans-terres démunis ou aux Noirs désireux d'en posséder; et sécurité de jouissance pour les Noirs qui vivaient de cultures commerciales, au bé-

néfice d'un régime collectif atténué dans les anciennes réserves ou bantoustans. A travers ses politiques, le gouvernement tentait de concilier une action vigoureuse en faveur de la justice sociale (et de l'équité entre hommes et femmes), d'un redressement et d'une baisse de la pauvreté, en acceptant des compromis que les négociations constitutionnelles lui avaient imposés, à savoir la protection des droits de propriété et un programme de redistribution des terres régi par les lois du marché.

En 1999, les réalisations à l'actif du programme de réforme agraire étaient très modestes, par rapport à la fois aux attentes populaires et aux objectifs déclarés. Son exécution s'était révélée beaucoup plus complexe et coûteuse que prévu. Là où l'objectif avait été d'adoucir le sort des pauvres, très peu de terres avaient été distribuées et là où des terres avaient changé de mains, les signes de développement économique étaient minimes, ce qui rendait le programme et ses défenseurs politiquement vulnérables. Les agents d'exécution s'étaient aussi donnés beaucoup de peine pour traduire un attachement supérieur au principe de l'équité entre hommes et femmes en interventions et en projets concrets.

Les élections de 1999 ont marqué le début d'une nouvelle étape dans la réforme agraire, la redistribution des terres étant désormais étroitement liée aux politiques menées par le Département national de l'agriculture pour augmenter la productivité agricole et promouvoir une classe agricole noire acquise aux cultures commerciales. Début 2000, le nouveau ministre des affaires foncières (qui est aussi le ministre de l'agriculture) a donné le coup d'envoi à une importante étude politique et fixé de nouveaux objectifs ambitieux à la restitution et à la redistribution de terres, processus qui s'est accompagné d'importants mouvements de personnel à la direction du Ministère et du Département des affaires foncières. Ces changements ont entraîné une période de turbulence institutionnelle et d'incertitude politique, dont le programme de réforme agraire ressentait encore les effets au moment où l'auteur rédigeait son étude.

La viabilité de la stratégie des cultures commerciales est sérieusement mise en doute, en raison du caractère hostile de l'environnement mondial avec lequel l'agriculture sud-africaine doit compter. Certains craignent aussi que la nouvelle orientation politique ne signale l'abandon de la politique de redistribution aux pauvres – critique que réfutent vigoureusement les défenseurs de la nouvelle politique – et que les leçons tirées de la première phase de la réforme agraire sur les difficultés d'exécution ne soient pas suffisamment prises en compte. Dans les zones communales, les revendications des chefs traditionnels qui veulent administrer et posséder une plus grande part des terres semblent être considérées d'un œil plus favorable que par le passé, bien que l'annonce de la politique officielle sur l'avenir de ces zones soit constamment repoussée. La mise en œuvre des nouvelles politiques, qu'il importera de surveiller, nous dira si ces critiques étaient fondées et quels effets ces changements auront sur la réforme agraire.

Les implications de la nouvelle orientation politique sont potentiellement négatives pour les femmes pauvres des campagnes, à cause de la précarité générale de leur condition sociale et économique et du peu de moyens dont disposent les pouvoirs publics pour appliquer une

politique paritaire confirmée. Ce sont là des questions sur lesquelles la recherche pourrait se pencher à l'avenir.

Cherryl Walker a été membre de la Commission kwa-zoulou du Natal pour la justice foncière de mars 1995 jusqu'en avril 2000. Elle travaille actuellement comme chercheuse indépendante et consultante en affaires foncières.

Resumen

En estas páginas se examinan las políticas de reforma agraria del gobierno del ANC en Sudáfrica, desde la transición democrática que tuvo lugar en este país, en 1993/1994, hasta noviembre de 2000, así como la medida en que se atendieron los derechos e intereses de las mujeres con respecto a la tierra durante este tiempo. Se concluye que, si bien el programa facilitó el acceso a la tierra a algunas mujeres, el alcance de la reforma agraria no fue suficientemente amplio como para beneficiar a la mayoría de las mujeres pobres del medio rural. Además, es improbable que las mujeres pobres se beneficien de la nueva dirección que ha tomado la política de reforma agraria desde 1999, que concede prioridad a la promoción de una clase agrícola comercial de raza negra por encima de otros compromisos.

En la primera sección del documento se aborda el contexto de la reforma agraria, incluidos los antecedentes históricos, políticos y económicos, la fuerza del movimiento de las mujeres antes y después de 1994, y las condiciones del ámbito rural en Sudáfrica. Las presiones políticas y económicas para la puesta en práctica de una reforma agraria surgieron de la expropiación y del modelo racial de tenencia agraria que impusieron gobiernos sucesivos de una minoría blanca con posterioridad a 1910; y la reclamación de la tierra sigue estando avivada por la suma pobreza de las zonas rurales y el alto nivel de desempleo de la economía formal. Sin embargo, a pesar de la importancia política y simbólica que se concedieron a los asuntos agrarios y de propiedad en las negociaciones constitucionales a principios del decenio de 1990, el gobierno del ANC no ha estimado la reforma agraria un componente importante de la política económica y, en su lugar, se ha centrado en establecer estrategias urbanas e industriales y en elaborar una política macroeconómica orientada hacia el inversor, lo cual ha impuesto límites estrictos a su compromiso continuo de redistribuir los recursos. La aparición de una pequeña pero creciente clase media de raza negra ha influido igualmente en la identificación de las prioridades políticas y económicas.

El movimiento de las mujeres desempeñó un papel importante en lo que respecta a la consolidación de la igualdad en la distinción por género como principio constitucional básico en la nueva administración democrática de Sudáfrica, principio al que se subordinan otras disposiciones constitucionales que garantizan la libertad de expresión cultural, así como la asignación de un papel en el gobierno a las instituciones de liderazgo tradicionales. Sin embargo, la incursión de los activistas de la igualdad en la distinción por género en el parlamento y el servicio público después de 1994 debilitó la organización entre las mujeres del medio rural, y la capaci-

dad de estas últimas de utilizar los espacios propicios creados por la “mecanismo de la igualdad en la distinción por género” es limitada.

En la segunda sección del documento se examina el programa de reforma agraria después de 1994. Se analiza la evolución de lo que se considera la primera fase del programa de reforma agraria, entre 1994 y 1999, y se discuten a continuación los cambios políticos producidos durante el mandato del Presidente Thabo Mbeki, desde que se celebraran las elecciones nacionales a mediados de 1999.

El programa de reforma agraria que surgió de las negociaciones comerciales y los debates políticos celebrados a principios del decenio de 1990 tenía tres componentes: la restitución de la tierra a todos los que habían perdido sus derechos de tenencia agraria en el pasado como resultado de políticas racialmente discriminatorias; la redistribución agraria a las personas pobres o sin tierra o a las personas de raza negra que necesitaban tierras; y la seguridad de tenencia agraria para las personas de raza negra que viven en granjas comerciales y en formas atenuadas de ocupación comunal en las antiguas reservas para la población nativa, conocidas asimismo como bantustanes. Las políticas formuladas trataban de combinar un fuerte compromiso con los objetivos de la justicia social (incluida la igualdad en la distinción por género), la reparación y el alivio de la pobreza con la aceptación de la protección de los derechos de tenencia y los principios de un programa orientado hacia el mercado de redistribución agraria exigido por los compromisos de las negociaciones constitucionales.

En 1999, los logros del programa de reforma agraria fueron muy modestos con relación tanto a las expectativas populares como a los propios objetivos planteados. Fue evidente que la puesta en práctica era mucho más compleja y exigía más recursos de lo previsto. Si bien se había tomado en consideración a la población pobre, apenas había tenido lugar una redistribución agraria y, en los casos en que se habían transferido tierras, las pruebas del desarrollo económico eran prácticamente inexistentes, por lo que el programa y sus defensores se consideraron políticamente vulnerables. Los defensores también habían luchado porque los compromisos de alto nivel con el principio de la igualdad en la distinción por género se tradujeran en intervenciones del proyecto factibles.

Las elecciones de 1999 condujeron a una nueva fase de la reforma agraria, en que la redistribución agraria estaba estrechamente vinculada a políticas en el Departamento de Asuntos Agrarios para mejorar la productividad agrícola y promover una clase agrícola comercial de raza negra. A principios de 2000, el nuevo Ministro de Asuntos Agrarios (que también es el Ministro de Agricultura) emprendió un análisis detallado de las políticas y estableció nuevos objetivos ambiciosos para la restitución y redistribución agraria, proceso que fue acompañado por una renovación considerable del personal directivo tanto del Ministerio como del Departamento de Asuntos Agrarios. Estos cambios condujeron a un periodo de agitación institucional agotadora y de incertidumbre política, que seguía teniendo efectos en el programa de reforma agraria al redactarse el presente documento.

Estas son cuestiones fundamentales sobre la viabilidad de la estrategia agrícola comercial, dadas las condiciones hostiles generales para la explotación de la agricultura en Sudáfrica. También es motivo de preocupación que la nueva dirección política suponga un alejamiento de la política de redistribución de recursos a los pobres—crítica que los defensores de la nueva política niegan enérgicamente—y que no se consideren suficientemente las lecciones obtenidas en la primera fase de la reforma sobre los desafíos que supone la puesta en práctica de la reforma. En las zonas comunales, actualmente parece que se consideran más favorablemente que antes las reclamaciones de los líderes tradicionales por una mayor participación en la administración y la tenencia agraria, aunque sigue posponiéndose el anuncio de una política formal sobre el futuro de estas zonas. Será importante vigilar continuamente la aplicación de las nuevas políticas, al objeto de evaluar la validez de estas críticas y los cambios que esta política supone para el sector agrario.

Las consecuencias de la nueva dirección política para las mujeres campesinas pobres pueden ser negativas, en vista de su débil posición económica y social en general, así como la falta de capacidad oficial para llevar a la práctica la política confirmada de igualdad en la distinción por género. Estas cuestiones deberán abordarse en un estudio de seguimiento.

Cherryl Walker fue Comisionada de Reclamaciones Agrarias Regionales para la provincia de KwaZulu Natal, de marzo de 1995 a abril de 2000. Actualmente trabaja como investigadora independiente y consultora de asuntos agrarios.

Preface

I wish to preface this paper with a story that encapsulates many of the key challenges facing land reform and reminds us of the fundamental concerns animating this research. The story is told by Sizani Ngubane, a community organizer at the Association for Rural Advancement (AFRA), a prominent land rights non-governmental organization (NGO) working in the province of Kwa-Zulu Natal; she heard it at a workshop on women's rights held with rural women.

One woman said she doesn't know what the group is talking about when it talks about women's rights. She has a small piece of land, which was recognized by the community as hers, and she thinks she has the right to make decisions about it. But in 1998 she planted mealies on it—for the kitchen. Her husband was growing potatoes for sale on another piece of land. Her husband came and uprooted her whole garden because he said he needed the land to grow potatoes. And then: the money coming in from the potatoes did not even go to the household—it went mostly on drink and...she didn't know what. The woman's question was: what kind of rights are you talking about? She couldn't go to the chief—women say usually chiefs do not listen to women's stories and if you take your own husband to his court, you are seen as unruly (Ngubane, interview).

Rights, marriage, community, power, food, markets, traditional leaders—all of these issues come together around one small piece of land, in which modest goals vest. What should land reform be doing to meet the needs and expectations around land of this woman and her husband? Can it—should it—aim to accommodate both sets of interests, and if so, how? How should customary rights in land be formalized to secure them, and what role should traditional authority structures have in administering those rights and managing any disputes that might arise—and where traditional structures are seen to be discriminatory, should government allow this? Could it prevent it? What difference can land reform make to the life of this woman in this rural community? What difference has it made in the years since South Africa became, formally, a democracy in 1994?

These very concrete questions—to which there are no easy answers—underpin the analysis that follows.¹

Introduction

It is a particularly interesting and also unsettling time for research on land in South Africa. The unfolding land crisis in Zimbabwe has lent to land reform in South Africa an unusually high profile in the media and public debate in recent months. As a result of the land invasions and political instability in Zimbabwe, international investor confidence in the region took a dive. It was only when South African President Thabo Mbeki finally confirmed in early May 2000, in response to questions in Parliament, that land invasions “would be contrary to policy and contrary to the law” that the South African rand regained some of its lost ground (“Mbeki brokers Zimbabwe deal”, *The Mercury*, 11 May 2000). Comparisons are drawn between the land situation in Zimbabwe and in South Africa; newspaper articles and TV discussions debate

¹ This paper covers the period up to November 2000.

whether “it” can happen here and urge the government to speed up a generally very loosely defined “land reform” to ensure that “it” does, indeed, not happen here. Random interviews conducted in May 2000 by the newspaper **The Sunday Tribune** in a number of (black, Zulu-speaking) informal settlements around Durban revealed considerable sympathy among residents with the land invasions in Zimbabwe. “We identify with the current land invasion in Zimbabwe and have been watching developments with interest”, said one interviewee (“The writing on the wall”, **The Sunday Tribune**, 21 May 2000). A number of land claimant groups and NGOs have used the Zimbabwean example to threaten land invasions as a means of speeding up the processing of their claims, with some holding a protest march in the capital, Pretoria, in early June 2000 on this issue.

In addition, and in the long run far more significant, the direction of land reform policy is currently undergoing a major revision, signalling a shift from an earlier emphasis on restoring rights and alleviating poverty through land redistribution, to a focus on transforming and deracializing commercial agriculture by promoting a class of black commercial farmers. The current Minister for Agriculture and Land Affairs also appears to be softening the reluctance previously displayed by the Department of Land Affairs (DLA) to approve the claims of traditional authority structures in the former Bantustans to ownership of these communal areas²—transfer of state land to “tribes” is to be expedited, it would seem (though the details have not yet been spelled out) at least in part by the transfer of ownership of the pockets of land making up these areas from the state to local Tribal Authority structures.

This reorientation of land reform policy predates the Zimbabwean crisis. Understanding all its nuances and balancing acts is not a simple matter. At the broadest level, it must be analysed in the context of the ongoing re-definition of the political and economic priorities of the African National Congress (ANC) in the post-Mandela era, under President Mbeki, and the deeper trends in the realignment of South African society that this reveals. Key issues to consider are (i) the hegemony of the notions of market, private property and the redistributive logic of capitalism in current government strategy; (ii) the marginalization of the rural areas in economic debate; and (iii) the rise of a small but increasingly powerful black middle class. The new policy also speaks to the persistence of the spatial and political legacy of South Africa’s divided countryside.

However, the interesting juxtaposition of both modernizing and traditionalist approaches in the latest land reform policy gives an indication of the complexity of the issues that need to be addressed—the politics of land reform, as of rural development and rural local government more generally, cannot be neatly boxed within a narrowly economic frame. At the same time, political rivalries within and between the Department of Agriculture and the Department of Land Affairs at the institutional level have also played a part in determining how the new imperatives of land reform are to be packaged and prioritized, and which officials are shaping

² I have chosen to use the term “communal” to describe these areas, even though it is not generally used in South Africa. It is not fully satisfactory, but is less cumbersome than “former Bantustans” and more descriptively and politically neutral than “tribal” areas.

policy. Land reform is currently being harnessed very tightly to the agenda of agricultural “transformation” (that is, changing the racial profile of commercial agriculture by substantially increasing the number of black farmers in the sector); at this stage it appears that this agenda, rather than that of rural development more broadly, is determining the policy debate and budgetary commitments within the DLA.

The directional shift in land reform was first made public on 11 February 2000, when the Minister for Agriculture and Land Affairs, Thoko Didiza (who replaced Derek Hanekom after the parliamentary elections of 1999), presented to senior management of the DLA her broad vision for her two portfolios. Land reform and agriculture were to be much more closely entwined in an integrated strategy, requiring significant new directions for the land redistribution and land tenure security programmes of the DLA in particular.

First, she indicated that the existing Settlement and Land Acquisition Grant (SLAG) (a DLA grant to poor households earning below R1,500 a month for purchase of privately owned land) was to be “replaced” by a new land reform grant, with “specific categories of grant purpose” (Minister for Agriculture and Land Affairs, 2000:4). What was envisaged was a new, sliding-scale system of grants aimed primarily at supporting the entry of black farmers into commercial agriculture. “The objective of the new programme is to gradually change the structure of the South African agriculture by opening opportunities thereby creating a sufficient number of black commercial farmers operating on medium and large scale” (ibid.:13).

Subsequently, in November 2000, after months of uncertainty both within and outside the DLA as to whether or not the Integrated Programme of Land Redistribution and Agricultural Development in South Africa (IPLRAD, as it came to be identified) would entirely replace the existing redistribution programme or not, the Minister signalled an adjustment to her earlier position. A revised policy document, released in early November 2000 as “final draft document version 3”, clarified that the Land Redistribution for Agricultural Development (LRAD) programme, as it was now called, was in fact to be regarded as a subprogramme within the larger redistribution programme (Ministry for Agriculture and Land Affairs, 2000c). Little detail has as yet been forthcoming on the other subprogrammes mentioned in November 2000, namely “land for settlement purposes” and “land for non-agricultural enterprises, for example eco-tourism projects” (ibid.:1).

The second major policy announcement made by the Minister in February 2000 was that land tenure reform was to be “rationalised and consolidated”, by speeding up the disposal of state land³ to “previously disadvantaged people, groups, communities or tribes” (Minister for Agriculture and Land Affairs, 2000:7). This, it appears, includes the transfer of title to communal land, currently held in trust by the state, to the various Tribal/Traditional Authorities which were reconstituted under the apartheid system as administrators of this land. While this outcome has not yet been spelled out in unambiguous detail (the target date for the new Land Rights Bill was

³ “State land” covers different categories of land where ownership vests formally in the state, including conservation areas, military bases and most land in the communal areas.

set for October 2000⁴), the Minister indicated a political decision had been made to “divest government of the responsibilities of land ownership in the former homeland areas”, to establish “a unitary system of land tenure—ownership (freehold) and statutory rights which can be legally registered”, and “to build on the existing local institutions and structures” in this process (ibid.:10–11). Despite the reluctance displayed in this and subsequent policy documents to define the circumstances and mechanisms under which “groups”, “communities” or “tribes” will prevail, Tribal Authorities appear poised to capitalize on the new approach and to strengthen their powers in relation to much, if not all, communal land.

The policy framework announced by the Minister in February 2000 provoked heated criticism from land sector NGOs in particular. While the Ministry and departmental officials have stressed continuity between this strategic framework and the principles informing the general land reform blueprint that was adopted by the government in 1997, the **White Paper on South African Land Policy** (DLA, 1997b), a number of NGOs working in the land reform sector have expressed serious concerns at what they regard as a major shift away from land reform in the interests of the poor, toward the needs of a class of aspirant or emerging black commercial farmers (see Anderson et al., 2000; Centre for Rural Legal Studies et al., 2000; Cousins, 2000; Legal Resources Centre et al., 2000; Nkuzi Development Association, 2000; Wegerif, 2000.)

The main focus of debate has been on the redistribution programme rather than on the equally significant reorientation in relation to ownership and tenure security in the communal areas. “The policy statement points towards a shift away from the core business of the DLA as stated in the White Paper—redistribution of land and resources to the poor for livelihood creation (p. ix)—towards an emphasis on the restructuring of commercial agriculture” (Legal Resources Centre et al., 2000:2).

Concern has also been voiced that poor rural women are likely to be further disadvantaged by the new emphasis. Commenting specifically on the Minister’s February statement, Nkuzi Development Association, a land reform NGO working in the Northern Province, noted:

No mention is made anywhere in the Statement of gender relations and the particular needs of poor rural women. Women are likely to be negatively affected by the lack of a clear emphasis on the rural poor, by a bias toward larger scale and more commercial agriculture, and the failure to conceptualize tenure reform in terms of the very different needs of men and women (2000:4; see also Kariuki, 2000).

On the other hand, as might be expected, organized agriculture, including the National African Farmers’ Union (NAFU), has generally welcomed the emphasis on land reform for productive purposes, as have a number of opposition parties (see, for instance, various comments by spokespersons for the Democratic Party, the Inkatha Freedom Party, the KwaZulu Natal Agricultural Union, and the National African Farmers’ Union in **AFRA News**, March 2000; **The Sunday Independent**, 12 March 2000; **The Mercury**, 24 May 2000).

⁴ As of November 2000, the Bill had not yet been released for public comment.

It is perhaps not too dramatic to say that land reform in South Africa is at a crossroads. While the choice is often characterized as one between “welfarist” and “productive” approaches, with the latter seen (for better or for worse) as in the ascendancy, polarizing the options in this way does not do justice to the complexity of the political, economic, social and institutional challenges of land, nor does it bring out the possible strategic linkages between the two approaches.

What is implicit in the new approach is that ‘economic growth’ is seen as limited to existing models of commercial agricultural production and is to be driven through the creation of a stratum of middle-class black farmers. This juxtaposition of ‘economic growth’ with ‘welfare’ (food safety nets) builds on the existing dualism in the agrarian sector. It does not provide for building new linkages and a continuum of rural livelihood strategies, opportunities and tenure systems... (Anderson et al., 2000:2).

Nor does an exclusive focus on economic considerations clarify the ideological and political issues at stake in the decisions around land ownership and local government, nor the gendered dimensions of these policy choices. Land and land reform in South Africa cannot be analysed in economic terms alone, even though the macroeconomic constraints and productive demands on land are critical issues. Land is emblematic of so much more than “food security” or “economic growth” or “agricultural profits”. It carries with it a highly charged, historically indexed symbolic significance at the political level that still resonates with policy makers—land reform is about returning that which was stolen, that which was used to dispossess, that which fuelled the struggle against apartheid by the black majority. At the individual and community levels, land is imbued with cultural and emotional meaning that is based on more than its purely utilitarian value. Land is still a potent factor in the social identity of many South Africans, especially but not exclusively in the rural areas. (This point about social identity is not, of course, confined to the poor, or to black people, although this often seems to be implied in discussions on the meaning of land.) As the story that prefaces this paper indicates, land is also a major avenue through which patriarchal power is exercised and maintained in rural areas, both within households (men over women) and within communities (traditional leaders and senior men over both women and other, junior, men).

Finding a viable synthesis between the economic, political and social imperatives of land reform remains one of the key challenges facing policy makers today. At the same time, finding a better way of making policy, which draws in the full range of economic, technical, and sociopolitical expertise needed and available, is also a major challenge for government. Space must be created for analysis, critique and disagreement without the narrowness and the sourness that so often seems to characterize the exchange. Too often, it seems, the policy-making process swings erratically between overly political and overly technocratic imperatives; too often the process is a closed one. Land reform’s place in rural development, and the contribution of rural development to social and economic development more broadly, needs technically more rigorous, as well as socially and economically more imaginative, analyses than the narrowly sectoral, “either/or” (production/welfare), “for or against” approach that has characterized much of the debate up until now. Equally, if the debate is to be carried forward constructively and if land reform is to make substantial inroads on the legacy of division and degradation that characterizes South

Africa's rural areas, the non-governmental sector has to move beyond the relatively easy task of critique, and put forward detailed and implementable alternatives of its own.

The larger research project of which this paper is a part seeks to engage with these dynamics, as it also seeks to assess the land reform strategies of the government's first five-year term of office, with particular reference to its impact on rural women, and to propose ways forward. (Urban land reform, a relatively minor aspect of the DLA's programme except in relation to land claims under the Restitution of Land Rights Act, is not part of the inquiry.) The purpose of this paper is to provide an overview of the context in which land reform policy has taken shape and an initial account of the policy development up to the time of writing in November 2000; the discussion of how land reform has impacted upon rural women and the implications of the new policy direction will be further developed in the next phase of the research.

This paper is divided into two main sections. The first section delineates key aspects of the broader political, economic and social context, whose intersection has largely defined the space within which policy choices have been made. This discussion is divided into three subsections:

- the background to land reform, including the macroeconomic framework adopted by the government and the constitutional principles set out in 1993 and again in 1996;
- the state of the women's movement, including the level of organization among rural women; and
- conditions in the rural areas, including the role and status of traditional leaders and customary law, and the devastating threat posed by the HIV/AIDS epidemic to rural society and economic development more broadly.

The second section provides a preliminary description of the state's land reform programme. There are two subsections, reflecting the two major phases of policy development since 1993/1994:

- the first phase, covering the period from 1993 to 1999, and including a brief look at the role of the World Bank and an account of a recent "quality of life" survey of land reform beneficiaries undertaken by the DLA; and
- the current, "second" phase, involving the policy revisions that have been initiated since Minister Didiza took office in mid-1999.

A number of issues are identified in this section for further analysis. In trying to understand the reasons for the shift in policy direction between phases one and two, I suggest that a combination of ideological differences, personal and political rivalries, and institutional conflicts between the Departments of Agriculture and Land Affairs have played a part, and that these "micro" considerations need to be factored into the analysis, along with the broader "macro" processes outlined in the first section of the paper. With regard to the impact of land reform on the position of women, a key area to explore is the gap between the rhetoric of gender equity, which is by now well established as a high-level principle of government policy, and the operationalization of policy in ways that advance the interests of poor, rural women. Also needed are more in-depth, qualitative studies on actual gender dynamics within existing land reform projects and beneficiary communities, to feed into the policy debate.

Given that the latest policy framework has not yet been formally inaugurated, it must be stressed that the assessment presented in the last section is considered provisional. An attempt has been made to take account of the latest developments in redistribution policy within the Ministry in late October/early November 2000 (which first became public after the first draft of this paper was written); clearly these developments warrant further monitoring and analysis. However, while the latest policy documents have introduced new and interesting nuances to the policy, and are surely indicative of ongoing adjustments in the political strategy surrounding land reform, they do not, it is argued, amount to a substantial re-orientation in the direction signalled by the government in early 2000.

Monitoring and analysing the implementation of the new policy and the political responses to it is obviously an ongoing task. Perhaps the most sobering finding of this paper is the apparent unwillingness of the state to learn from its experience with land reform over the past five years and to seek a better match between its public commitments and its fiscal and capacity limitations, as well as to appreciate in practical terms the unrelenting complexity of land reform implementation.

1. The Context for Land Reform

1.1 The historical, macroeconomic and constitutional background to land reform

Three main issues are covered here:

- the historical legacy of the racially skewed land dispensation;
- the government's macroeconomic framework; and
- the Property Clause in the Constitution.

The historical legacy of the racially skewed land dispensation

Land reform in South Africa grows out of the history of colonial dispossession in the eighteenth and nineteenth centuries, and the land dispensation that was enforced by successive white minority governments after the establishment of Union in 1910. A key moment was the passage of the Natives Land Act in June 1913, which brought into a national regulatory framework the patchwork of "native reserves" already set aside within each of the then four provinces. At that point some 7 per cent of the country was reserved for African occupation, which figure increased to a projected 13 per cent as a result of subsequent legislation in 1936. After the apartheid government took power in 1948 a far-reaching programme of spatial control over the black population led to the resettlement of more than 3.5 million people (both urban and rural) in furtherance of white minority rule (Platzky and Walker, 1985). Most of the rural people were moved out of what were deemed white areas into rudimentary resettlement camps within the increasingly impoverished and densely settled reserves. From the late 1950s these areas were repackaged into 10 ethnic Bantustans or "homelands" for African people in a classic "divide and rule" strategy. Part of this strategy involved incorporating duly approved Tribal Authorities, based on traditional structures, into the lowest echelons of local administration.

The history of forced removals and the gross injustices of the 87/13 per cent demarcation of land between whites and blacks have been central themes in the “master narrative” that drove popular mobilization around land reform as a major constitutional imperative in the early 1990s; these themes continue to inform the debate at a political level today. Yet the narrative of dispossession, with its corollary of a simple reversal of the 87/13 per cent dispensation as the prerequisite for social and economic justice, is extremely limited from a policy point of view. It offers few resources for dealing with the complexities wrought by the passage of time since people were removed, or for informing practical projects aimed at sustainable economic growth and the most efficient use of scarce state resources in the rural areas (for a fuller account of these ideas, see Walker, 2000).

Today the imprint of forced removals and the Bantustan system on South African society appears indelible—it is difficult to see how it can ever be washed away completely. Planning and redistributing resources efficiently in the face of a dysfunctional, economically skewed spatial dispensation is proving extremely difficult. Finding and funding effective, politically acceptable, democratic systems of local government is equally fraught. The social dislocation caused to individuals, families and communities by the policies of the past has also torn at the fabric of society in deeply damaging ways. This, too, continues to undermine social cohesion and retard developmental efforts, while fuelling nostalgia for the perceived values and harmonies of the past.

The government’s macroeconomic framework

The ANC took office in 1994 with an overtly redistributive and liberationist manifesto. The key principles of its election platform were spelled out in its Reconstruction and Development Programme (RDP), which was published just ahead of the first democratic elections of April 1994. In this document, at this highly political moment in the negotiated transition to democratic government, land reform in the interests of the landless featured prominently as one of “the basic needs of people” that had to be met if society was to be transformed.

The first priority is to begin to meet the basic needs of people—jobs, land, housing, water, electricity, telecommunications, transport, a clean and healthy environment, nutrition, health care and social welfare. In this way we can begin to reconstruct family and community life in our society. ...[P]rogrammes [include] to redistribute a substantial amount of land to landless people, build over one million houses, provide clean water and sanitation to all, electrify 2,5 million new homes and provide access for all to affordable health care and telecommunications (ANC, 1994:7–8).

The RDP was emphatic on the need to link reconstruction and development, dismissing “a commonly held view that growth and development, or growth and redistribution are processes that contradict each other”, as well as the view that growth should be “the priority that must precede development”. Rather, the RDP would integrate “growth, development, reconstruction and redistribution into a unified programme”, in the first instance through an infrastructural programme aimed at meeting people’s basic needs (ibid.:6). This was the dominant discourse under which South Africa’s land reform programme was launched in 1994/1995—certainly, for many of the activists scrambling to shape the new land reform policy, a number of whom were subsequently recruited into senior positions within the DLA, the goals of redistribution were paramount: to turn

around the history of dispossession, to meet the basic needs of the rural population, and to target social and economic development at the most marginal members of society.

The RDP commitments to redistribution and to the social uplifting of the poor continue to surface as political reference points from time to time. Thus, interestingly, the Minister for Agriculture and Land Affairs justified her shift in redistribution policy in February 2000 by noting that “the current approach has not permitted a full realization of land reform policy objectives as envisaged in the RDP document” (Minister for Agriculture and Land Affairs, 2000:1). However, as a planning framework for government, the RDP was soon superseded by the more stringent macroeconomic policies embodied in the Government of National Unity’s (GNU’s)⁵ Growth, Employment and Redistribution (GEAR) strategy of 1996; this, it is argued, has set uncomfortable limits to the scale and pace of land reform as well as the advancement of women’s economic interests (on the latter point, see Valodia, 1998).

The adoption of GEAR signalled publicly the shift from the strongly state-driven redistribution strategies that had been prominent in the liberation movement in the early 1990s (which the ANC-aligned Macro-Economic Research Group (MERG) had attempted to draw together in its macroeconomic policy framework document in 1993) and had shaped the RDP. A number of analysts argue that, in fact, the principles of GEAR were already taking root in the thinking of key players within the ANC before 1996—even before 1994—as the ANC sought to placate its critics in the business sector internally and the international investor community externally, hence the sidelining of the MERG policy recommendations after 1993 (Valodia, personal communication). Already the RDP **White Paper** that was released in September 1994, after the elections, reflected a scaling down of the populist content of the pre-election Base Document—it was “an amalgam of developmental approaches—mixing...ostensibly firm commitments to redistribution with stern macroeconomic strictures” (Marais, 1998:179).

GEAR has set the macroeconomic parameters in which land reform has had to operate since 1996. Its “core elements” are: budget reform, fiscal deficit reduction, monetary policy to keep down inflation, the relaxation of exchange controls, tariff reductions, tax incentives, the restructuring of state assets, infrastructural development, “flexibility” within the collective bargaining system, training, and expanded trade and investment flows. These, it was argued, constitute the main elements of the macroeconomic framework that is needed to kick-start the South African economy and address the primary need of job creation on a large scale (Department of Finance, 1996:1–2).

Sustained growth on a higher plane requires a transformation toward a competitive outward-oriented policy (Department of Finance, 1996:1).

⁵ GNU was an outcome of constitutional negotiations that provided for the (proportional) sharing of executive power between all parties winning more than 5 per cent of the popular vote.

In brief, government consumption expenditure should be cut back, private and public sector wage increases kept in check, tariff reform accelerated... These measures will counteract the inflationary impact of the exchange rate adjustment, permit fiscal deficit targets to be reached, establish a climate for continued investor confidence and facilitate the financing of both private sector investment and accelerated development expenditure (ibid.:5).

Such a strategy, it was confidently projected, would encourage accelerated private sector investment, stimulate the demand for non-gold exports, and lead to a growth in gross domestic product (GDP) of 6 per cent as well as the creation of 400,000 jobs per annum by the year 2000 (ibid.:5-6). In the event, the projections have not materialized. Economic growth rates and investment targets have not been met and employment creation has proved a cruel chimera – the past five years have, rather, witnessed a devastating shedding of jobs in the formal sector, with the total number of people employed dropping from about 5.31 million in 1994 to 5.06 million in 1997 (Newton et al., 1999:215; the authors of this study note that mining jobs, historically a major source of employment for rural male migrants, fell by about 11 per cent in this period). This is increasingly putting pressure on the government to adjust its economic strategy, especially from COSATU, the ANC's trade union ally, but thus far the government has continued to reaffirm its commitment to the fundamentals of its macroeconomic strategy.

There is debate about the extent to which GEAR is or is not a conventional neoliberal package (Valodia, personal communication; Fine and Padayachee, 2000; Williams, 2000). Those favouring a more nuanced interpretation point in particular to the ANC government's continued high level of state spending on welfare and social services relative to the total budget, which is seen as potentially positive for the poor and for women (D. Budlender, interview; Lund, interview; Valodia, personal communication). Unlike more conventional approaches, GEAR did not propose to reduce the deficit by curtailing social spending; rather, "the planned reduction in the deficit is to be achieved through revenue growing at a faster rate than expenditure" (Valodia, 1998:97). Currently a total of 53.7 per cent of the 2000/2001 budget is committed to the social services in education (27.7 per cent), health (14.6 per cent) and welfare (11.4 per cent) (Applied Fiscal Research Centre, 1999:4). What this reflects is the ANC government's sensitivity to the scale of poverty in South Africa and the need to ameliorate the harsh "short-term" consequences of its macroeconomic policy.

From the point of view of land reform, however, the important issue is not whether the neoliberal description is an appropriate or fair label, or not. Rather, what is relevant is the impact of certain key macroeconomic principles, notably state fiscal restraint and an export-oriented industrial strategy, on the design and application of land reform policy, as well as the implications of this framework for fundamental agrarian restructuring.

The 1996 GEAR document touches only twice on land reform, in ways that prefigure the direction in which policy is moving today. The first occasion is in the context of social spending, where land reform is presented as one of the initiatives required "to address the claims of the poor to a fair package of basic needs" (Department of Finance, 1996:9). The second occasion

refers to land reform positively, albeit in very broad terms, as a vehicle for economic growth in tandem with agricultural development:

The land reform programme, combining asset redistribution with enhancement of tenure, has an important role in improving the long-term prospects for employment and income generation in the rural economy. Progress has been made to finalize procedures for the rapid release of land and the introduction of a settlement grant. Complementary initiatives include emergent farmer support programmes. As these gain momentum, emphasis will shift to marketing support, appropriate technological interventions and streamlined extension services. Over time, agricultural development associated with land reform will play a key role in improving the distribution of income and economic activity (ibid.:15).

However, despite this nod in the direction of agriculture, the major significance of GEAR is its resolutely urban and industrial focus:

The higher growth path depends in part on attracting foreign direct investment, but also requires a higher domestic saving effort. Greater industrial competitiveness, a tighter fiscal stance, moderation of wage increases, accelerated public investment, efficient service delivery and a major expansion of private investment are integral aspects of the strategy. An exchange rate policy consistent with improved international competitiveness, responsible monetary policies and targeted industrial incentives characterize the new policy environment (ibid.:21).

Rural development and agrarian reform have remained neglected areas of economic policy—despite the importance of the overall contribution of agriculture to the economy, despite the scale and concentration of poverty in the rural areas, and despite evidence from other developing countries, notably in East Asia, that agrarian reform can play a critical role in underpinning successful rural industrialization strategies (on this, see Hart, 1996). In consequence, land reform has not been given any prominence in the debates on what type of economic strategy will achieve the fundamental economic development to which the government is committed. Even critiques of economic policies since 1994 tend to focus on urban and industrial priorities (see, for instance, Fine and Padayachee, 2000). While the latest policy shifts within land reform attempt to reaffirm the importance of production-oriented strategies, the rural areas overall are still accorded a minor role in the government's economic thinking; much of the impetus behind the development of rural development policy appears motivated more by the government's sense of its welfare responsibility for the communal areas than by any sense of their economic potential.

A further point to note about GEAR is that the stress on fiscal discipline and public service restructuring to attain "a more cost-effective service" through "right-sizing" and "salary adjustment" (Department of Finance, 1996:8) has set a strictly enforced limit to the amount of money available for land reform. This has resulted in restrictive barriers to staff recruitment at the levels required to support delivery targets in the DLA and the Commission on Restitution of Land Rights (CRLR). The capital budget allocated to the DLA is also not sufficient to acquire land for land reform at "market" prices, on the scale and within the time frames projected by the policy makers. Currently a mere R408,457,000 has been allocated for this purpose (DLA, 2000d:255), which amounts to some 0.2 per cent of the national budget of R179.08 billion (AFReC, 2000:2).

How has a national liberation movement such as the ANC come to espouse such conventional, capital-friendly economic orthodoxies? The adoption of GEAR can be explained by a number of factors, including the external context when the ANC came to power, the internal balance of forces during the political transition, weaknesses and ambivalences in the ANC's own economic thinking, as well as the influence of the small but growing black and urban middle class in shaping government priorities (on this, see Marais, 1998; Fine and Padayachee, 2000; Habib and Padayachee, 2000; Williams, 2000). The ANC came to power at a time when socialist doctrine was on the retreat worldwide and the domestic economy under severe pressure on many fronts—economic growth had slowed, domestic investment was in decline, unemployment was increasing (see Habib and Padayachee, 2000). It had been unable to defeat the forces of apartheid militarily, and the transition to democracy in 1992/1993 took the form of a negotiated compromise with the former ruling class, as each side drew back from the “abyss” of social conflagration.

It has also been argued that the ANC in exile never concentrated on developing a strong economic policy—its commitment to socialism operated more at the political than economic level, and during the heady, uncertain years of the constitutional negotiations it was unable to withstand the “ideological barrage” (Marais, 1998:150) launched by the corporate sector and international experts in favour of free enterprise, deregulation, and the privatization of government assets and services.

More than any other aspect of ANC policy, the party's economic thinking was launched on a roller coaster ride—buffeted by threats, cajoling, ridicule and injunctions from business organizations, banks, Western governments, activists, trade unions, foreign lending institutions, economists and consultants (Marais, 1998:146).

The extent to which the ANC was in fact constrained by these very real problems is a matter of some debate among economists on the left. Its victory over apartheid gave it a moral and political credibility internationally that, arguably, gave it greater room to manoeuvre in relation to the dominant discourse of the so-called Washington Consensus espoused by the World Bank and the International Monetary Fund (IMF); Williams (2000) points out the additional irony that this discourse was itself being reworked in the mid- to late 1990s as a result of growing international criticism of its failure to achieve positive results in social and economic development globally (see also Fine and Padayachee, 2000). Nevertheless, once in power, the ANC found that operationalizing its pre-election agenda was an extremely complicated and exacting process in a divided, unstable society in which it controlled neither economic power nor the civil service. The array of managerial, technical and political skills and expertise that it was called upon to exercise differed markedly from those required to run a resistance movement.

Thus external conditions plus the internal balance of power limited the arena within which it could manoeuvre; once in office the pragmatics and overwhelming demands of government, the absence of a strong economic programme of action, and the difficulties of operationalizing policy with an inadequate public service all served to strengthen the political forces pushing a conservative economic programme.

At the same time, the ANC's consolidation of its hold on government has been accompanied by the rise of a black urban middle class whose influence on the direction of policy and the setting of government priorities continues to grow. The process of class differentiation among the black majority predates the 1994 elections – thus the percentage of African households in the richest 20 per cent of all households rose from less than 10 per cent in 1976 to 26 per cent in 1991 (Marais, 1998:106, citing a study by McGrath and Whiteford), while the income gap between the richest and the poorest African households widened dramatically in this same period (May et al., 2000b:26, citing another study by Whiteford and McGrath). Since 1994 the pace of differentiation has increased, as black men and, to a lesser extent, black women have moved into top positions within government and the private sector, and black empowerment and affirmative action policies have begun to reap dividends for the so-called black elite. According to a recent study, in 1991 blacks represented 9 per cent of the rich, whereas today they represent more than 22 per cent (“It’s now easier to get rich than to stop being poor”, **The Sunday Independent**, 11 June 2000. This, of course, is not to argue that income levels and inequality indices are not still massively loaded in favour of the white minority.)

Throughout, the ongoing dominance of the urban areas politically and economically has also served to limit the attention given to rural issues. Historically the agrarian question has never enjoyed much prominence in the ANC's strategic thinking,⁶ and current economic and demographic trends are reinforcing this trend. The ANC's primary constituency is based in urban areas, where over 50 per cent of South Africans live; politically, urban capital, urban labour and the urban unemployed completely overshadow the rural sector in the demands they make on the state around jobs, housing, delivery of services, crime, policing and economic policy more broadly.

It is important, however, to temper the analysis by an appreciation of the degree to which the ANC in government retains elements of its former liberationist ideology and objectives, as seen, for instance, in its continued commitment to social spending. Despite the ongoing process of class differentiation, its mass support is rooted in the working class and the poor (especially the urban poor), although class itself is certainly not the only forge of political identity. The relationship between party and government and, within the party, between branch and centre, is also complex. Despite signs of an increased centralization of authority in the party in ways that isolate the more radical or populist influence of branch membership, the political leadership within the ANC still has to answer to these strands in its party structures and when it goes to the polls. Senior members of government carry the memory of struggle, exile and poverty with them, in their hearts; many have roots in the rural areas and meetings with land reform communities and claimants readily reinvigorate these personal and political histories. Land issues in particular, as already noted, continue to resonate with an emotional and symbolic appeal – as an index of dispossession, as a promise of transformation, and as a rallying cry for the ruling party. This in part explains the reluctance of the government to adopt a hard-line approach on the Zimbabwean crisis. Thus ANC Secretary General, Kgalema Motlanthe, reportedly “described the war veterans’ farm invasions as a ‘protest action’ against the failure of land reform”:

⁶ I am grateful for useful discussion with Gillian Hart on this point.

He said the Zimbabwean government had had 'no choice' in resorting to the appropriation of land, following the failure of the 'willing buyer-willing seller' approach prescribed in the 1980 Lancaster House Agreement with Britain ("ANC Secretary-General Motlanthe endorses Zanu-PF land-grab policy", **Mail and Guardian**, 2-8 June 2000).

While a strong case can be made for viewing policy formulation in the Mbeki era as dominated by technocrats answerable, in the first instance, to the new African elite in the urban areas, the populist traditions and liberationist ideals in which the ANC's political dominance in South Africa is embedded, remain potent political reference points in policy development.

The Property Clause in the Constitution

Although the rural economy played a relatively minor part in the ANC's economic thinking in 1993/1994, the issue of property rights in the new dispensation was one of the most hotly debated issues in the constitutional negotiations. Here the balance of forces described above led to a compromise between the advocates of a radically redistributive programme, aimed at turning on its head the existing, extremely unequal property dispensation, and the defenders of a property regime based on respect for existing rights of ownership and the primacy of the market in regulating state initiatives to achieve a more equitable distribution of land. This compromise was given expression in the Interim Constitution of 1993, which laid out the constitutional framework within which land reform policy could thereafter be legislated. Thus the right to hold and acquire "rights in property" was recognized as a fundamental right—property could be expropriated by the state for "public purposes" only, and then subject to the payment of "just and equitable" compensation (Clause 28). At the same time, the Interim Constitution recognized the struggle against forced removals by providing for the restitution of land rights that were dispossessed after 19 June 1913 as a result of the application of racially discriminatory laws (Clauses 121-123).

These principles were carried through into Clause 25 of the final Constitution (Act 108 of 1996), which reiterated the right to hold property, the principle of "just and equitable" compensation in cases of expropriation, and the right to restitution.⁷ The 1996 Constitution did, however, introduce a number of dimensions that potentially broadened the state's powers to acquire land for land reform purposes. Expropriation of land by the state is sanctioned not simply for public purposes but also if it is in "the public interest", and public interest is defined specifically to include "the nation's commitment to land reform and to reforms to bring about equitable access to all South Africa's natural resources" (Clause 25(4)). At the same time, Clause 25 broadens the scope for land reform constitutionally, to include tenure security and redress for past racial discrimination in addition to land claims in terms of the restitution commitments of the Interim Constitution.

⁷ Interestingly, the Commission on Restitution of Land Rights (CRLR) is not reconfirmed in the final 1996 Constitution, its standing being thus reduced to a statutory body authorized in terms of parliamentary legislation rather than the Constitution itself. I see this as indicative of the reduced status of restitution as a broad policy goal after 1994, as well as relating to internal power struggles between the CRLR and the DLA over their respective roles and authority in the settlement of land claims.

What is of interest is that the expropriation provision has not been used by government in its land reform programme to date, reflecting the dominance of the ideology of the market since 1994. After the highly contested negotiations surrounding the property clause, the land redistribution programme within land reform was set on a path of “willing buyer-willing seller”, based on a system of state grants to rural communities to fund the purchase of available land from private landowners (described further below). This ruled out a radical programme of rapid and extensive redistribution of land, and has been interpreted as a major victory for capital, in keeping with the other compromises that were made on the future economic dispensation (Marais, 1998)—although, given the evidence of limited capacity shown by the government over the past five years, it is surely debatable whether the state could have successfully managed a large-scale programme of land acquisition and transfer, even if fully empowered to do so.

1.2 The context for land reform: The women’s movement

While the macroeconomic framework has thus not been sympathetic to land reform, political considerations have confirmed its importance, not simply as a programme of government but as a constitutional requirement, albeit qualified in significant ways. Another constitutional requirement, that of gender equality, has ensured that the interests and rights of women have been prominently acknowledged in the development of land reform policy. However, the strength of patriarchal attitudes and practices in society and the absence of a strong lobby for land rights among rural women have meant that the implementation of these policies has received far less attention. This section assesses the relative strength of the women’s movement and its ability to influence land reform policy under the following headings:

- the constitutional commitment to gender equality;
- women’s representation in Parliament; and
- rural women’s organization.

The constitutional commitment to gender equality

South Africa’s 1996 Constitution is widely regarded as among the most progressive in the world in terms of its emphasis on human, social and economic rights. Gender equality is established as a basic principle in the first clause of Chapter One (Founding Provisions), which states that “non-racialism and non-sexism” are founding values, along with human dignity, equality, the advancement of human rights, the rule of law, universal adult suffrage and a multiparty and democratic system of government. The Constitution also provides for a Commission on Gender Equality to “promote respect for gender equality and the protection, development and attainment of gender equality” (Clause 187). Further reflecting the formal recognition of gender equality as a major societal goal, an Office on the Status of Women has been established in the President’s Office, to develop and co-ordinate national gender policy across government departments, while employment equity targets in the civil service require managers to address not only “racial” but also gender imbalances at all levels of employment.⁸

⁸ In 1996 only 2 per cent of directors-general in the public service were women, while 98 per cent of all secretarial posts, 93 per cent of all nursing and related posts, and 79 per cent of all workers in the “household and services” occupational class within the public sector were held by women (de Bruyn, 1996:195, 190).

The formal mechanisms establishing an enabling environment for the empowerment of women are thus in place. These impressive achievements were won largely through a coalition of women's organizations that in the early 1990s—in contrast to the 1980s and earlier periods of South African history—came to the conclusion that women's rights were not a necessary by-product of the struggle for national liberation, and fought tenaciously, despite many organizational and political problems, for the recognition that the oppression of women was an important political issue in its own right. In April 1992 the Women's National Coalition (WNC) was launched “to influence the transition at the national level, attempt to educate, empower and mobilise women at the grassroots level, and collect women's demands for inclusion in a Charter”, which Charter was intended for inclusion in the new Constitution (Abrams, 2000:24). Of note is that the current Minister for Agriculture and Land Affairs, Thoko Didiza (formerly Msane), served as Secretary-General of the WNC.

In developing this agenda, women activists were assisted and emboldened by the international discourse on women's rights and gender equity. The experience of many women activists within the political struggles of the 1980s and early 1990s had also brought into sharp focus the patriarchal attitudes of much of the predominantly male political leadership, as well as the wider society. This sat increasingly awkwardly with women's own experience of growing involvement in the public sphere, both economically and politically.

In the political struggles to entrench gender equality in the new Constitution, the position of black, rural women was of foremost concern for many activists, especially those in the ANC. The concerns of rural women for access to and rights in land, for legal standing independent of their male relatives, and for basic services were articulated through WNC affiliates such as the Rural Women's Movement in the then Transvaal province. These concerns were given prominence in the campaign around the Women's Charter—“women and land resources” was identified as one of the campaign's five key issues (Abrams, 2000:49)—and carried through into the final Charter.

However, the WNC's most significant battle in the area of land reform was that waged against efforts by traditional leaders to enhance their status and to exempt customary law from the provisions of the gender equality clause (on this, see Abrams, 2000; Walker, 1994). It has been argued that traditional leaders used the transition to democracy to position themselves increasingly prominently in the national political arena as custodians of an indigenous, culturally valuable and essentially representative institution of local government (see Ntsebeza, 1999). In this struggle they utilized a climate of chilling political violence, as well as threats by the KwaZulu-based Inkatha Freedom Party (IFP) to withdraw from (and further destabilize) the political process, to strengthen their negotiating position.

The contradictions and dilemmas posed for government by the institution of traditional authorities, especially in relation to the principle of gender equality, have not yet been finally confronted and resolved (as is discussed below). However, in 1993/1994 the fledgling women's movement was able to head off a major initiative by traditional leaders to gain a level of con-

stitutional recognition for themselves that would have seriously compromised the claims of rural women to equality on the same terms as other women. As a result of intense lobbying by the WNC and its constituent organizations, especially the ANC Women's League, traditional leaders narrowly failed in their efforts to entrench customary law as a "fundamental right" which could not be overridden by the equality clause (Abrams, 2000; Walker, 1994). This was a major victory for women, which secured the principle of gender equality as a cornerstone of the new democracy, even though, as is discussed below, the application of this principle in daily life is often extremely difficult to enforce. The lobby for traditional leaders did, however, succeed in getting "the right to...participate in the cultural life of his or her choice" recognized as a fundamental right (Clause 31), and also succeeded in getting "the institution, status and role of traditional leadership" recognized as a Constitutional Principle that would be binding on the drafters of the final Constitution in 1996, albeit subject to the equality clause (Constitutional Principle XIII).

The outcome was thus a compromise, one formally tilted in favour of women but indicative of the strength of the lobby in defence of "tradition" and the values of a patriarchal order. The split constitutional formulation was also sufficiently open-ended to allow continued ambiguity both in practice and in future policy development. Given that political support for the WNC by all the major political parties was less than wholehearted (outside of their women's lobbies), it was also indicative of the relative tenuousness of the commitment to gender equality in mainstream political practice (Walker, 1994).

Women's representation in Parliament

Another focus of the WNC was on women's representation in the Constitution-making process and, later, in the new Parliament. As a result of these efforts, the ANC, by far the largest party, adopted a quota system, reserving one third of its parliamentary seats for women. This had some knock-on effect on other parties as well, and the proportion of women among the legislators entering the new Parliament was high by international standards, both in 1994 and after the second general elections in 1999. In 1999, 120 out of a total of 400 members of Parliament were women, with women making up 36 per cent of the ANC's parliamentarians (Hassim, 1999:205).

There is currently some debate among feminist analysts as to the impact of representative politics and the constitutional and other gains of the recent past on the women's movement: has it been demobilizing, or has it created an enabling space (on this, see Hassim, 2000)? Some argue that the women's movement has been weakened by its institutionalization in mainstream politics, as well as by the loss of experienced civil society leaders to positions within government. It is also argued that the advancement of a small group of "elite" women has deflected attention from the real problems of the mass of women. Others, however, argue that the enabling space created by the "gender machinery" is important, and that it is up to civil society to make more creative use of these opportunities. There was no easy consensus among those whom I interviewed on the issue, and it seems that both arguments have partial validity.

There is certainly a strong case to be made that women activists and community-based leaders who went into Parliament in 1994 and after found themselves less able to articulate and serve the interests of the constituencies whose support had brought them to political prominence in

the pre-1994 era. Furthermore, the appointment of women to positions of authority and/or prestige, within government, parastatals and the private sector, is often taken as a sufficient indicator of progress toward gender equity and the empowerment of women more broadly—even though there is no guarantee that the presence of women at the top will necessarily have a positive impact on gender policy in these structures. In the case of land reform, the fact that in 1999 a male Minister was replaced by a woman (who had held a prominent position within the WNC) has not translated into a more vigorous pursuit of gender equity as a policy goal; rather, as is discussed below, the latest policy documents are less gender-sensitive than before.

Even if formal commitment to broader gender equity goals is not at issue, the time and energy directed toward internal transformation within government departments has deflected attention away from gender issues in the external programmes of these departments. Thus the 1996 **Annual Report** of the DLA had three pages of tables showing the breakdown of departmental staff in terms of race and gender, but contained no details of the relative proportion of men and women in land reform projects. At the time I noted, “Internal ‘transformation’ of the civil service, to make it more representative, is a major focus of government restructuring but, as important as it is, it is an area where it is easier to set and to show tangible results” (Walker, 1998:10).

Parliament itself has not been a friendly space for women. MamLydia Ngwenya, who went to Parliament from the Rural Women’s Movement, initially found it difficult to adapt to the new environment and to make an impact on the legislative process. She recalls that for the first three years she wondered what she was doing in Parliament, although thereafter she became “quite comfortable” with the institution and the work (interview). However, this is not simply a problem to do with the male culture of Parliament and unequal power relations between men and women within political parties. Parliament as currently constituted is also relatively weak as a policy-defining and monitoring institution with, for example, no authority to change budgets. The party list system, the power of the party caucus, the centralization of policy making and the authority of technical expertise and skill over political experience and knowledge of constituents’ needs all play their part in limiting its role.

The role of the legislature appears to be particularly weak with regard to land reform. Thus the Land Affairs Portfolio Committee, unlike the Welfare Portfolio Committees (Lund, interview), has not been proactive in holding to account the executive and statutory bodies, such as the Commission on the Restitution of Land Rights, or in developing an aggressive role as representative of “the people” through the holding of hearings, calling for reports and critically examining the issues and problems that departments and the executive bring before it.⁹

Nevertheless, it is also the case that considerable legislative and policy progress has been made through Parliament in a number of key areas of concern to women, such as the legalization of abortion, legislation on domestic violence, and provisions for free health care for pregnant women and for children under the age of five. The women’s movement made notable gains

⁹ For example, the CRLR Annual Report, which is required by law to be tabled in Parliament on 1 June each year, has regularly been tabled late, sometimes very late, without a murmur from the Portfolio Committee.

nationally after 1994 in the area of domestic and sexual violence against women, the area where the abysmally low and vulnerable status of women in South African society is most graphically displayed, in bleak contrast to the progressive constitutional structure that has been put in place. South Africa has shockingly high incidence of rape, violence against women and child abuse. The National Network Against Violence Against Women campaigns strongly at the local and national levels to bring these appalling realities into the public arena, and to begin to put in place appropriate legal mechanisms and social policies to attempt to address them. No similar network exists on behalf of rural women—the absence of a strong lobby in Parliament arguing for rural women's rights in land is indicative of the much weaker level of organization among rural women and the particular difficulties they face in organizing to address their inferior status in their homes and communities.

Rural women's organization

The level of mobilization among rural women in support of their rights is very low. However, women are active in numerous localized organizations and clubs (church organizations, burial societies, saving clubs, sewing groups, craft groups, etc.), which do create important networks, sources of mutual support and, potentially, forums where the issue of land rights for women could be taken up. A research project initiated by AFRA in 1998 in the Indlovu regional council area of KwaZulu Natal identified a total of 113 women's and community organizations in this one district, covering a range of economic, social, developmental and health activities (AFRA, 1998), and it is assumed that such a finding would be duplicated in many other rural districts around the country.

Unfortunately, an in-depth assessment of such structures and their potential for directing women's energies toward greater involvement in public life has proved beyond the scope of this research, although the need for and relevance of such a study is acknowledged. The AFRA project confirms that these organizations are working within the boundaries of established conventions on male and female roles. "Most organisations...do not address or have not yet implemented gender issues as part of their organisational activities" (ibid.:6). Furthermore, as soon as women's organizations are seen to be challenging gender norms and patriarchal authority, they are likely to encounter serious opposition from men and traditional institutions threatened by such activities (ibid.; see also Meer, 1997b; Mjoli-Mncube, 1999; Ngubane, 1999).

Overall, the voice of rural women in national policy debates, including those on land reform, is extremely muted. Organizations that in the early 1990s took on these issues are no longer prominent. Both the WNC and the Rural Women's Movement have suffered as their most experienced and committed leaders have gone into Parliament or other positions within government or the private sector (Ngwenya, interview). Ngwenya suggests that the RWM was always heavily dependent on NGOs (for logistical support and direction), which fostered a dependency mentality that made it even more difficult to adjust to the loss of senior leaders after 1994 (interview). The Rural Women's Movement is still in existence and attempts are now being made to develop a similar initiative in KwaZulu Natal, with the intention of linking the two organizations in some way at a later stage. (Ngubane, interview). The thinking behind the initiative in

KwaZulu Natal is explicitly focused on raising awareness about national policy changes that promote gender equality and on promoting women's interests:

Having undergone a number of changes in policies and development strategies at a national level there has been a crucial need to educate and train the communities about such policy changes and how these affect their lives, especially so for the women...to take up and promote specific interests and concerns raised by women (AFRA, 1998:2).

However, now, as in the past, their views are still largely mediated by NGOs, such as AFRA. The NGOs working on the rural areas undoubtedly play a very important role as conduits whereby rural women's issues can be brought into the political debate, information about women's rights and government programmes disseminated and networks developed, but Ngwenya's concern about relationships of dependence remains relevant. The land NGO sector itself seems to mirror some of the problems rural women experience, with gender activists complaining of being marginalized in their own organizations despite the growing prominence of gender issues in formulating programmes and soliciting donor funding (see, for instance, the discussion in NLC, 1999).

Rural women are also marginalized from national debates and organization around other critical areas of gender struggle. Most of the mobilization against violence against women is in the urban areas, where it is easier to campaign and organize. There is a dearth of information, resources and support structures in the rural areas, where levels of violence and abuse against women and children are reportedly extremely high but largely unremarked (Ntombela-Nzimande, interview; Ngubane, interview).

What emerges from the available information is that the issue of violence against women cannot be delinked from land reform. Ngubane has sobering stories to tell of how such violence is clearly directed at upholding patriarchal controls over land—both within families (between husbands and wives or brothers and sisters, as in the story that prefaces this paper), and within communities more broadly, where some chiefs and male elders feel that their status and the social order more generally are being threatened by signs of women's economic independence. Several of Ngubane's stories reveal that these struggles between men and women over resources may be expressed in ways that are shockingly reminiscent of the more overtly political conflict that has wracked many rural communities in the recent past. In one incident, a woman who refused to give up a piece of land to the chief after her husband's death, had her house burned down and was chased out of the community. In another case, the local chief and his supporters raided a women's sewing group, armed with guns, to confiscate the sewing machines and threaten the woman who had organized the group, because she had dared to raise funds to buy the sewing machines without first channelling the money through the chief (Ngubane, interview). The Rural Women's Movement in KwaZulu Natal has identified shelters for battered women as an issue requiring urgent attention (AFRA, 1998:9).

Violence against women restricts their ability to capitalize on the "enabling spaces" provided by the Constitution. While it would be relatively easy for NGOs such as AFRA to raise money and get legal representation to take a case of gender discrimination around land rights to the

Constitutional Court, and the chances of winning must be considered excellent, women are unlikely to agree to take this route if they face not simply disapproval and anger when they return home, but life-threatening attacks, house-burnings and exile (Ngubane, interview).

The degree to which knowledge of the “gender machinery” is filtering through rural society is uncertain. Debbie Budlender cites a recent survey commissioned by the Commission on Gender Equality, which indicated that the knowledge that women have rights has spread widely through society – the difficulty lies in exercising those rights (D. Budlender, interview). On the other hand, AFRA noted in 1998 that most organizations it was engaging with in its fledgling Rural Women’s Movement Project had not heard of the Commission on Gender Equality and were unaware of the constitutional provisions on equality: “It is amazing that in most communities there is a total lack of awareness regarding human rights and their rights as women” (AFRA, 1998:6).

While the picture is thus rather bleak, the indirect effects for rural women of urban activism in support of women’s rights do need to be recognized. Urban organizations’ strong focus on discrimination against women continues to vitalize the formal, constitutional commitment to gender equity in public life. This principle is now accepted as a matter of course in mainstream politics, to the benefit of women generally and, potentially, to the benefit of rural women in the further formulation of national policy on land reform and rural development. Although not without challenge both within and outside of government, as the ongoing debate over customary law and the status of traditional leaders makes abundantly clear, a discourse of gender equity as a basic requirement of a human rights culture is in place, which is now very difficult to challenge at the level of formal policy. This could, potentially, be used by the NGO sector to leverage stronger commitments to women in land reform – although the absence of effective rural women’s organization is likely to continue to weaken the political clout of such interventions.

1.3 The context for land reform: Conditions in rural South Africa

The previous discussion has indicated the relative unimportance of the rural areas in the formulation of government economic policy. This section describes the specific conditions confronting land reform policy makers in the rural areas under the following headings:

- rural demography;
- commercial agriculture;
- the communal areas;
- rural development policy;
- traditional authorities, customary law and local government; and
- the impact of HIV/AIDS.

Rural demography

As noted above, the population of South Africa is predominantly urban, with less than half the population – in the region of 45 per cent (May and Rogerson, 2000:211) – estimated to be “non-urban”. There are, however, widespread differences among the provinces, with five out of nine still predominantly, in some cases overwhelmingly, rural: Northern Province (89 per cent rural), North West (65.1 per cent), Eastern Cape (63.4 per cent), Mpumalanga (60.9 per cent), and

KwaZulu Natal (56.9 per cent). Furthermore, some 56.5 per cent of those classified as African in the 1996 population census are rural, while the percentage of African women classified as rural is still higher, at just under 58 per cent.¹⁰ This is a direct consequence of the apartheid policies of spatial control, which identified African women as reproducers responsible for the household economy, as the index of permanent African residence in the communal areas and, hence, aimed to confine them as far as possible to these areas.

The census classification of “urban” and “non-urban” is unsatisfactory both because of the way that the boundaries are determined, and also because of major differences within rural areas that the aggregated figures conceal. Thus the “non-urban” category includes both commercial and communal areas, but the demographic profile differs significantly between these areas. According to the 1996 census, a total of 2,882,459 people lived on “rural farms”, of whom just over 13 per cent were white. Of the 68 per cent of the population on these farms identified as African, a majority (52.6 per cent) were male and 47.4 per cent were female. With the nearly 14.7 million African people living in what are described as “tribal villages”, the situation is reversed and almost 55 per cent of this population is female.¹¹

Urban-rural linkages also blur the distinction between town and country. The changing but persistent pattern of migration between rural and urban areas threads town and country together in numerous ways in the experience, economic strategies and consciousness of many rural—and urban—inhabitants. These linkages maintain an interest in land reform beyond those likely to be most directly affected by it. Of note is that while migration is still a predominantly male activity, increasing numbers of women are becoming short-term or long-term migrants. A recent study on street traders in Durban (Lund et al., 2000) presents case studies of women who work as street traders but consider their permanent home to be in the rural areas. Rather than looking for permanent housing opportunities in the city and moving their families to live there with them, they prefer to negotiate a precarious existence on the streets while maintaining their families and their “homes” in the rural areas. This poses interesting challenges for government social spending: should street traders be encouraged to apply for housing subsidies to get a house in town? Or should their rural ambitions be supported through, inter alia, land reform in the area they consider home?

Commercial agriculture

Given the emphasis placed on commercial agriculture in the new land reform dispensation, it is important to consider the many problems facing this sector, which will continue to restrict the opportunities open to current and future farmers.

Just over two thirds of the area of South Africa is classified as land falling within the commercial agricultural sector which, until 1994, was characterized as the so-called “white” countryside.¹² The number of farming units (that is, separate enterprises rather than individual farmers) was 60,938 in 1996, down from 62,428 in 1988 (Statistics South Africa, 1999:1). Of note is that the

¹⁰ Figure calculated from 1996 population census data supplied by Statistics South Africa.

¹¹ Figures calculated from 1996 population data supplied by Statistics South Africa.

¹² Figure calculated from statistics supplied in CSS, 1993 and in Statistics South Africa, 2000.

area under commercial farming also declined between 1988 and 1996 by some 2.4 million hectares, from a total of 84,621,000 hectares in 1988 to 82,210,000 hectares in 1996 (*ibid.*).

These figures illustrate the problem of an uncritical acceptance of the historical 87/13 per cent divide as the starting point for policy formulation. It is today completely misleading to talk of 15 per cent—or now 11 per cent—of the (white) population as owning 87 per cent of the land. In fact, a minuscule 0.15 per cent of the population, almost all of whom are white, “own” (many are mortgaged to banks) the 67 per cent of land that makes up the “white” countryside.¹³ The imbalance is both much larger, demographically speaking, than the 87/13 figures indicate, and less significant in terms of the redistribution challenges than those who focus on these numbers imagine. If commercial farming were totally transformed and Africanized, so that all this land was in black ownership and the 87/13 per cent divide was a matter of history, still only a tiny fraction of the population would own, or have title to, this land. Even if the average farm size were considerably reduced, so that the number of commercial farmers quadrupled to 240,000 (which is way beyond what current policy envisages supporting), the land hunger, land need and rural poverty affecting the great majority of the black rural population would not be resolved. (A 1995 survey estimated that at that time some 2.3 million households wanted access to some or to more land for agricultural purposes; see DLA, 2000c:2.) This is quite apart from the enormous challenge of supporting those 240,000 “new” farmers so that they would be able to operate reasonably successfully as commercial farmers.

Commercial agriculture in South Africa declined in importance in the national economy throughout the twentieth century, dropping from some 21 per cent of GDP in 1911 to about 4.1 per cent at the time of writing. However, what are described as “forward and backward” linkages with the “manufacturing agricultural complex” (MERG, 1993:172) boost the economic significance of the agricultural sector considerably—in 1988 this complex accounted for 28 per cent of manufacturing employment, 31 per cent of manufacturing production, 21 per cent of the capital stock and about 25 per cent of the contribution of the manufacturing sector to the GDP (MERG, 1993:172; see also Stilwell, 2000). South Africa is a food exporting country that enjoys gross food security; this, however, accompanies severe maldistribution of food internally, with many households, mostly black, experiencing chronic or periodic food insecurity.

The impressive food surpluses have been achieved as a result of massive state support in the form of cheap loans, protective tariffs and subsidies that have allowed South African agriculture to expand despite an unfavourable natural environment. Only some 13.5 per cent of South Africa is arable land; much is prone to drought and the soils are old, depleted and vulnerable to erosion. “Indeed, South Africa is not an agricultural country,” commented the noted economic historian, C.W. de Kiewet, in 1941, at a time when the agricultural regulatory system was just being put in place. “Without subsidy and under conditions of free competition much of the land could not be economically cultivated, and many of the agricultural and pastoral products could make no headway against the products of New Zealand, Canada, the Argentine, or the

¹³ Figures are hard to come by, but it seems the rest of the land area can be divided roughly as follows: 13 per cent, the former Bantustans; 13 per cent, urban areas; and the remaining 7 per cent, parks, military reserves and other land.

United States" (de Kiewet, 1941:259). This sobering conclusion was echoed 50 years later by Cowling, in an article looking at the ecological dimensions of land reform. "Only a very small amount of low potential land is available for future expansion of crop production...indications are that, certainly in the longer term, much of commercial agriculture in South Africa is neither economically nor ecologically sustainable" (Cowling, 1991:15).

Commercial agriculture is already under mounting economic pressure as a result of the withdrawal of many of the state subsidies and protective mechanisms that have sheltered it since the 1930s. The process of deregulation began in the late 1980s but gathered momentum after 1994, in keeping with the government's macroeconomic approach. The rapid dismantling of these protections by the state, under the banner of free trade, today leaves the South African agricultural sector one of the least protected when ranked with its global competitors, the difference being particularly marked in relation to its European trading partners (van Rooyen, 2000).

Indebtedness is also very high and growing, with farming debt standing at over R24 billion in 1998 (SAAU, 1999:10). One beef industry analyst is of the view that in the current era of trade liberalization and deregulation, "the only likely survivors are those with zero debt who are able to farm with low costs" (Southey, personal communication, citing a contact in the Stock Owners Coop). A consequence of high levels of debt is that many farmers in financial trouble are keen to be bought out by the government for land reform, although they have insisted on "market-related" prices which many land reform officials and activists believe are excessive and unfair. In an era of land reform, economic stress and heightened personal insecurity in rural areas, it is not clear what market is being referred to. Some analysts have expressed concern that active state intervention in the land market will inflate prices excessively, but others consider that farmers' prices will necessarily come down as a result of the financial squeeze they are facing (Southey, personal communication).

Reflecting South Africa's history of colonial conquest and white domination, ownership of the commercial agricultural sector is overwhelmingly in white (and male) hands. There are very few medium-sized black commercial farmers. The National African Farmers' Union (NAFU), claims a membership of 45,000 (**The Sunday Independent**, 12 March 2000), but most of these farmers would be very small and operating in the communal areas. KwaNalu, the commercial farmers union in KwaZulu Natal, has some 3,700 "large-scale" members ("predominantly white") and some 33,500 "small scale" members, "most of whom live in the *Amakhosi* [chiefs] areas" (Southey, personal communication).¹⁴ Most commercial land is in individual ownership—just over 5 per cent of all farming units were owned by companies in 1993 according to the agricultural census of that year (CSS, 1993:4; more up-to-date figures are not readily available). Yet the population of the so-called white countryside is and has always been predominantly black, with only 13 per cent of the subsection of the rural population described as living on "rural farms" in 1996 classified as white.¹⁵

¹⁴ Of note is that some 70 per cent of the small-scale members are women. It would be interesting to identify their stake in agriculture, and their expectations of land reform.

¹⁵ Figure calculated from 1996 population data supplied by Statistics South Africa.

Most black people living in the commercial farming areas are farm workers or labour tenants, many with a strong interest in land for crops and livestock, as well as in strengthening their security of tenure on the land. Historically, they have been locked into relationships of extreme dependence on the farm owner. A 1996 National Conference on Women on Farms drew attention to the fact that black women were doubly dependent:

In general, farm workers and those who live on farms are completely dependent upon the farmer for access to jobs, land, housing, education, water and sanitation. For women on farms, this dependence is exacerbated by the additional fact that they, in turn, are largely dependent upon men for access to all of the above (Cole and Friedman, 1996:5).

The agricultural sector has been shedding labour since the 1960s, with the workforce declining from close on 1,200,000 in 1988 to under 915,000 in 1996 (Statistics South Africa, 1999:1). In part this reflects increased capitalization of the sector, but it is also widely assumed that recent evictions are linked, as a pre-emptive response, to land reform legislation that was, ironically, introduced to strengthen farm workers' tenure security. Union organization on farms is very difficult and wages are generally very low. In 1996 they averaged R419 a month (Statistics South Africa, 1999), supplemented in most cases by some remuneration in kind (such as rations) and/or permission to keep stock and till some land.

While a 1998 survey found relationships between farmers and employees in one province (Kwa-Zulu Natal) to be fairly good (Johnson and Schlemmer, 1998), white farmers are widely accused of being backward, racist and exploitative employers—paternalistic at best. In recent years farm security has become a major political issue as a result of a spate of murders of farmers, with debate raging over the extent to which these should be attributed to political or criminal motives, and how symptomatic they are of social polarization and general racial tensions in farming communities.

Politically, the commercial farming sector straddles a number of contradictions. Its relative economic importance is offset by its negative history of land acquisition, poor labour relations and close ties to the apartheid government. Yet organized agriculture also has technical expertise that the government respects and wants to utilize—thus the National Department of Agriculture (NDA) has retained close links with the Agriculture faculty of the University of Pretoria, once a bastion of Afrikaner tertiary education but now re-inventing itself as a university for and within the “new” South Africa. (The current Director General of Agriculture, Bongiwe Njobe, was briefly a senior lecturer at this institution in the early 1990s.) Organized agriculture is increasingly keen to build bridges with the government and to promote a reformist image of itself; one person I interviewed commented that the national agricultural union has better access to and is taken more seriously by the current Minister than land rights NGOs.

The relationship is not always easy, and differences are apparent between some of the provincial farming unions and the national body, AgriSA, over the direction and pace of land reform. Thus in May this year, **Business Day** reported that “a row has erupted between SA’s white commercial farmers over land reform, with the Transvaal Agricultural Union accusing

AgriSA president Chris du Toit of selling out" ("Du Toit accused of selling out on land issue", **Business Day**, 12 May 2000). But many commercial farmers certainly regard the black commercial farming strategy of Minister Didiza as an improvement over the land reform policies of her predecessor – one in which some, at least, may find their personal salvation.

The commercial farming sector is thus characterized by major pressure points and uncertainties. This must raise serious questions about the viability of the new black commercial farming programme without considerable state and private-sector support—in contradiction to the state's commitment to deregulating agriculture—as well as the attractiveness of full-time farming for many would-be farmers with extremely limited personal resources.

The communal areas

Rural South Africa also includes the communal areas, the "scheduled" and "released" lands that made up the former reserves/Bantustans/homelands. At the demise of apartheid these areas were approaching the 13 per cent of the country's area originally envisaged by the 1936 Land Act. Although classified as "rural", as a result of the influx control and forced removal policies of the past, they are densely settled and contain numerous large residential settlements which have neither agricultural land nor urban infrastructure—the so-called "closer settlements" and "relocation townships" established to house those displaced or excluded from white areas (both urban and rural) under apartheid.

In the main these are labour-exporting areas, historically dependent on the urban-industrial centres and commercial farms for wage employment. However, in the context of rising job losses, many migrants are returning to their rural homes with no prospect of finding formal jobs in the cities or mines again. In the communal areas the situation is the inverse of that prevailing in the commercial farming sector—these areas are economically marginal but politically more favoured by the government, either as ANC constituencies or as areas of opposition that the ANC is anxious to minimize. In five of the seven provinces with communal areas the rural population is overwhelmingly loyal to the ANC. However, the IFP's power base is in the former KwaZulu homeland, and in the Eastern Cape the United Democratic Movement (UDM) maintains an oppositional presence that the ANC finds troubling and is keen to neutralize. The ANC is also anxious to dampen the levels of political violence that devastated rural KwaZulu Natal prior to and following the 1994 elections, which has resulted in its leading a complicated political dance of appeasement, confrontation and second-guessing the IFP on a range of matters, including the role of traditional leaders and the demarcation of local government boundaries.

What needs to be stressed is the magnitude of poverty in the communal areas. Referring to the rural areas generally, a recent study notes:

...most of the poor live in rural areas. The poverty share of rural areas (i.e. the percentage of poor individuals living in rural areas) is 70%. The poverty rate in rural areas (i.e. the percentage of individuals classified as poor) is about 70% compared with 30% in urban areas (May et al., 2000b:30).

Numerous studies confirm that black, rural women are particularly vulnerable to poverty, a result of the vicious intersection of several socially determined and mutually reinforcing stratifiers (race, class, gender, location) (Budlender, 1998; May et al., 2000b; Lipton et al., 1996; Meer, 1997b). Many of these studies caution against treating rural women as a homogeneous group of the equally poor, and also caution against a simple correlation between female-headed households and poverty, as well as the conflation of the economic status of the household head with that of other household members (see, for instance, Ardington and Lund, 1996; Budlender, 1997a). Nevertheless, the statistical information confirms that “female-headed South African households in non-urban areas tend to be poorer than other households” and that “over a third (37%) of non-urban women-headed households were among the poorest fifth of households, compared with nearly one in every four (23%) non-urban male-headed households” (Budlender, 1998:5). It is this reality that underpins the commitment to targeting women as a major beneficiary grouping within land reform.

As a result of the policies of the past, most rural households rely on the pooling of a range of activities by various household members for their survival – the more sources of pooled income or food there are and the more equitably these are shared, the better off the individual members of the household are likely to be. Only a minority of households classified as rural have the basic resources with which to practice farming:

Just over a quarter of African rural households (26%) currently have access to a plot of land for the cultivation of crops. ...Average land size for these households is 2,2 hectares, with poorer households having smaller amounts of land. A similar pattern is repeated concerning the ownership of livestock, with some 24% of African households in rural households owning livestock. ...Ownership of agricultural and other productive equipment is also limited to 18% and 8% of rural African households respectively (May et al., 2000a:234).

Nevertheless, the importance—actual or potential—of agriculture for the household economy should not be underestimated. May et al. (2000a:234) note that agricultural production is the third most important “livelihood tactic” used in rural areas, after wage labour and state transfers (primarily old-age pensions). Given high levels of landlessness, unemployment and income insecurity, land for agricultural purposes is in demand – by well over 2 million households according to the DLA (DLA, 2000c:2, citing the Land Reform Research Project). Shackleton et al. (2000:38) note that, generally, the poorer a household is, the more reliant it is upon land as well as the natural resource base (for gathering free firewood, thatching grass, wild foods, etc.) for its existence. They argue further that conventional understandings of “livelihoods” have underestimated the importance of both agriculture and natural resources in livelihood strategies, and that the economic importance of the communal areas has been underrepresented as a result.

Under these conditions, household structure and power relations between household members are crucial for determining the relative distribution of poverty within communities, as well as the relative equity of resource distribution within households. Is there an old-age pensioner, how many employed workers are there sending remittances home, is there arable land and someone to work it, and who controls what is divided among household members and what is

not? Here gender is a major fault line. In terms of customary law, access to land is mediated through patriarchal structures of authority and control. Women are restricted from inheriting land and while they are often the workers on the land, their decision-making powers and control over the product is curtailed and may be very limited. At the same time, the traditional extended patriarchal family is fragmenting, with double-edged consequences for its members (Walker, 1997). While this loosens restrictive controls, it also undermines many of the social benefits that women may have gained from this institution in the past (economic security, social identity, emotional support), including mediated access to land.

Land hunger and land need are experienced in gendered ways (Walker, 1994 and 1997; Cross and Friedman, 1997). Cross and Friedman suggest that this is based on the different economic roles men and women play in the interlocking economic and political spheres within rural society:

Recent research highlights the real differences between women's (economic and home-based) thinking on land, and that of men. Women generally want smaller, conveniently located landholdings, while men want larger parcels of land that will support grazing and livestock accumulation. ...The differing perceptions relating to land have to do with women's and men's concerns in regard to production. Men generally see themselves as managers of strategies that relate the family to the community in a micro-political context, but also as providers of savings and cash income. Women are seen as the managers of the internal resources of the household, and as providers of food, though many provide income as well (Cross and Friedman, 1997:27).

They argue that, as a result:

Men tend to be negative and fearful in assessing women's land priorities. They are concerned that if women are allowed to transact land they will treat it irresponsibly in relation to dominant social and political priorities. That is, men think that women will dispose of land rapidly and frivolously, instead of using it judiciously for long-term goals of a political character. Men therefore tend to see the suppression of women's attempts to dispose of land as an urgent moral concern, part of their legitimate role in guarding society...and as an issue for contested power (ibid.:27-28).

What needs further exploration is the extent to which women's interests in land and corresponding expectations of land reform (e.g., for land for settlement and food garden crops) may shift or may already be shifting as the social norms and legal restrictions that have structured what is considered possible are eroded. MamLydia Ngwenya was emphatic that in some areas and contexts, at least, this is the case, and that many women in the Rural Women's Movement really do want land for productive purposes and for large-scale enterprises: "We are sick and tired of this sewing!" (Ngwenya, interview). She did confirm, however, the difficulty women often face in getting permission from the chief and traditional authorities to access and utilize communal land for commercial purposes. An area for further investigation in this regard is the small farmer programme developed by the South African sugar industry, which in the early 1990s already comprised 43,500 growers (many of them women) supplying 16 mills (World Bank, 1993:24).

Rural development policy

As already argued, rural development has historically been a neglected area of macroeconomic policy. In 1993 the MERG policy recommendations highlighted the strategic importance of targeting investment in agro-industry in order to expand rural wage employment and increase rural incomes (MERG, 1993:171-175), but, as noted above, these views were not brought into the political mainstream after 1994. While the government is concerned about rural poverty and underdevelopment, it seems that the case for rural development is driven largely by welfare considerations, as well as concern that the failure to address rural poverty will lead to increased urban migration, which will in turn put increased pressure on urban infrastructure, livelihoods and stability.

When the RDP Ministry was dissolved, its rural component was moved to the DLA where, in 1997, it produced a document setting out a proposed Rural Development Framework (DLA, 1997a). This framework built on the perspective of the RDP to develop a vision of rural development aimed at achieving "a rapid and sustained reduction in absolute rural poverty" (ibid.:Executive Summary). This was to be achieved through a matrix of government initiatives, including institutional development, investment in basic infrastructure and services, improving income and employment opportunities, restoration of basic economic rights, resource conservation and justice, equity and security (ibid.). This "motherhood and apple pie" document (Aboobaker, interview) remained the only national framework document until recently, but it was not confirmed by Cabinet as an official policy document.

More attention was given to the Spatial Development Initiatives (SDI), which have been proclaimed in a number of provinces under the auspices of the Department of Trade and Industry as "an integral part of GEAR...meant to target areas of the country which have both unrealized economic potential and great need" (Kepe, 2000:254). In these areas, the state is promoting certain strategic infrastructural developments, such as roads or irrigation schemes, as well as actively marketing these areas for targeted private-sector investment, for instance in eco-tourism ventures, in an effort to unlock latent economic potential. While it is perhaps premature to pronounce on the effectiveness of this strategy at a macro level, a recent study of the Maputo Development Corridor commissioned by the Commission on Gender Equality concludes, with regard to the potential impact of this (and, by extension, other SDIs) on women in the project area:

Gender has not been a focus of the Maputo Development Corridor projects to date. In fact, the research reveals that there is no mention of gender issues at all. Related issues like women's empowerment are also not mentioned but are embedded by implication in words like 'community participation'. ...This then raises the issue of a critical need for well-planned and executed interventions... Without such interventions, it is unlikely that SDIs will truly contribute to the socio-economic development of women in specific geographical areas... (Commission on Gender Equality, 1999:2).

After the 1999 elections rural development was highlighted as a pressing national need by President Mbeki, who was apparently galvanized by his renewed exposure to rural conditions during the election campaign (G. Budlender, interview). He appointed a Cabinet Task Team to produce a policy document, and a post has recently been created in the Deputy-President's

office to co-ordinate this work, which is indicative of the higher status this work now enjoys (Aboobaker, interview). The Core Group of Ministers responsible for the production of the policy document, through their director-generals, are Minerals and Energy (Chair); Public Works; Agriculture and Land Affairs; Health, Welfare and Population; Communication; Water Affairs and Forestry; and Environmental Affairs and Tourism—of note is that core economic departments (the Departments of Trade and Industry, Finance, and Labour) are not represented in the Core Group. This group produced a report in March 2000 which has not been released for public comment at the time of writing and must still, therefore, be regarded as an internal draft rather than a formal policy position. Bearing this in mind, this document is, nevertheless, indicative of government thinking on a rural development strategy at this stage; as such, it is a disappointing, even disconcerting, document to read.

What it reveals is how undeveloped the strategy is. The report, **The Development of an Integrated Sustainable Rural Development Strategy**, conceptualizes the challenge of rural development in grand terms—to integrate the “two distinct rural economies” and “restructure them for global competitiveness” (ISRDS, 2000:16). However, as this quote suggests, the report is still very short on detail. Global competitiveness in what, for what, is not explained. Much of the document is taken up with a summary of previous initiatives and relevant legislation. There is also a section on methodology, which is essentially an account of a proposed Decision Support System based on a high-tech Spatial Information System that (to this reader at least) is heavy on jargon, light on content and dangerously woolly about how and by whom computer-generated models are to be designed, supplied with data, interpreted and then applied across multiple departments. “The developed DSS [Decision Support Systems] will encapsulate the principles of multicriteria decision making and expert systems...by capturing political and scientific thinking in a structured environment...” (ibid.:19). In place of concrete proposals about what information is required, who will capture this information, check its quality, maintain the system and use the data to develop a rural development strategy, there are abstractions and aspirations. “The outputs from the process would be the development of options and the management of conflicting options for economic development. The system should also be able to handle multicriteria decisions and be able to monitor success indicators” (ibid.). Community “ownership” of the final product is put forward as a goal but, again, there is little to inspire confidence that the reasons for this and the challenges in achieving it have been seriously considered:

Decisions on infrastructure investment should therefore be informed by a combination of policy priorities and available resources to determine which investment programme is possible. It is necessary to take the community through this process so that any priorities that are arrived at should be owned by the members of the community, rather than be seen as those of government (ibid.:21).

Interestingly, in the light of DLA’s abandoning a pilot project approach to land reform during 1997,¹⁶ this report adopts a pilot approach, identifying areas “for targeted interventions” (ibid.:4)

¹⁶ The Land Reform Pilot Programme was established in 1995. This involved agency agreements between the DLA and each provincial government, whereby the latter were to administer the programme, on behalf of the DLA, in pilot districts set up in each province. The idea was that in this way the DLA would gain useful experience for a broader land reform programme, and develop co-operative relationships with the provincial governments. The agency

in three provinces—Northern Province (Bushbuckridge), Eastern Cape (Lusikisiki) and KwaZulu Natal (the pilot area is unspecified in the document). Brief accounts are then given of infrastructure and existing government projects in Bushbuckridge and Lusikisiki, where attention is drawn to the situation of women and the need to address the particular problems they encounter in accessing land and finance. The report's closing recommendations demonstrate how much work is still required in order to produce a concrete and implementable development strategy. The recommendations are: (i) to improve the information base; (ii) to utilize unspent funds in the Poverty Relief Fund in the pilot areas (no recommendations are made for specific projects) and to develop a rural finance development framework; and (iii) to establish a Rural Development Agency and promote a "long-term programme of capacity development" (ibid.:34-35).

Of note is that land reform is not addressed in any systematic way. This document reveals two important things for the analysis of gender and land reform: (i) that at this stage there is still no coherent interdepartmental programme of rural development; and (ii) that land reform is not seen as having a potential contribution to make to any broader programme of rural development (beyond the restructuring of agriculture and/or the provision of food safety nets for the poor).

Traditional leaders, customary law and local government

Customary law and traditional authority institutions reflect a patriarchal order in which women are regarded as minors under the authority of their male relatives. This reality conflicts directly with the constitutional commitment to gender equity as a founding principle of the social order. Trying to reform customary law to reconcile this deep contradiction while, at the same time, respecting the cultural values and social cohesion of rural communities has proved a taxing and contested task for South Africa's legislators, which is not yet resolved.

A key political issue for land reform, which is related to the debate on customary law, is the role of Traditional Authorities in local government. Critics of the institution charge not only that traditional leadership structures are undemocratic, but also that they are ill-equipped—at best unskilled, at worst corrupt—to manage the responsibilities of local government and local development effectively (see Ntsebeza, 1999); organizations representing traditional leaders argue vocally that they are particularly well suited, because they enjoy the confidence of local people, and understand and are committed to rural society. Local government generally is in a state of flux, with new municipal boundaries being demarcated in an attempt to link urban and rural (including communal) areas within single municipalities and substantially reduce the number of local government structures in place. Elections for these newly demarcated municipalities are scheduled to take place in December 2000, but the role of traditional leaders—"the precise way in which the institution will promote constitutional democracy" (Department of Provincial and Local Government, 2000:3)—has not yet been determined at the time of writing.

The ANC has long prevaricated on this—"playing wishy-washy with the chiefs", in the words of one person I interviewed. In its formulation of an essentially political strategy to

agreements expired in March 1997, and since then the pilot programme has lapsed and provincial offices of the DLA have assumed responsibility for land reform across each province.

accommodate the aspirations of traditional leaders, it does not seem that considerations of gender equity are paramount. In 1994, shortly after the electoral victory of the ANC, I wrote:

...it is difficult to see the ANC giving priority to dismantling these blocks [customary tenure systems and matrimonial laws] or being willing or able to go very far in enforcing limits to the authority of traditional leaders to allocate land, administer local affairs, and uphold patriarchal norms and practices. Because of its 'add-on' approach to 'gender' (equals women), the ANC has strengthened the hands of the patriarchal traditionalists, despite its own undoubted support for the idea of gender equality. ...'Women' and 'chiefs' are seen as distinct and separate constituencies that the ANC, in its quest for power and national reconciliation, has attempted to accommodate in its broad-church movement (Walker, 1994:356).

I would argue that this analysis still holds today. In the years since 1994 traditional leaders have consolidated their standing, even extended it in those parts of the country where the institution was not strong before (on this, see Ntsebeza, 1999). In part, as already suggested, this can be seen as a consequence of the political violence in KwaZulu Natal, where the institution is at its strongest, and the very real concern to bring peace to this province by negotiating a compromise with the traditionalists. Further strengthening their position is the call for an African Renaissance, espoused so passionately by President Mbeki, which has been taken up and used by traditional leaders to present themselves as the embodiment of African cultural values and an indigenous form of democratic government that is rooted in and widely supported by society. Also influencing the debate are the economically marginal status of the communal areas (the way in which they are administered is less critical for the mainstream economy), and the permeation of patriarchal values throughout society.

It is not possible to deal with this complex, politically fraught topic in any depth in this paper. Certainly the appeal to cultural values and the importance of respecting institutions that rural people support and understand have to be taken seriously in developing viable local government structures for rural areas. Equally important, however, is not to presume (or impose) either a static or a single viewpoint on rural people. Gender, age, class, education, location, the personality of the local leader, local power relations, and the particular set of interests affected will all influence the way rural men and women relate to and report on the institution. Of real concern for the advocates of gender equality is the way the appeal to culture may be used to silence debate and inhibit the development of alternative formulations around the role of values, tradition and custom in representative government at the local level. African people who question the institution of traditional authorities and the standing of current incumbents can find themselves accused of eurocentrism—"of stepping outside your culture and trying to introduce Western culture", as one person I interviewed expressed it. In the case of non-African people, the charge may be one of cultural insensitivity or racism. In the workshop I held with gender analysts and activists in June 2000, there was no easy consensus among the participants as to how to approach the institution strategically, even though all present agreed that it is patriarchal and discriminates against women. One participant was adamant that there could be no place for chieftainship in a democracy; most participants (all of them committed to gender

equity) felt that it would be better to reform the institution, so as to make it less discriminatory toward women, rather than to eliminate it entirely.

This uncertainty about how to reconcile traditional leadership and gender equality is reflected in a draft discussion document on traditional leadership released by the Department of Provincial and Local Government in April 2000. Its starting point is that “the recognition afforded traditional leadership in Chapter 12 of the Constitution is an acknowledgement of the presence and the continued support that the institution enjoys among most South Africans” (Department of Provincial and Local Government, 2000:3). The document also notes that “so far government does not have a consistent policy on traditional leadership” (ibid.:4), and that the **White Paper** process is to be used to deal with outstanding questions. The position of women is then identified as one of the major challenges in the policy-making process. Here the document isolates two strategic questions that need to be addressed, without offering any solutions or preliminary proposals on the way forward:

- How can the prevailing law of succession and customary law be reconciled with the equality clause entrenched in the Bill of Rights and the Promotion of Equality and Prevention of Unfair Discrimination Act?
- Taking into account the prevailing democratic dispensation, what role should women play in institutions of traditional leadership, such as customary courts and *izimbizo* (ibid.:34)?

At a National Conference on Traditional Leadership convened by the Department of Provincial and Local Government in August 2000 and attended by representatives of government, traditional leaders and NGOs, the issue of gender equality in traditional authority structures was hotly debated (Ngubane, interview), with no consensus or consensus-building mechanisms in evidence. At the time of writing the matter has still not been finalized, and in October/November 2000 it threatened to derail the holding of the local government elections as representatives of traditional leaders threatened a boycott unless their demands for formal powers as local government structures in their areas were met (see, for instance, “Bill ignores our hopes”, **Sunday Tribune**, 5 November 2000). President Mbeki held a series of meetings with traditional leaders in August, October and November 2000 to discuss their role and attempt to deflect their concerns until after the local elections. His strategy was to offer them a larger but essentially consultative role in local government immediately, while deferring discussion on more fundamental proposals until after the December elections. Precise details of what these might look like have been adroitly avoided, although spokesmen for traditional leaders are calling for amendments to the Constitution if need be (“Mbeki assures traditional leaders”, **The Mercury**, 30 August 2000; “Bill ignores our hopes”, **Sunday Tribune**, 5 November 2000). Of note is that the issue of gender equity and the essentially patriarchal nature of the institution were not raised as concerns by government or women’s organizations or media reports throughout these widely reported negotiations.

Concern about the capacity of local authorities to meet their development responsibilities extends beyond the question of how qualified traditional leaders are for the job. The government is committed to decentralizing responsibility for bulk service delivery (water, power, transport) to the local level, as well as responsibility for developing local land use plans and economic develop-

ment objectives. In a recent study of this “fully-fledged experiment with democratic decentralisation”, Manor (2000) warns of the threats posed by weaknesses in the current proposals: inadequate funding of elected local authorities; inadequate empowerment of these authorities; and inadequate mechanisms to ensure accountability both of elected representatives to citizens and also, especially, of bureaucrats to elected representatives. Manor argues that local government’s responsibility for development is compromised by a marked lack of fiscal resources as well as the severe dearth of experienced, skilled and committed officials.

In keeping with this emphasis on the district as the locus of service delivery, the DLA has established district offices within each province and is attempting to co-ordinate its land reform priorities with local government plans and to draw local government into the delivery of services related to land reform projects, such as water supply, schools and clinics. The application of these principles has not proved easy, however, with officials experiencing many practical and political difficulties as they attempt to align the different perspectives, planning cycles, budgets, priorities and lines of accountability of DLA offices with those of often poorly resourced local authority offices.

HIV/AIDS

The HIV/AIDS epidemic is a social and economic catastrophe that is inexorably engulfing South Africa, along with other countries in the region. While policy makers “know” this, it does not seem that the implications of the epidemic have hit home yet—certainly there is not a unified purpose about what government should be doing across its programmes and departments. It is difficult to find any discussion about HIV/AIDS in the land reform literature—yet the dark shadow cast by this epidemic over land reform and other government programmes demands urgent attention. Already the impact of AIDS is beginning to be noticed in land reform projects. When asked to comment, the Director of the KwaZulu Natal DLA office remarked upon the number of beneficiaries (young, middle-aged) who are found to have died in the 6–18 month period between the initial registration of project members and the final checking of the lists, prior to the transfer of the land to the registered beneficiaries (Clacey, interview).

Experts say that South Africa has missed a small window of opportunity to contain the spread of the epidemic, and can now only act to reduce its impact. The figures are terrifying. A recent report produced by the Joint United Nations Programme on HIV/AIDS (UNAIDS) puts the number of HIV-infected people at 4.2 million and projects that half of all 15-year-old South Africans will die of AIDS (“Sobering Aids statistics in UN Report”, **The Mercury**, 28 June 2000). The disease is most prevalent among young adults between the ages of 15 and 35, with young women in the 15–19 age group the most at risk of infection (Abt Associates Inc., 2000:8). “AIDS deaths will soon exceed all other causes of death put together among the South African workforce” (ibid.:3). As the epidemic fastens its grip on society, so life expectancy rates are falling, infant mortality rates rising and the population growth rate slowing. HIV/AIDS threatens to wipe out the hard-won gains that have been made to date in social development and to vaporize budgets in the health care sector.

The impact of HIV/AIDS hits hardest on the poorest sections of society, those least able to cope with the burden of care, the loss of labour and income, and the cost of medicines and funerals. A recent publication notes:

The sharpest economic effect of the South African epidemic will probably be on wealth distribution rather than on the size of the economy as a whole. In the field of human and social development, however, the consequences are expected to be much more profound. Increased illness and deaths, and reduced life expectancy, will clearly compromise development objectives, while the survival of poor households will be made more difficult. Increasingly, HIV/AIDS is expected to be a major determinant of the ability of households to extricate themselves from longstanding poverty. Virtually no research has been done on the impact of HIV at household level, and how government might most effectively target relief. Such relief is urgently required (Abt Associates Inc., 2000:3).

It is further estimated that there will be 800,000 AIDS orphans by the year 2005, rising to 1.95 million by 2010 (ibid.). Many of these children will be living in rural areas where households and families are already under enormous stress, community coping resources depleted and social services particularly meagre. The phenomenon of child-headed households is just beginning to be recognized. "AIDS is spiriting away the adult population, leaving a generation of children to fend for themselves", reported **The Sunday Times** on 11 June 2000, in an article titled "It's not a game for the children who play at being grown-ups", which investigated the plight of some child-headed households in the Northern Province who are battling to survive with "virtually no income, no crops, no toilets and no running water". The children receive little or no help from neighbours and other family members, because of fear, poverty and the social stigma attached to AIDS; no system of state support is in place. "Only one aunt...visits us from the other side of the village from time to time to bring us a little food", said one 18-year-old, the eldest in a family of eight siblings (ibid.).

The government is struggling to put in place an effective and co-ordinated response that goes beyond formal policy commitments and regards work on HIV/AIDS as "core" business in the current crisis. With regard to rural development, to the extent that policy makers do consider the issue, they seem to regard it still as essentially a health issue, and to a lesser extent an educational problem; the impact on government economic planning and the way in which all government programmes need to plan for and with HIV/AIDS is not well developed. Thus the epidemic is not highlighted in the March 2000 report on an Integrated Sustainable Rural Development Strategy already cited. The one mention of HIV/AIDS focuses on the Departments of Health and of Education, where questions are raised about the accessibility and effectiveness of their programmes (ISRDS, 2000:30).

The Cabinet has instructed all government departments to draw up an HIV/AIDS policy. The DLA document, which was adopted on 16 June 2000 (national Youth Day), is instructive for what it does not yet say. The policy is most developed with regard to the Department's internal, workplace/employee programme, where a comprehensive set of principles is laid out. With regard to land reform, however, the policy becomes very general, focusing on (important) educational tasks without addressing possible programmatic interventions. "DLA recognises its responsibility in

the national fight against HIV/AIDS” and commits itself to “use its resources to reach all land reform and other beneficiaries” and to providing “assistance...to land reform and other beneficiaries with their HIV/AIDS related programmes” (DLA, 2000b:3). How land reform programmes themselves need to be redesigned to deal with the consequences of beneficiaries dying and economic activity in projects declining is not addressed. Nor is there consideration of designing new projects in response to the epidemic—issues that come to mind immediately include the tenure and productive needs of child-headed households, how to secure transfer of land rights to orphans, and the provision of land for community-based AIDS support projects (food gardens, community centres, income-generating projects such as craft markets).¹⁷

The issues involved are clearly gendered—inheritance, the notion of “community care” in which women are likely to be the front-ranking caregivers, who decides how to prioritize different kinds of land uses, and so on. The DLA Gender Unit has recognized this and indicated interest in working more closely with the department’s HIV Unit in formulating appropriate responses to the pandemic (Manthatha, Malehase, interviews). Clearly there is an urgent need for policy development around these issues both within and outside of the DLA. Such work is highly relevant to research on gender and land reform, and it is proposed that this issue receives further attention in the second phase of this research project.

2. Land Reform, 1994–2000

The first section has outlined the extraordinarily complex mesh of economic, political and social considerations within which the development of land reform policy since 1994 needs to be contextualized. The overall macroeconomic framework and political climate has been unfavourable to a radically redistributionist land reform policy, while rural development has been overshadowed by urban industrial priorities. In rural women’s favour, the principle of gender equity has been entrenched within the Constitution and legitimized in high-level political discourse; its application in daily practice is, however, far more tenuous and contested.

The next section describes the actual land reform policies put in place since 1994: those of the first phase of land reform, during the ANC’s first term in office from 1994 through mid-1999; and then the changes introduced by Minister Didiza when she took over as Minister for Agriculture and Land Affairs in mid-1999, heralding a second phase of policy development. In the space available it is not possible to do justice to the history of policy development and the debates that have surrounded it. Further complicating the analysis, the second phase of policy development is still at a preliminary stage at the time of writing, with key aspects sketched out only in very broad terms and formal inauguration and implementation delayed into the year 2001. Hence this section of the discussion focuses primarily on the high-level articulation of policy.

2.1 The first phase, 1994–1999

This section explores the various policy options that were developed in the first phase of land reform under the following headings:

¹⁷ On the relevance of crafting as an income-generating strategy in the context of AIDS, see Marcus, 2000.

- policy debates in the early 1990s;
- the 1997 **White Paper** on land reform;
- implementation, 1994–1999;
- the DLA's "quality of life" study; and
- criticisms of the first phase of land reform.

Policy debates in the early 1990s: The World Bank proposals

Beginning in the late 1980s, and gathering momentum in the early 1990s, a series of policy conferences, research projects, workshops and publications began to engage with the issue of land reform in the new, democratic dispensation and to set the broad terms of reference within which land reform policy would develop after 1994 (see Cross and Haines, 1988; de Klerk, 1991; Lipton et al., 1996; van Zyl et al., 1996; World Bank, 1993). During this time, the de Klerk government also tried, with some success, to pre-empt what a future ANC government would do by introducing certain limited reforms, including a very circumscribed programme of restituting or disposing of state-owned land, and certain provisions for the upgrading of tenure rights in the direction of individual title.

What is of interest, given the macroeconomic context in which land reform has been implemented, is the role of the World Bank in shaping the outcome of the policy debate in the early 1990s. While not all its proposals were taken up by the DLA in 1995/1996, its 1993 report, **Options for Land Reform and Rural Restructuring in South Africa**, (henceforth "**Options**") generated many of the concepts on which subsequent land reform policy was based. What is also striking is the way in which a number of proposals which were not taken up by the DLA in the first phase of land reform have since emerged in a modified (truncated) form, through the input of the NDA and the foregrounding of its agricultural priorities in the current phase.

The degree of direct influence exerted by the World Bank on the formulation of the first phase of land reform policy has remained a source of some debate, which is not fully explored here. Derek Hanekom (appointed Minister for Land Affairs in 1994), for instance, disagrees with the view that the World Bank was particularly influential (interview; for views on its importance see, inter alia, Williams, 1997; Hart, 1996). Certainly, many of the issues that land reform was to tackle, such as the legacy of forced removals and land hunger in the Bantustans, were generated by internal struggles in the 1980s and subsequently brought to the constitutional negotiations by South African activists, researchers and politicians. Nevertheless, through its patronage, the World Bank was able to influence the intensity and direction of policy thinking. It played a significant role in initiating and funding much of the research around land reform in the early 1990s and provided a number of key conceptual reference points from its international repertoire for the internal debate: deregulation, market, small farmer, family farming, basic grant. A number of these ideas were drawn into the DLA under Minister Hanekom, although the World Bank emphasis on small farmers was overshadowed in the 1997 **White Paper** by a strong poverty-alleviation, rights-based approach.

The 1993 World Bank **Options** can be briefly summarized as follows:

- the deregulation of commercial agriculture;
- a “market-assisted” land redistribution programme aimed at redistributing approximately 30 per cent of commercial farm land to some 635,000 households for productive use;
- a basic grant element “sufficient to pay for a major share of a rural housing site”, which could be extended by a matching grant option “to support increased access to land by individuals or groups that will use land in a productive manner”;
- a “rural safety net” programme for those families that would be too poor to take advantage of the small farmer programme; and
- a land claims process involving a commission and a land claims court (World Bank, 1993).

The **Options** report also delineated the dualist vision of land reform as embracing both a welfare and a production component:

...one of the central tensions in designing a land redistribution model is that between the **desire to address welfare objectives** through the redistribution of land and the **need to promote the productive use of land...**

To the extent that a South African land distribution program wishes to address welfare objectives, one option is for the land redistribution program to contain a basic grant element. The basic grant element would be available to all individuals who meet the requirements for participation in the redistribution program (ibid.:34; emphasis in the original).

What distinguishes the World Bank approach from the government’s post-1999 emphasis on the productive use of land, however, is first, that it recognized the need for an outright grant for the very poorest, and second, that it saw land reform as supporting more than agricultural production and the small farmer. “...although the discussion concentrates on agriculture and small farmers these are not the limits of the program. It is envisioned that the program can be a vehicle for supporting a wide range of land use activities” (ibid.:33). Land reform needed to form part of a larger programme for rural restructuring, offering a “broad range of services and functions to rural communities” (ibid.:46). In this regard the **Options** document also argued that “the poorest groups...lack the wherewithal to benefit from greater access to land”. The document states, “It is likely that better access to employment, to activities of the informal sector, and to welfare payments will be more important for raising incomes for these groups than access to land alone” (ibid.:43).

White Paper on South African Land Policy

As will be seen, elements of the World Bank model were retained after 1994. However, in the mid-1990s a strong commitment to the goals of social justice within the DLA tempered the World Bank emphasis on production and small farmers. The social justice approach was in keeping with the vision of the RDP and driven by a number of key players who were recruited into the DLA under Minister Hanekom from land sector NGOs, where the struggle for land rather than rural development more broadly had been a primary mobilizing focus in the 1980s. Furthermore, while the DLA recognized the value of productive use of the land, it was not set

up as an extension service operation itself, and positive relationships with other government departments who did have that mandate were difficult and slow to be set up.

The **White Paper on South African Land Policy** was published in its final form in April 1997. It grew out of an extensive process of popular consultation, including a National Land Policy Conference in late 1995, and departmental engagement with submissions and comment on earlier drafts of its proposals. It identified the following as the key issues for land reform to address:

- the injustices of racially based legislation;
- the inequitable distribution of land;
- the need for security of tenure for all;
- the need for sustainable use of land;
- the need for rapid release of land for development;
- the need to record and register all rights in property; and
- the need to administer public land in an effective manner (DLA, 1997b:v).

These were summarized into a “four-fold case” for land reform:

- to redress the injustices of apartheid;
- to foster national reconciliation and stability;
- to underpin economic growth; and
- to improve household welfare and alleviate poverty (ibid.).

Thus, while economic growth was recognized as an important goal of land reform, the **White Paper** gives the essentially political objectives of redress and reconciliation primacy in its formulation of its case.

Within land reform, three main programme areas were identified:

- redistribution, “to provide the disadvantaged and the poor with access to land for residential and productive purposes”;
- land restitution, for “cases of forced removals which took place after 1913”; and
- land tenure reform, “to improve the tenure security of all South Africans and to accommodate diverse forms of land tenure, including types of communal tenure” (ibid.:9).

As with the **Options** document, land reform was not concerned exclusively with agricultural production—land for settlement was recognized as one of its products and the vision (if not the subsequent practice) for land reform located it in a wider context of rural development. “We envisage a land reform which results in a rural landscape consisting of small, medium and large farms; one which promotes both equity and efficiency through a combined agrarian and industrial strategy in which land reform is a spark to the engine of growth” (ibid.:7).

The **White Paper** also identified certain critical constraints. These included the Constitution’s property clause; “macroeconomic and fiscal constraints” which translated into a very limited

budget (“less than one half of 1 per cent of the national budget”, *ibid.*:viii); capacity and institutional constraints; as well as “physical resource” constraints (*ibid.*:8). The limits imposed by the political settlement of 1993/1994 and the macroeconomic choices made by the ANC government were also acknowledged – while there were arguments for and against market-led reform, policy was bound by the “clear constitutional authority” of the property clause (*ibid.*:16) and the importance of “maintaining public confidence in the land market” (*ibid.*:17). Expropriation was not, however, ruled out. “The government is committed to a land reform programme that will take place on a willing-seller willing-buyer basis where possible. However, where this is not possible, the state must be able to expropriate land required in the public interest” (*ibid.*:16).

After two and a half years of “piloting” land reform initiatives in each province, the DLA was more cautious than both the World Bank in 1993 and the RDP in 1994, and refrained from making any large claims about the amount of land to be transferred within five or even 10 years – in the **White Paper** the 30 per cent target for land redistribution was quietly overlooked.

The **White Paper** also argued for recognizing communal tenure systems that provide “an important survival safety net function to the poor” while allowing for “variety, flexibility and change over time”. This would necessitate developing different tenure options, “so that people are in a position to make informed choices” (*ibid.*:31). Without explicitly excluding tribal authorities, it noted that these were not necessarily democratic institutions as required for what it called “communal tenure systems” (*ibid.*:31–32).

The rights of the poor and the marginalized were prioritized in this vision, supporting a strong rhetorical commitment to targeting women as beneficiaries and to addressing gender inequities in rural life. Here, the influence of organizations such as the Rural Women’s Movement and the larger discourse of gender equity in national debate can be seen. “It is essential that gender equity be ensured in the land redistribution and land reform programme so that women achieve a fair and equitable benefit” (*ibid.*:47).

The **White Paper** identifies a number of specific mechanisms through which this was to be achieved, including the removal of legal restrictions (the reform of discriminatory marriage, inheritance and customary laws, all falling outside the DLA’s area of jurisdiction); mechanisms to ensure equal participation in projects; special provisions for financial and support services for women; gender-awareness training for officials; and development of the necessary “monitoring and evaluation” skills (*ibid.*:47–48). It was explicit on the need to ensure that “group-based land holding systems do not conflict with the basic human rights of members of such systems” and that the rules that are developed for communal tenure systems are “consistent with the principle of equality”, especially with regard to women (*ibid.*:31–32). In this line of thinking the **White Paper** positioned itself at the more radical end of the political spectrum, downplaying the role of traditional authorities in the communal areas but at the same time defending the value of communal tenure systems against the proponents of individualized, privatized freehold title.

In line with its commitment to gender equity, the DLA established a Gender Unit in 1996, which produced an internal gender policy document that elaborates in greater detail the thinking behind the **White Paper**. This document highlights the need for words to be matched with financial deeds—"[i]t is important for the Department to reflect its commitment to gender equity in the budget" (DLA, 1997c:5)—and also draws attention to the importance of training in support of gender equity within the DLA:

Provincial DLA officials responsible for the implementation of land reform programmes are remarkably under-resourced in terms of staff numbers, knowledge and understanding of gender issues, and skills in integrating gender in their work. The integration of gender concerns into land reform policies and programmes require funding, personnel commitment, awareness and skills in order to have impact (ibid.:6).

This document was formally approved as departmental policy by the Minister for Land Affairs at the same time that the **White Paper** was finalized, in April 1997.

Implementation, 1994–1999

Thus by mid-1997 an eloquent and wide-ranging policy framework was in place that aimed at restoring, securing and extending land rights within the existing property dispensation. Implementation was already proving to be a major challenge as the DLA struggled to turn policy goals into programmes, establish institutional structures and systems, recruit and train new staff while reorienting the thinking of the many officials it had inherited from the former regime, and at the same time manage the very different interests of land reform communities, landowners, provincial and national politicians and other government departments in the process.

In the space available it is not possible to do justice to the complexity of the issues involved in implementing the various components of the land reform programme in nine provinces, across 10 DLA offices (one national, nine provincial) and six Commission offices (one national, five regional). Here only a very limited synopsis of the three main programme areas is provided, and two general points made. The first is that in its initial five years, land reform failed to meet the broad political and economic objectives it had set for itself, even though its achievements at project level were not insubstantial, and were at times quite considerable. During this time the DLA found itself increasingly out of step with the government's move to the political centre. Its failure to deliver on its commitments on a larger scale, however, meant that it failed to garner much popular support, and the approach of the programme as a whole was put in question. The second point is that the **White Paper** commitment to gender equity proved difficult to operationalize at the project level, although there is clear evidence that women were targeted as beneficiaries.

*Restitution*¹⁸

By the end of December 1998, the cutoff period for lodging land claims in terms of the Restitution of Land Rights Act of 1994, just under 63,500 claim forms had been submitted to the CRLR. This figure does not reveal the full magnitude of the claims process, which requires a thorough

¹⁸ This summary draws on my own experience as Regional Land Claims Commissioner for KwaZulu Natal from 1995 to March 2000.

investigation of each form to establish which are in compliance with the Restitution of Land Rights Act (Act 22 of 1994) and encompasses many more people than claim forms. (While the majority of claim forms relate to urban family claims, many are rural community claims which could involve up to 10,000 community members.)

From the start the CRLR was handicapped by a particularly severe lack of staff and institutional capacity, as well as ambiguities and tensions with the DLA over the respective roles of the two institutions in the management of restitution and the control of resources to the CRLR via the DLA budget. The pace of settling claims was further retarded by the slow, cumbersome court process enacted in 1994 under the Interim Constitution, as well as the requirement of complex negotiations with numerous stakeholders, including historic claimant groupings that were frequently dispersed and/or divided. Very quickly many local authorities and private developers began to complain that land claims were putting into quarantine prime pieces of land needed for major development projects, including urban renewal, housing development, eco-tourism ventures or other land reform projects. As a result the constitutional ideal of restitution began to tarnish rapidly for many government officials from about 1996, especially at the provincial and local levels where no formally mandated responsibility for restitution exists.

A Ministerial Restitution Review, which concluded its work in 1998, led to a de-emphasis on the court-driven process and a shift to a more administrative process, as well as the incorporation of the CRLR more tightly into the operations of the DLA, with expanded authority over the finalization of claims (du Toit et al., 1998). This generated a noticeable increase in the number of claims being processed in 1999—although some of this gain was simply the completion of lengthy processes that had begun much earlier. By the end of March 2000, the CRLR reported that a total of 3,916 claims had been settled, involving some 13,608 households (CRLR, 2000:5). Of these, 10,552 had received land and 3,056 financial compensation, at a total cost of R178,648,602. Altogether a total of 263,868 hectares of land had been restored (ibid.). While the CRLR and Minister have emphasized the achievements represented by the recent gains, the task before the CRLR remains formidable. In my view it will take at least 20 years to finalize all claims under the current dispensation, assuming both a more substantial commitment of resources (staffing, capital budget) and greater political support from the government than is currently apparent. The Chief Land Claims Commissioner, however, taking his cue from the Minister, has gone on record stating that the majority of all land claims will be settled within five years (“All land claims will be settled in 5 years time”, **The Sunday Independent**, 7 May 2000).

In the absence of gendered data on restitution at a national level, it is difficult to gauge the general impact of restitution on women in claimant communities. A Gender Task Team has been set up within the CRLR, and hopefully this information gap will be addressed in the future. Certainly women have been included in many of the settlements, but aggregate numbers are not known, nor, more significantly, has there been any systematic assessment of how gender relationships have played themselves out in shaping the awards that have been made thus far, as well as their subsequent implementation. Given that restitution is essentially a conservative programme, aimed at redress for rights that were exercised and lost within an already heavily

circumscribed and fundamentally patriarchal land dispensation, there are limits to what can be expected of the programme in terms of extending gender equality in rural areas (on this, see Walker, 1998).

Tenure security

Tenure security has probably been the most politically difficult aspect of land reform to manage, as it has brought the DLA into conflict with two very different but equally hostile and defensive constituencies—commercial farmers, with respect to the tenure security of farm workers and labour tenants living on the land they own, and traditional leaders and tribal authorities, with respect to tenure security for the residents of communal areas. Protecting hitherto informal land rights and providing tenure security for black people living on land legally vested in others, whether private landowners or, in the case of the communal areas, the state, raise enormously complex constitutional, legal, institutional and administrative challenges as well. Multiple layers of overlapping, at times competing, interests have to be identified, different value systems about land, community and the exercise of rights reconciled, and effective systems developed for managing this process and the conflict it is likely to engender (for further discussion on this, see Claasens, 2000; Sibanda, 2000).

The programme has been most developed in relation to the security of tenure of labour tenants and farm workers. Two pieces of legislation were enacted relatively early on, the Land Reform (Labour Tenants) Act of 1996 and the Extension of Security of Tenure Act (ESTA) of 1997. The latter Act, *inter alia*, identified “certain steps that owners and persons in charge of rural or peri-urban land must follow before they can evict people” (DLA, 1999a:105). While there is general agreement among observers both within and outside of government that continued evictions of farm occupiers is a problem, officially the DLA has been non-committal about the extent of evictions caused or prevented as a result of the legislation. “Until sufficient data have been collected, it is not possible to determine the number of evictions which are taking place or the number of agreements which are being reached” (*ibid.*).

In 1999, a landmark judgment handed down by the Land Claims Court confirmed that a woman living on a farm had independent rights of occupation in terms of ESTA and could not be summarily evicted as a consequence of the lawful eviction of her husband. The Court thus demonstrated the potential inherent in the “enabling space” created by the Constitution and the legislation for furthering women’s rights, given the availability of resources to utilize these legal mechanisms. The case in question involved a married couple living and working on a farm. The farm owner dismissed the husband after a disciplinary hearing, then gave both husband and wife notice to vacate their house and made an application to the Court to evict them both from his property. At this point the case was taken up by the Security of Farm Workers Project of Lawyers for Human Rights, a legal NGO. In his court application the farm owner argued that the right of the woman to live (and, by extension, work) on his farm had ended when he had dismissed her husband. The Court, however, refused to extend the eviction order to the wife, holding that she could not, as a matter of fairness, be held to lose her rights as a result of the conduct of another party (her husband). The Court then went further and argued that the wife’s constitutional right to family life entitled her to have her husband living with her in her house,

thereby in effect nullifying the eviction order against the husband and requiring, as a consequence, that “other remedies” be sought in respect of his misbehaviour (see “Landmark decision for rural women” in DLA, 1999).

While the issue of tenure security for farm residents has achieved greater prominence, in many ways the situation in the communal areas is more serious, as a result of the collapse of centralized systems of land administration inherited from the apartheid system, widespread confusion about how traditional and democratic systems should be reconciled, as well as on-going corruption in the day-to-day allocation, administration and management of this land. Some post-apartheid government structures have also been accused of adopting an old-order mindset:

Because of lack of clarity about the status of land rights on land which is registered as ‘state land’, some of the newly-elected provincial and local governments have continued in the tradition of failing to recognize underlying land rights, and assume...that the people living on the land have no rights or say in the developments (Claassens, 2000:130).

Between 1995 and 1998, the DLA embarked on an extensive process of research and consultation to develop mechanisms that would create tenure security, give statutory recognition to the range of informal rights people held in land, and allow for transactions around land in a way that would not undermine communal interests and values, or weaken the position of the most vulnerable members of society.

An inherent danger of tenure reform is that it may create a ‘winner takes all scenario’ by transferring ownership to those with the strongest rights on the land, often at the expense of others who have always lived on the land, but have weaker rights. ...[A] critical challenge has been how to recognize and confirm underlying land rights in a way which provides real security but does not undermine social values and systems which provide a critical safety net for the poor. A related challenge has been to find a way of reconciling the Western system of property rights, based on exclusive ownership and registration, with more flexible and process driven African systems of relative rights (ibid.:132).

A draft Land Rights Bill providing statutory recognition of existing rights and proposing a new tenure concept of “commonhold” (recognizing the principle of communal ownership) was developed by the end of 1998 (Sibanda, 2000), but was shelved as a result of Minister Didiza’s policy review. The draft tenure proposals attempted to draw a legally important but politically contentious distinction between land rights holders (the people living in a designated area), local structures for managing (but not owning) those rights, and local government (responsible for developing and enforcing local planning and environmental laws). The draft Bill proposed a system of accreditation of local structures that would manage the land rights of the land rights holders, with the land rights holders themselves determining, through a democratic process, what sort of structure they wished to put in place. Under this proposal a tribal authority could become the management structure, but only if a majority of the land rights holders in a given area wished that (Claassens, 2000:139). This, it was hoped, would ensure accountability of local land management structures to land rights holders, and would bypass unpopular traditional structures while working with those that enjoyed people’s confidence.

The DLA estimated in early 1999 that between 4 and 5 million households would have been affected by the Bill through the “transfer of property rights from the State to the *de facto* owners and the devolution of land rights management to the rights holders themselves” (DLA 1999a:106). It also suggested that the Bill would “open the way for economic development by clarifying who can make legally binding decisions on the development of the land and to whom the benefits must flow” (ibid.).

Redistribution

Over the past five years a range of land reform “products” have been developed within the redistribution programme, encompassing group settlement schemes with some production; group production schemes; individual production schemes; share equity schemes (where farm workers obtain shares in existing commercial enterprises); municipal commonage projects; and projects involving tenure upgrade on existing land. The basic mechanism for land acquisition has been a Settlement and Land Acquisition Grant (SLAG) for households earning less than R1,500 a month. The SLAG was set initially at R15,000 and was later increased to R16,000 (to match the urban housing grant). The pooling of this grant enabled communities to purchase privately owned farms as a group.¹⁹

By 2000 a total of 78,758 beneficiaries were registered on the DLA’s Critical Project Database (CPD—the figure includes both completed projects and those still in process). Of note is the high participation of women, at least formally—53 per cent of all the beneficiaries registered on the CPD are male and 47 per cent female.²⁰ What is not clear, however, is the proportion of joint husband/wife registrations among these beneficiaries, nor the significance of being a registered beneficiary in terms of authority or control over the land in question. Interestingly, in the Northern Province (the most rural of all the provinces) women constitute a majority of beneficiaries, numbering 6,193 of the 12,071 registered beneficiaries.

By December 1999, a total of 667,285 hectares of land had been redistributed through these projects, according to a DLA report entitled **Perspectives on the Redistribution Target of 15%** (DLA, 2000c). This, it was noted, amounted to a mere 0.81 per cent of the total area classified as commercial farmland. Of the land redistributed, 43 per cent was in the form of municipal commonage projects, mainly in the Northern Cape (ibid.:1). If one included in the total the land restored via the restitution programme as well, then “the total share of land approved for transfer...is 1.13 per cent” of commercial farmland (ibid.:2).

Thus in terms of the original RDP target of transferring 30 per cent of commercial agricultural land into black ownership, redistribution had clearly failed dismally. 1998 was, in fact, the most successful year in terms of project and land transfer approval, involving a total of 273,416 hectares (ibid.:1)—this signalled to DLA managers and officials, if not the general public, that

¹⁹ In most cases, most of the pooled grant money would be paid over directly to the seller, using the offices of the DLA to assist with the sale and transfer of the property; the remainder would then be utilized for very basic infrastructural development (water, sanitation, roads, perhaps fencing). Additional grants could also be accessed for planning purposes.

²⁰ I am very grateful to Gerald O’Sullivan, Director of IT at the DLA, for his assistance in disaggregating the data for me on a national, provincial and project basis. While the accuracy of the data is dependent on the quality of data capture in each provincial office, this aggregate figure is nevertheless representative of the general trend.

the programme had surmounted its initial start-up problems, systems were in place and delivery would begin to gather further significant momentum. Nevertheless, it was recognized that the pace would still fall far short of what had been promised and what was expected by land-hungry people and communities waiting for projects to be developed, approved or implemented. Noting that 1998 represented “the most impressive year” in terms of the transfer of land, the DLA report concludes:

This implies that, if the pace of delivery for 1998 was re-established and maintained, it would take 45 years to redistribute 15% of the country’s commercial farm land. Put another way, to achieve the target of 15% in 5 years, would require a pace of delivery on average 9 times as great as that achieved in 1998 (ibid.).

Of interest, given the concern about the slow pace of delivery, is that to date neither the DLA nor the CRLR has used the constitutional provision for expropriation (with compensation) to acquire land. There appears to have been significant reluctance by government to use these provisions for land reform “in the public interest” – the emphasis on “willing buyer-willing seller”, the fear of negative reaction from business and international investors, and the political fallout this might engender effectively banished this option from strategic planning in the first phase of land reform.

The DLA’s “quality of life” study

While aggregate totals of people and hectares have been the main indicators used for measuring “delivery” – or the failure of delivery – these figures are very blunt instruments for determining what constitutes reasonable progress as well as for evaluating quality. In terms of assessing progress, there are no agreed benchmarks or useful points of comparison against which the relative efficiency of the programme can be measured, and the constraints and obstacles regularly cited by implementers reasonably factored into the equation. What exists is an enormous set of expectations on the part of potential beneficiaries, politicians and the general public, as well as an ill-defined and often contradictory set of imperatives: to transfer land rapidly, maximize community participation and consultation with all other stakeholders, ensure environmentally and economically sustainable outcomes, and collaborate with local government.

The gross numeric indicators also say nothing about the quality of the land that has been transferred, what benefits people may be gaining from this land, how well or badly the land is being managed, or what the community dynamics on the land may be. Are the projects that have been implemented working? Do they provide models for new projects? What are the lessons that can be learned from them for future policy? In order to probe these more qualitative questions, the Monitoring and Evaluation Directorate of the DLA commissioned a major “quality of life” household survey in 1998. Although the third such study since 1995, it is intended to serve as the first baseline study in a longer-term process of research (DLA, 2000a:1).

The study is based on a survey of 1,145 beneficiary households (6,264 people), drawn from a sample of 101 land reform projects across all nine provinces. It employed individual household questionnaires (with the land user the preferred respondent), which were supplemented by a

community questionnaire directed at leadership in each project. The sample of projects was drawn from what was understood to be the complete universe of land reform projects administered by the DLA as of the end of 1998. The final report was presented to DLA management in early June 2000 (DLA, 2000a; for assessments of the findings based on a preliminary analysis of the data, see Deininger et al., 1999; Deininger and May, 2000).

This is an interesting and useful study, not least because its findings (which carry the authority of being based on a “scientific sample”) are relatively upbeat at a time when the new Minister was casting doubt on the achievements of the first phase of land reform (see Minister for Agriculture and Land Affairs, 2000:1-2). Its findings thus warrant careful study, and it is of concern that it does not appear that this work has been used in the Minister’s policy review nor widely discussed by departmental managers. Nevertheless, its findings do need to be treated with some caution. The authors themselves warn about certain problems they encountered with the data—the size of the household and number of children appears to be understated; data may have been repeated in some of the questionnaires, and missing information was not recorded and coded consistently in all cases.²¹

From the perspective of a gender-sensitive analysis, the major shortcoming is that a survey of this kind is not the best instrument for probing issues that are at the heart of male/female relationships, such as power, authority, co-operation, values and meanings. A further problem relating to the specific design of this survey is the reliance on data obtained about the designated head of participating households to isolate and measure gendered patterns in status, access to resources and income levels between men and women. Apart from the problems associated with an unproblematised notion of household and the use of female headship as “a proxy for the missing gender breakdown” (Budlender, 1997b:2), the study’s findings indicate that “headship” (identification was a matter of self-selection by respondents) correlated with the actual land grant recipient/beneficiary in only 59 per cent of all cases. Yet there is no meaningful attempt to develop a gendered analysis of the other 41 per cent of grant holders, and the way in which the field data have been collected and coded sets limits on reworking the data to address this gap. Information as to marital status was also not collected systematically; while it may be imputed for household heads whose spouse or partner is a member of the household, this information is not available for heads who are divorced, widowed, separated or have never been married, nor is it available for those beneficiaries who are not household heads. Given that marital status is a significant factor for understanding relations of power and authority within rural society, this is considered a serious omission (which is to be corrected in the next round of interviews).

While these limitations need to be kept in mind, the preliminary findings of the study suggest that a number of the key objectives of the 1997 **White Paper** have in fact been realized: “that the land reform program has reached the poor”, while “women headed households are at least proportionally represented in the land reform programme, although it does seem that male headed

²¹ My analysis is based on the second draft of the report, not its final draft presented to the DLA in June 2000, which I had not seen at the time of writing. The authors were working to clean up some of the data problems I have identified here. The willingness of the authors of the study and the DLA to make this material available to me and to engage with my concerns is highly appreciated.

households have access to larger plot sizes on average" (DLA, 2000a:iii). In other words, even though the redistribution programme was not reaching large numbers of people, those that it was reaching were drawn mainly from the poor or very poor. Thus the "quality of life" study found that 78 per cent of participating households fell below the monthly poverty expenditure line (set at an income of R476.30 per adult "equivalent"), with 47 per cent falling within the "ultra poor" category of households existing on less than half the national average. Women-headed households were found to make up 31 per cent of the total (DLA, 2000a:26) – interestingly, the gender of household head was found not to be a significant variable in determining where households fell in terms of incidence, depth or severity of poverty (ibid.:v).

Less positive are the findings on land use, where the sample indicates that little land is geared toward agricultural use (whether for own use or for exchange). Plot ownership is divided between individual and community ownership. In the case of individual ownership, few households reported growing any food. Settlement was the major purpose to which this land was being put, with nearly three quarters (72 per cent) of all such plots being used for residential purposes. The proportion of plots being used for crops was 8 per cent, 16 per cent were either vacant or lying fallow, and 4 per cent were being used for grazing or "other uses". In the case of communally owned pieces of land the level of agricultural use was found to be significantly higher; but even here, less than half the plots were being used for agricultural purposes (26 per cent for grazing, 9 per cent for crop production, and 10 per cent rented out for farming purposes). Just less than a quarter of this land was lying fallow or vacant (ibid.:iv). Of note is that female-headed households were found to have "fewer and smaller" plots and to be less likely to use their land for agricultural production, with more female-headed than male-headed households using land (across both individual and communally owned plots) for residential purposes – 58 per cent compared to 51 per cent of all male-headed households (ibid.:52).

These findings raise a number of questions. The survey was not designed to establish why so little agricultural activity is recorded – whether this reflects the newness of the projects, incomplete recording of food gardens, the lack of extension and other support services, the type of projects sampled, an overriding interest in residential security above other land uses, or a combination of these and other factors. Because one is dealing with aggregate data, it is also not possible to relate the information back to specific projects where some of these questions could be addressed. The preponderance of female-headed households utilizing land for residential purposes suggests a bias against their access to non-residential land, but it may also reflect a degree of choice by women to utilize land reform to improve their residential security in keeping with the "multiple livelihoods" strategy discussed earlier. This is the sort of issue that awaits further, qualitative research.

Clearly, if land reform is seen as tied primarily to agricultural activity, it is not yet realizing this objective – although whether this is a structural failure or a reflection of the newness of many of the projects is not clear. The provincial Director for DLA in KwaZulu Natal has spoken of a number of projects where very recently, after no evidence of farming activity since their inception, crops are being planted and marketed (Clacey, interview); this suggests that time factors

are important considerations in both project design and assessment. Yet despite the low level of agricultural activity, the study does reveal that other forms of economic activity are taking place, including equity schemes, woodlots, forest plantations, craftwork, “processing facilities” (not defined) and a large number of other, unspecified activities. A total of 118 projects (including agricultural projects) were identified across the 86 communities surveyed (ibid.:108). The study notes a wide disparity of project types across and within provinces (suggesting the need to develop different procedures and requirements for accessing the land grant, depending on the type of project). Of note, however, is that about half of the communal projects were found to be generating an income, “though few are making any profit”. The authors conclude that this is not surprising considering that projects are only two to four years old, but suggest this indicates a need for “micro-enterprise support” (ibid.:vii). The study also found that about 15 per cent of the projects reported an income for beneficiaries that was deemed “not only...a very favourable return on the land acquisition subsidy of R16,000, but also [would] be more than sufficient to lift beneficiaries out of poverty” (ibid.:viii).

The study highlights this as an important finding: “This is an indication that the limited success in implementation thus far should not obscure the fact that an appropriately structured land reform program has considerable potential for productive development and poverty eradication” (ibid.:viii). It also notes that the rate of delivery of projects has picked up, while project size (that is, the number of participants per project) has decreased over time, which is interpreted as signalling an important shift toward smaller groups and more effective projects. Despite a marked gap between expectations and outcome—for instance, 80 per cent of the people surveyed reported that they had expected to generate an income through the planting of crops, but only 20 per cent had realized this—the study also found that a significant majority (71 per cent) were satisfied with the programme (ibid.:ix). Of some concern, however, was that knowledge about the management systems for projects was very low even though community meetings were taking place regularly (ibid.:ix).

The Executive Summary for the study concludes on a positive note:

While a lack of both clear goals and an unambiguous implementation structure has thus far hampered the impact of the land reform process, the report has shown that there is productive potential that can be utilized to provide tangible benefits to the poor and lift them out of poverty. Furthermore, access to land appears to increasingly bring with it access to essential services thereby bringing improvements to the quality of life of the beneficiaries (ibid. xi).

What the study suggests is that the weakness of land reform before 1999 as a poverty alleviation programme lay not in whom it targeted, but in the scale of the intervention—the absolute number of the poor who were reached through projects—as well as in the lack of consistent support for ongoing project development, whether in agricultural or other types of enterprises.

The study may be useful in defending the positive aspects of land reform in the past five years and counteracting invariably negative perceptions. The financial daily, **Business Day**, for instance, carried a small report on 16 May 2000 headlined “Land reforms are working”:

...a study commissioned by the land affairs department has found that existing land reform projects are 'well targeted at those in greatest need' and have improved their quality of life. This seems to contradict claims that land distribution based on the R16,000 land acquisition grant has done little more than create rural slums and 'poverty traps'.

Asked to comment, Deputy Minister for Agriculture and Land Affairs du Toit appeared concerned to downplay the differences between current and previous land reform policy by emphasizing a continued commitment to the poor – "government was merely refining policy so as to cater more effectively for the poor", he was quoted as saying. At the same time, it was seeking to diversify the range of land reform products through a sliding scale of acquisition grants. "People will be able to move upwards, step by step, from subsistence to a lot more surplus production. We do not want people left in everlasting poverty" (ibid.).

With regard to the impact of land reform on the position of women, however, the quality of life study has rather limited utility, mainly because of its focus on household heads rather than beneficiaries. The most significant finding is the high number of female beneficiaries – just over 45 per cent of the total (DLA, 2000a:26) – which figure is corroborated by the DLA's CPD figures already cited (53 per cent male, 47 per cent female). Clearly women have been targeted in beneficiary selection, even though it is not clear what being a beneficiary means for those women (and men) in terms of decision-making powers and authority over land, the areas where unequal gender relations are most likely to be expressed. At the workshop I held in June 2000, a number of participants were sceptical of the participation figures, suggesting that what was being reflected was the joint listing of husbands and wives as beneficiaries in relation to the same project or piece of land, and not women's independent rights in land. This is something for further investigation; nevertheless, even if it is the case, it still suggests that some important gains have been made by women within land reform projects in terms of formal recognition and registration of rights in land – that enabling spaces have been used or made available by officials.

The study also reveals a number of differences between male and female beneficiaries, which confirms the importance of disaggregating data from a gender perspective for monitoring and evaluation purposes, and of understanding the different needs and perspectives men and women are likely to bring to land reform projects.²²

Thus more male beneficiaries than female were household heads. Just under three quarters of male beneficiaries (74.3 per cent) were identified as heads of household, with the balance being made up mainly by sons of household heads (male or female, 14.3 per cent). In contrast, only 40 per cent of female beneficiaries were household heads; with 31.5 per cent being wives and 14.6 per cent daughters. This reinforces the need to supplement the survey data with more studies that look at power relations between household members as well as within project communities. Not unexpected but of significance nevertheless, female beneficiaries were also noticeably less likely to be in either regular or casual employment than were male beneficiaries: 35.2 per cent of the male

²² I am grateful to Benjamin Roberts of the School of Development Studies, University of Natal, for the work he did for me on disaggregating the data, as well as to Julian May for supporting this work.

and 22.1 per cent of the female beneficiaries were in regular employment, while 9.1 per cent of the male beneficiaries and 4.8 per cent of the female beneficiaries were in casual employment. Female beneficiaries were also likely to live in households with higher child dependency ratios than were male beneficiaries, with an average of 1.5 children under 15 in male beneficiary households compared to an average of 1.8 children in female households. Since female beneficiary households were also slightly smaller on average than were those of males, this means the child dependency ratio on adult income earners was even higher in these households.

Interestingly, only marginal differences existed in the educational profile between men and women, which in both cases was generally very low (reinforcing the general conclusion that projects were targeting the most disadvantaged sectors of society). Thus approaching one third of beneficiaries, and marginally more women than men (31.8 per cent compared with 30.1 per cent), had no education, while 71.3 per cent of male and 72.4 per cent of female beneficiaries had only Std. 5 (grade seven) education or less. Only a very small number had completed high school—7.5 per cent of male and 6 per cent of female beneficiaries were recorded as possessing a matric certificate. Interestingly, marginally more women than men had a post-matric qualification—2.3 per cent of female beneficiaries as opposed to 2 per cent of the male beneficiaries.

Criticisms of the first phase of land reform

Despite the positive achievements noted by the quality of life survey, public perceptions of the first phase of land reform are overwhelmingly negative. Virtually everybody, from left to right across the political spectrum, has been united in their criticism of the failure of “delivery”, a concern that has been accentuated but not precipitated by developments in Zimbabwe. This weakened the position of the previous Minister for Land Affairs politically, and has put DLA officials on the defensive in their dealings with the public and other government departments.

The most common criticism, as noted, concerns the failure of land reform in scope and in speed. Other criticisms have focused on the quality of the projects themselves. Both proponents and opponents of land reform have raised a number of concerns: that land reform is not supporting the productive use of land; that the infrastructure required for development has not been put in place; that land reform has not addressed rural poverty or landlessness; and, most harshly, that all that land reform has achieved is an extension of the former Bantustans and a perpetuation of the apartheid “closer settlement” model of resettlement. The market-driven nature of the programme and the cost of acquiring land from private landowners have also come under fire from land sector NGOs, while the tenure security legislation has been condemned by farmers’ organizations for imposing undue restrictions on their ability to run their farms and for encouraging—rather than preventing—evictions. The DLA has also been criticized for not spending its budget; this criticism reflects a more general concern about mismanagement of state funds and the failure of a number of national and provincial departments to spend funds allocated for social services.

As the previous discussion indicates, these criticisms carry considerable weight. However, the “failure of land reform” is matched by a “failure of alternatives”—criticisms are rarely accompanied by systematic policy alternatives that take on board the broader context of macroeconomic

policy (including the absence of a serious rural development strategy), the political dynamics surrounding land reform, the institutional weakness of government, especially at the local level, and the enormously complex, necessarily slow and always untidy process of establishing viable projects in actual communities. This is not to exonerate the DLA, but to draw attention to the need to raise the level of analysis and debate, to craft better the unstable balance between vision and pragmatism. Making the task even more difficult is the political urgency surrounding land reform, which derives its force from compelling socioeconomic need, harnessed to a rhetoric of transformation that few politicians appear prepared to moderate.

A number of studies have looked at the programme in terms of its impact on women. The general consensus is that it has not made much difference to women's lives (see Sunde, 1996; Hall, 1998; Meer, 1997a; Walker, 1998; Hargreaves and Meer, 1999). A major criticism has been that the DLA has failed to integrate its gender policy commitments with its land reform practice, a view shared by the Gender Unit of the DLA (Manthatha, interview). Another concern has been the tendency to work with an undifferentiated notion of "women", which obscures real differences between women in different economic circumstances, as well as in different parts of the country and different categories of tenure or land need. A discussion paper prepared for a 1996 Conference on Women on Farms notes that because of the tendency to regard women as a homogeneous group, "policy makers are failing to identify and analyse problems correctly in relation to different groups of women". It continues, "As a result, emerging policies are unable to identify and implement appropriate strategies to overcome problems affecting women in general, women in rural areas, or women on farms" (Cole and Friedman, 1996:5). More recently, Hargreaves and Meer have again drawn attention to a general lack of conceptual clarity, which "results in the goal of gender equity being made peripheral to the main thrust and emphasis of the land policy" (1999:266); they also criticize the DLA's failure to put in place "the correct mechanisms to ensure that the commitment to gender equity is actually implemented" (ibid.:267).

They suggest that part of the problem is that equality for women has been conceptualized in terms of women's relationship to male partners (through, for instance, joint titling), rather than in terms of independent rights for women. This criticism was raised by Sunde (1996) at an early stage in the development of DLA policy:

The present definition of household, and the proposed notion of an 'eligible individual' both fail to acknowledge an individual's independent rights to a land reform subsidy. As the definition stands one may only access a subsidy *in relation to* a dependent or another person. This contradicts the very basis of the Bill of Rights which rests on the notion of an individual's rights. Although in practice this might not preclude an individual woman from being given a subsidy if a particular District Office facilitates this, beneficiaries' perception of 'the household' appears to rest on patriarchal notions of the household and the danger exists that these notions will be reinforced (1996:8).

Elsewhere I have suggested that the process of social change in gender relations does not fit neatly into the budget and project cycles of government departments, and that there are limits to what government can achieve in changing power relations around gender in the absence of

strong local leadership on the issue, backed by external support from NGOs or other networks (Walker, 1998). Policy interventions require judicious evaluation on an ongoing basis. What women want, which is likely to be informed by what they regard as socially appropriate and/or possible, must also be taken very seriously. An insistence on individual rights for women under all circumstances may, in the absence of social institutions that support such rights, work to women's disadvantage, by further weakening the principle of reciprocity within and between households and putting joint income strategies at risk. While idealized notions of "the family" or "the household" that presuppose a harmonious convergence of interests between members are rightly criticized, the converse view, that sees only conflict and contestation between members, especially between men and women, also needs refinement.

How joint titling or individual title is working in practice, which women are benefiting from land reform, in what ways and in what sorts of projects, and how and to what extent DLA (and other) officials understand and operationalize departmental commitments to gender equity at the project level, are all issues that warrant more sustained investigation. It is likely that from such work a package of gender-sensitive policy interventions, that can be adapted to a range of different circumstances, will emerge, rather than a single blueprint.

2.2 Shifts in 1999–2000

The 1999 elections saw the ANC returned to power with an overwhelming majority. President Mbeki took office from former President Nelson Mandela and initiated a cabinet shuffle, which saw Minister Hanekom replaced by Minister Didiza (previously Deputy Minister for Agriculture) as Minister for Agriculture and Land Affairs. With Didiza's appointment the first phase of land reform, rooted in the land rights struggles of the 1980s and early 1990s and guided by the vision of the RDP rather than GEAR, came to a close. In the current phase the political influence, perspectives and priorities of the NDA have come to the fore, and land reform is now tied closely to that Department's goal of transforming commercial agriculture. In pursuit of this strategy, Minister Didiza has redesigned land redistribution as an integrated project involving the Departments of Agriculture and Land Affairs, instructed officials to redraft the Land Rights Bill, and replaced a number of senior staff recruited into the DLA by the previous Minister. In keeping with the Mbeki government's concern to pay more attention to rural poverty, the restitution programme has also been directed to concentrate on rural claims—as a consequence, the co-ordination of national policy on urban claims has been languishing.

The year up to the time of writing has been one of considerable turmoil and uncertainty within the DLA. Institutional flux has impacted negatively on both productivity and morale—a number of people I interviewed expressed concern at the continuing drag this is likely to exert on the implementation of land reform within the new dispensation. Exacerbating the tensions produced by the restructuring of the DLA, the fall-off in productivity, and the turnover in senior management, has been the dangerously debilitating racialization of much of the debate. It is certainly possible to trace the ascendancy of a strong Africanist tendency within the Ministry and DLA after 1999 (Africanist in the sense of promoting a self-consciously afrocentric leadership and set of cultural values). In part this derives from a drive to speed up the process of internal transformation toward a racially representative institution and to eliminate any

vestiges of white racism within the DLA (and NDA); in part, it draws its inspiration from the notion of the African Renaissance promoted by President Mbeki. At times it may also serve as a channel through which internal conflicts over authority and struggles for position and power may be fought—and won. Nevertheless, the view that “race” and racism (whether white or black) have permeated all agendas misrepresents the complexity of the issues. Institutional, personality, political and ideological factors are intertwined in a dense thicket of causality—race consciousness, although (not surprisingly) prevalent throughout the DLA and NDA, is not the only, even the primary, political issue, nor the only influence on behaviour.

As with the debate on “tradition” it becomes very difficult to engage these issues in open debate, which in turn leads to further polarization along racialized lines. What does need to be better understood is the role that particular social and political networks, rooted in but not fully defined by a racially and culturally divided past, have played in the development of policy, the appointment of senior personnel, and the dissemination of rumour and opinion within the DLA and NDA—in both the first and the current phases of land reform. Arguably, the failure of the previous Minister and senior DLA management to broaden their network sufficiently in the first phase of land reform severely limited their ability to defend their achievements in the Mbeki era. Furthermore, in a race-conscious environment, the fact that this network drew together a number of prominent white land rights activists assumed greater political significance and has been given greater explanatory weight (by both supporters and detractors) than the fact that this network was never an exclusively white grouping and did not draw in all white managers within the institution. Similarly glossed over in single-factor, racialized explanations is the fact that the current Minister’s policy network and policy direction does not command automatic support from all black staff, including senior managers, as a result of some assumed or proposed racial solidarity.

The main features of the new policy direction have already been outlined in the Introduction. The following discussion focuses on what was called, until early November 2000, the Integrated Programme of Land Redistribution and Agricultural Development and on the latest tenure security proposals for the communal areas.

The Integrated Programme of Land Redistribution and Agricultural Development

In February 2000 Minister Didiza proposed to restructure the redistribution programme into two main subprogrammes: (i) a so-called “food safety net” programme, which would essentially continue the existing grant system for poor households; and (ii) a commercial farmer programme consisting of three grant “windows”, through which the government would contribute approximately 70 per cent, 40 per cent and 20 per cent of the total project cost for small, medium and large projects respectively (Minister for Agriculture and Land Affairs, 2000). At this time the Minister also set a target of redistributing at least 15 per cent of farmland in five years (*ibid.*:13).

Between then and the release of a “final draft [policy] document” in June 2000, these two subprogrammes were collapsed into one with the elimination of the principle of an outright grant for very poor households. It is not clear how or why this came about; a comparison of various draft documents indicates it happened late in the drafting process and caught a number of DLA officials by surprise. The June 2000 document has been through a number of revisions

but this principle has remained intact since then, with the wording in the June document and the “final draft document, version 3” of November 2000 essentially unchanged on this issue. “Beneficiaries can access a range of grant sizes (R20,000 to R100,000)” (Ministry for Agriculture and Land Affairs, 2000b:2 and 2000c:1), but the award of the grant is dependent in all cases on the beneficiary’s “own contribution” in either cash, labour or kind (such as equipment). The grant will operate on a sliding scale with a minimum of R5,000 “own contribution” required to access the smallest grant of R20,000 (Ministry for Agriculture and Land Affairs, 2000b:2).²³ This, it is argued, “is enough to assure the commitment of the beneficiaries to the project, but not too high to exclude the poor” (ibid.:5) – how the drafters arrived at the figure of R5,000 and reached this last conclusion is not explained. In order to qualify for the maximum grant of R100,000, an applicant would have to make a contribution of at least R400,000 (that is, 80 per cent of the total project cost), through bank financing if necessary; since no ceiling appears to be set on the size of projects eligible for consideration for the maximum grant, large farming enterprises would be covered too (see ibid.:6).

The early departmental (RDP/World Bank) target of transferring 30 per cent of the country’s agricultural land has been revived, this time to take place over 15 years (ibid.:1). No figures are given for the actual area to be thus transferred, but according to my calculations it would be in the region of 24.6 million hectares (30 per cent of 82,210,000 hectares), or 1.64 million hectares a year (24.6 million hectares divided by 15 years). An earlier draft (15 May 2000) proposed transferring the bulk of this land, 15 million hectares, in five years, but this particularly ambitious target has been reconsidered and does not feature in subsequent versions (see Ministry for Agriculture and Land Affairs, 2000a:1).

To put the scale of these projections in perspective: as described earlier in this paper, in the first five years of land reform less than a million hectares – that is, on average less than 200,000 hectares a year – were transferred through the restitution and redistribution programmes combined. While the speed of delivery began to pick up in the late 1990s, the latest annual target is still approximately six times greater than the largest amount of land transferred under the redistribution programme in any one year up to the time of writing (273,416 hectares in 1998). The transfer targets thus represent a huge undertaking, and it is of concern that they seem to have been made with little or no cognizance of the experience gained by the DLA in the first phase of land reform. This indicates that a quite extraordinary increase in budget, official capacity, interdepartmental co-ordination and political consensus will be required to achieve such targets, none of which is yet in evidence. Expropriation and mechanisms to “induce” white farmers to put land on the market are being considered more favourably than in the past (“White farmers face pressure”, **Business Day**, 22 June 2000), but while this should increase the amount of land available for land reform, expropriation still requires budgets, staff and adherence to legal procedures, and is not in itself a quick-fix solution.

²³ After the June 2000 document, three other versions were put into circulation. Version 1 is essentially the same text as the June document cited here, with some minor changes to the text and layout. Versions 2 and 3 introduce new textual elements that appear designed to deal with some of the criticisms levelled at the policy, in particular clarifying that the new programme supplements rather than replaces the existing redistribution programme, stressing an ongoing commitment to meet the needs of the poor, and highlighting the commitment to targeting women as beneficiaries while glossing over the role of traditional leaders in the communal areas.

What is not clear is how much the disposal of state-owned land is intended to contribute to the transfer target. State land is mentioned in the June 2000 policy document, but the amount of land involved and its relationship to the redistribution figures set out in other sections of the document are not made explicit. However, in May 2000 the Deputy Minister for Agriculture and Land Affairs announced government plans “to resettle about 70,000 black commercial farmers on nearly 2 million hectares of state land over the next 15 years” (“70,000 black farmers to get state land”, **The Mercury**, 9 May 2000); this initiative has been profiled in the media as a major component of an accelerated redistribution effort. But if state land is being seen as part of the solution to the challenge of rapid redistribution, the experience of the past five years should also signal caution. Procedures for the disposal of state land are mired in a bureaucracy stretching beyond the DLA, while much of the land owned by the state is either already settled, communal land or subject to land claims, both formal, in terms of the Restitution of Land Rights Act, and informal. Two million hectares represents, in any case, a relatively small proportion of the overall target of 24.6 million hectares in 15 years.

A major emphasis of the new redistribution programme is the productive, specifically agricultural, use of land through a range of activities “such as, food safety nets projects, commonage projects, equity schemes, production for markets, and others” (Ministry for Agriculture and Land Affairs, 2000b:Executive Summary, 1). Purely settlement projects will no longer be eligible for funding, but will be referred to the Department of Housing for accommodation within its programmes instead. It is argued that the other types of land reform projects developed after 1994 can all be accommodated under the new programme, but there will be greater flexibility for beneficiaries, who will be able to access grants tailored to support their specific project needs and project designs rather than a predetermined range of “land reform products” as in the past (*ibid.*). The promise of the new programme is, however, that it will address major problems with the previous programme, in particular the “questionable improvement in the well-being of beneficiaries” and assisting not only subsistence but also small- and medium-scale agricultural producers (*ibid.*).

Another development is that, unlike the SLAG programme of the first phase, which allocated grants to households who qualified on the basis of income criteria (that is, they fell below the ceiling of R1,500 a month), the new programme targets individuals and also redefines the qualification criteria. Income is no longer a consideration; instead applicants have to be South African citizens “who are members of previously-disadvantaged groups including Africans, Coloureds and Indians...who are committed to use the grant to purchase or lease land for agricultural activities” (Ministry for Agriculture and Land Affairs, 2000c:6). While the stress is on individuals, they may, however, choose to pool their individual grants in joint projects. This means that more than one member of a household could be eligible for grants that could, in terms of the policy, be either pooled or used for separate projects.

A very important imperative for the new programme is to “overcome the legacy of past racial discrimination on ownership of farm land” and “facilitate structural change over the long run by assisting formerly disadvantaged people who want to establish small and medium farms”

(ibid.:1). Official accounts of the policy insist that, in the words of recently appointed DLA Director-General Mayende, “the landless and poor will continue to benefit from these various redistribution products” (“The myth and reality of land reform”, *The Mercury*, 14 July 2000). Nevertheless, it seems clear that the transformation (deracialization) of commercial agriculture is the primary goal. Mayende expressed it thus in a recent newspaper article:

What the critics...do not understand is that Ms Didiza has introduced a mechanism whereby a dynamic interface between land access and agricultural development is being created. There has never been equivocation about the fact that this programme focuses on a specific category of land reform beneficiary—the emergent black farmer. ...In essence, therefore, this programme offers black entrepreneurs who have a demonstrable interest in agriculture a unique opportunity to enter into and become participants in the agricultural economy, and by extension in the mainstream of our national economy (ibid.).

Whereas at first it appeared that this programme was to constitute the full redistribution programme of the DLA, the November 2000 policy document recasts it as a “sub-programme of the land redistribution programme” (Ministry for Agriculture and Land Affairs, 2000c). However, the absence of any clear budgetary commitment for the other subprogrammes, as well as the lack of clarity on their scope and relative prioritization, indicate that the main political commitment within the Ministry is to Land Redistribution for Agricultural Development (LRAD) as the flagship of the new land reform policy.

With regard to the budget and likely number of beneficiaries, it is noted that it will only be possible to determine total costs “after observing demand in the early stages of implementation” (Ministry for Agriculture and Land Affairs, 2000b:19). Initial projections presumed a total of 200,000 applicants for the small (R20,000) grants and 30,000 applicants for the larger grants (at an average of R50,000), to arrive at total figures of 230,000 beneficiaries, at an estimated cost of R5.5 billion over the life of the programme. This translates into an annual cost of R366 million—within the DLA’s allocated “transfer” budget (R408.4 million for 2001) but totally unrelated to the budget required to meet the redistribution target of transferring 30 per cent of agricultural land to black people within 15 years, which would cost much more if the market is to be followed.²⁴ The projected figures lead to an average land holding per beneficiary of 107 hectares (though clearly large variations in size are anticipated). Interestingly, the November 2000 policy document hypothesizes a larger pool of 250,000 applicants, whose total grants could cost between R16 billion and R22 billion (Ministry for Agriculture and Land Affairs, 2000c:11)—the sharp increase in projected costs suggests that more large grants have been factored into the equation and also, possibly, that more thought has been given to the market value of land and redistribution targets.

Initially, women’s participation did not appear to be a major concern. In early drafts a minimalist quota of 20 per cent was set for women’s participation in the programme. The quota idea

²⁴ By way of illustration, the 1996 market value of all farming land and fixed improvements in South Africa was put at R46,958,933; 30 per cent of this figure is in the region of R14.089 million (Statistics South Africa, 1996:61). By the year 2015 this figure will have increased substantially.

subsequently disappeared from the June 2000 document, where the commitment to gender equity was simply that “[m]en and women will have equal access to all benefits under the programme and women will be actively encouraged to apply” (Ministry for Agriculture and Land Affairs, 2000b:8). The November 2000 document, however, gives greater prominence to “redressing gender imbalances”, devoting a couple of paragraphs to it and including reference to the government’s international commitments to the 1995 Beijing Platform for Action and the 1996 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The level of commitment to women’s participation appears to be increased, albeit in ambiguous terms: “altogether not less than one third of the transferred land resources must accrue to women” (Ministry for Agriculture and Land Affairs, 2000c:3). However, no details are provided on how officials on the ground are to ensure this is achieved in practice (other than that women will be able to apply as individuals or in groups on their own behalf). It is interesting that the operational target of one third is applied to “land resources” transferred rather than to the number of women beneficiaries. In the absence of further discussion within the document, it is not clear why this has been chosen as the measure, but the phrasing does accommodate a number of very different outcomes in terms of the number and economic status of the women who participate. (Thus the same total area of land could be transferred to a very small number of women, or to a much larger number, depending on the size of the individual plots involved.)

Reflecting the institutional politics involved in the process, the role of the DLA in the programme appears considerably reduced, to responsibility for supplying the budget for the programme; developing a database of available land for purchase by would-be farmers; assisting at the provincial and local (district) levels with grant approval, land survey and registration; and providing information and training to participants and agents. The role of the NDA is enhanced, in recognition of the agricultural focus of the programme, to include feasibility assessments of proposals, convening the grant application committee at the provincial level, and providing extension support services to farmers in the programme. The programme also envisages a potentially large role for what are described as “design agents” drawn from the private sector or NGOs, who could be drawn on to assist applicants with packaging and processing their applications on a commission basis.

Of note, given the unresolved debate on customary law, tenure reform and the powers of traditional leaders in the communal areas, is that the November 2000 document is more reticent on the application of the grant system in the communal areas than earlier versions of the policy position were. In June 2000 it was envisaged that people in communal areas could also access the grant to buy, under individual title, sections of communal land from willing “communities and traditional leaders”. What was proposed was a form of sectional title, with the traditional authority seen as “the seller in the transaction” (Ministry for Agriculture and Land Affairs, 2000b:16). How this was intended to work in practice, why the traditional authority became the seller, and what the implications were for the “nested” land rights and tenure security of the other members of the community – including women – who might not want or be in a position to exercise this option, were not spelled out. At the research workshop I held in June 2000, this proposal was a matter of grave concern. It was also taken up by a number of land sector NGOs.

In the November 2000 document there is no reference to using the grant to purchase land within the communal areas. The discussion is limited to one paragraph, which avoids making any commitments around the underlying tenure issues and notes simply that people living in the communal areas, who “already have secure access to agricultural land...would be eligible to apply for assistance so as to make productive investments in their land such as infrastructure or land improvements” (Ministry for Agriculture and Land Affairs, 2000c:2).

Many fundamental questions remain about the programme, which are difficult to answer at this stage. Thus monitoring its development and operationalization in the coming months will be an important task. It is not yet clear how it is to be financed (apart from fiscal constraints, the mechanisms for releasing the money through the DLA budget are not yet in place), how effectively state land will contribute to its objectives, when it is to be launched, and what regulations will be put in place to govern its operation. What is certain is that it will take time as well as major commitment from both management and field staff, in the DLA as well as in the national and provincial departments of Agriculture, to develop the systems and capacity needed to run the programme efficiently.

With regard to potential beneficiaries, given the serious difficulties facing commercial agriculture, it is not clear how aspirant commercial farmers will cope with the hostile economic conditions that prevail without a turnaround in state policy on deregulating agriculture, and what the implications of this might be for macroeconomic and land reform policy. Nor, in the current macroeconomic climate, is it clear what level of demand there will be for the bigger grants, and how successfully this will lead to the transformation of agriculture through the emergence of a sizeable class of small to medium black farmers. At the other end of the spectrum, it is not clear how the formal commitment to the poor and the landless will be given effect, in particular how the “own contribution” will be administered and how poor rural people will deal with what is likely to prove a major barrier to participation—in cash terms R5,000 is the equivalent of a year’s wages for a farm worker. There are as yet no official guidelines on how payment in cash and in kind are to be equated so as to weight each fairly, and also avoid excessive official discretion, which, if not properly controlled, could lead to corruption and abuse. Nor is there any indication how the commitments to advancing gender equity are to be met and how poor rural women in particular are to be assisted to overcome the additional social and economic barriers they can be expected to encounter in seeking to participate independently in the new programme.

Redrafting the tenure bill for communal areas

With regard to tenure security in the communal areas, policy development is still at a relatively early stage, making it even more difficult to comment authoritatively on the final outcome. In her policy speech in February 2000, Minister Didiza indicated that the state intended to shed its inherited role as owner of this land, in favour of “the previously disadvantaged people, groups, communities or tribes”, and urged the DLA officials responsible for drafting the tenure legislation to expedite the process of developing new instruments whereby this could happen (Minister for Agriculture and Land Affairs, 2000).

At the time of writing, the policy documents giving content to the new direction are still being drafted and, as already noted, there are unresolved ambiguities on a number of points in those draft documents that are available—in many ways these stem from the problems already described, with which the first phase of policy development was grappling. The responsible officials are struggling to synthesize divergent political and philosophical considerations. However, it does appear that traditional authority structures will gain stronger recognition in this process than was permitted in the past, although it is also intended that a range of different arrangements may still apply, depending on the wishes of “the group” or “the community” or “the tribe” or, another term favoured by some officials, “the African traditional community” (Sibanda, interview). In her February speech, Minister Didiza used both the couplet “tribes/communities” and the single term “tribes” to delineate who should benefit from the disposal of state land; she also argued for the importance of building on “existing local institutions and structures” to reduce costs and ensure “local commitment and popular support” (ibid.:11). The DLA’s **1999 Annual Report** summarizes the position thus:

The proposed enabling framework should enable the transfer of land to tribes, groups or communities where applicable upon request. ...Furthermore, such legislative mechanism would provide for the utilisation of existing tribal, group or community structures to play a role in the land management system (DLA, 2000d:111).

It is not clear who will determine which of these social groupings should predominate in any given transfer, or how the inevitable disputes that will arise between competing interest groups and types of social organization will be mediated. This was one of the key challenges confronting the drafters of the now shelved Land Rights Bill. That traditional authorities are likely to be most advantaged by the policy when it is finalized is suggested both by the acknowledgement already given to them as “sellers” of communal land within the new redistribution strategy, and by the general enhancement of their power politically that has been described in the first section of this paper. At the time of writing, local government elections are on the horizon, and it is thus unlikely that we will see major moves to subordinate the claims of assertive traditional authorities to the plebiscite-type proposals suggested by the earlier drafters of policy.

The serious implications for women if unreformed tribal authority structures are to own or manage the land are recognized by the drafters of the policy—the difficulty the principle of gender equity poses is seen as a real problem that has not yet been resolved (Sibanda, interview). In this area, the DLA is working with its counterparts in the Department of Provincial and Local Government who are responsible for drafting the **White Paper on Traditional Leadership**—who, as noted earlier, have not yet resolved this dilemma either. Of concern here, given the history of the debate over gender equity and traditional leaders in the constitutional negotiations in 1993/1994, is that there has been a suggestion that the new tenure proposals may not require new legislation but might be implementable by making use of certain laws and regulations that are already in place (Sibanda, interview)—including the Upgrading of Land Tenure Rights Act (ULTRA) (Act 112 of 1991), a piece of “reformist” apartheid legislation. A consequence of using existing legislation is that public debate on the policy will be limited, thus

making it far harder for gender activists to mobilize public opinion and legislators around the issue of gender equity and utilize the “enabling space” gained for women in 1993/1994.

3. Conclusion

Clearly there are continuities in land reform between the first and current phases, indicated at the broadest level by the fact that the 1997 **White Paper on South African Land Policy** is still in place. Nevertheless, although the Minister for Agriculture and Land Affairs has played down the differences between her policy proposals and those put in place by her predecessor, there are important distinctions between them. These embrace key points of principle, as well as differences in both emphasis and the style of policy making. While not abandoned, poverty alleviation strategies have retreated, and the transformation and deracialization of commercial agriculture has come to the fore as a major policy objective. The requirement of an “own contribution” in order to qualify for a land reform grant, in particular the level at which it has been set, will exclude the poor—even though provision has been made for payment in kind, R5,000 represents a year’s labour at the average farm worker wage and poor households will struggle to release this amount of time and labour. This type of contribution will become even more difficult for poor households as HIV/AIDS tightens its deadly grip on rural society. Another shift from the first phase of land reform is the strong emphasis on private ownership of land over other forms of tenure, even in the communal areas. Although freehold tenure has been privileged within land reform since 1994, in the late 1990s serious attempts were made to develop instruments that would better support communal systems and recognize the manner in which layers of rights are “nested” in this land (Claassens, 2000).

The parallels between the new policy direction and that proposed by the World Bank in 1993 have already been noted. In many ways it seems that the World Bank **Options** have been recycled and somewhat recast by the NDA. While current targets are more modest, however, they remain very ambitious (250,000 beneficiaries over 15 years as opposed to 635,000 households over five years). Also new are the narrow focus on agriculture, to the exclusion of rural development more broadly, and the failure to consider seriously the plight of the very poor.

With regard to the style of policy making, there are worrying signs of a top-down, closed-door approach within the Ministry for Agriculture and Land Affairs, which does not include all senior departmental officials and limits the contribution of civil society to an erratic process of “consultation” by invitation and at short notice. The decision to abandon the outright grant to very poor households was taken without engaging land rights NGOs or rural organizations; it seems that not all senior officials within the DLA were canvassed on this either. As already noted, it does not seem that sufficient care is being taken to consider, understand and reflect upon the experience of land reform garnered by government in the past five years. This goes way beyond the limited findings of the “quality of life” survey. There is a wealth of information and insight within the DLA and the Commission on Restitution of Land Rights and other sectors, which is pertinent to the ongoing challenges of land reform, with which the new policy makers should engage with in a more systematic and, dare one say it, humble way. The

perception within government that the earlier phase of land reform has failed, as well-grounded as it may be in terms of outputs measured against goals, has seemingly obviated the need to look more closely at precisely what failed and why, and, in so doing, engage with ongoing challenges to the current phase of land reform as well. One of the lessons coming out of this experience concerns the limits to government capacity to implement the new programme within the envisaged time frames. The very real institutional and budgetary constraints have not been taken on board. Given political unwillingness to dampen heightened public expectations, by playing down what land reform can reasonably be expected to deliver in the near future, this is likely to rebound negatively on the new programme and its proponents (as happened in the first phase of land reform), with worrying long-term implications for rural development and stability.

In the new formulation of policy, women—and poor women in particular—stand to lose on a number of fronts. The former formal commitment to gender equity has recently been reinstated in redistribution (with the floor set at a minimum of one third of transferred resources to accrue to women), but the implementation of gender-sensitive practices at the project level is likely to be even more difficult to effect than it has been up until now. Women's access to the Commercial Farmers' Programme is likely to be curtailed by the disadvantages they suffer both economically and socially—it will be difficult for the great majority to raise the amount of money or release the amount of labour required to enter the programme independently. If, as is likely, priority is given to larger grant-seekers (aspirant farmers)—because of greater pressure, greater access to expert support in preparing applications, and/or official inclination—poor women applicants are likely to be pushed even further to the back of the queue. Women's interests and rights in land in the communal areas are also threatened by the new proposals on tenure reform, unless the policy drafters find creative solutions to the dilemmas of democracy in these areas and backtrack from their intentions to allow tribal authorities to own and/or manage the land the state intends to divest.

How, then, can one explain the latest developments? In developing an answer, the following issues need to be considered. First, the macroeconomic framework and shifts in the political context outlined in section 1 of this paper need to be borne in mind—they provide the restrictive parameters within which land reform policy has been allowed to develop. Fundamentally, the new policy direction is in keeping with the trends described for economic policy, the dominance of the urban areas and the influence of the political and economic aspirations of the new middle class on the setting of policy. At the same time, the failure of the earlier phase of land reform to meet popular expectations in terms of the scale of delivery as well as the quality of the projects—the difference it made to people's lives—demanded political and policy attention, which led to the change of Ministers after the 1999 elections. Political and personal rivalries within the Ministry for Agriculture and Land Affairs and the DLA have also played their part, reflected in the different networks that the two Ministers have drawn on in their selection of advisers and top management. As a result of this change, the NDA has been able to graft its vision of agricultural development onto land reform, drawing largely on the stock of ideas put into circulation in the early 1990s under the influence of the World Bank. Throughout, the

strong rhetorical commitment to gender equity that was won in the early 1990s has not been matched at the operational level, in part because of the subordinate position women occupy in rural society and the absence of strong organizations lobbying for their rights at the national and local levels and making demands on officials in the field.

Several areas emerge as important for follow-up research. One is to look at the understanding of gender policy and how it is operationalized at the local level within the DLA, in conjunction with other government officials, by tracking what happens to it within specific projects. Another issue is to supplement and extend the "quality of life" survey by looking at the gender dynamics and the views and expectations of women beneficiaries in projects. It would also be useful to extend the analysis of rural women's organization and take forward the discussion on the impact of HIV/AIDS on land reform policy.

Finally, to return to the story that prefaced this paper, it appears that thus far land reform has offered very little to the woman growing mealies for the kitchen. It also appears that in the future her husband, who aspires to grow potatoes for sale, is more likely to benefit than she, conceivably, if his claim to her plot is formalized and regulations are not developed to prevent this, by obtaining permission to buy her piece of land in his name. This may be an unduly pessimistic reading of where land reform is headed. To assess this, the unfolding of policy in the coming months needs to be monitored, and the preliminary analysis presented in this paper extended and refined.

Sources

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