

LAND REFORM REQUIRES HOLY COWS TO BE SACRIFICED

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Dr Gilingwe Mayende, director general of the Department of Land Affairs, asks Xolela Mangcu to focus his attention on how land reform can be speeded up, in order to address the needs of the poor and landless ('Instant expert is all advice, no knowledge', *The Sunday Independent*, July 22 2001.

He also states that 'the fundamentals of land reform policy are generally in place and the content of the policies in therefore not in contention'. This claim is highly debateable, and elsewhere in the newspaper Max Sisulu of the ANC is quoted as saying that that there are no holy cows and that significant changes in policy are on the cards ('ANC to hold indaba on land reform'). Another source suggests that questions are being asked within the ANC about the slow pace of implementation, the appropriateness of the current market-driven approach, and the degree of emphasis on the needs of the poor.

Heated debates in the media between government and civil society critics indicates that current land reform policies are indeed contentious – and have been for some time. For some of us it is clear that a re-think is desperately needed. Without appropriate and effective policies, the possibility of urban and rural land invasions, prompted by frustrated expectations or urged on by populist political forces, is greatly increased.

One area where a new paradigm is urgently required is the respective role of the state and the market. Experience since 1994 suggests that the dichotomy between demand-led (or market-based) and supply-led (or state-based) land reform is not particularly useful. It is becoming increasingly clear that a piece-meal approach which obliges the poor and landless to take their chances in the land market is not going to deliver land on the scale, at the price and in the places required.

Rather, a *pro-active state* can make use of market mechanisms, among other strategies, to drive land reform in areas of high opportunity where need (and demand) are also found.

Some of these are in and around towns and cities. As Geoff Budlender has recently argued, here the need is to make land for settlement available to the homeless as quickly as possible. Such land must be laid out in such a way that people can build their own houses, and services can be installed in due course when resources are available.

State-owned land can comprise part of the supply, but not all of it. One problem with state land, in both urban and rural contexts, is the immense amount of red tape required in transferring it to other

owners. Such bottlenecks need to be opened up, through a concerted attack on the legal provisions and bureaucratic procedures that constrain rapid land release.

In rural areas, regions of both opportunity and need are found along the edges of the former 'homelands', and should be a particular priority. Research has revealed that many commercial farmers in these zones are eager to sell, and at fairly low prices. Often their farms have good agricultural potential. On the other side of the fences are large numbers of poor people without access to sufficient (or, in some cases, any) arable or grazing land.

In the absence of formal sector jobs, many of the rural poor are eager to attempt to enhance their livelihood strategies based on the use of land and other natural resources. In some areas small and medium sized towns can offer some members of households part of their livelihood through employment or self-employment.

If government set out to pro-actively match supply and demand in these regions, then large blocks could be acquired at reasonable cost without compromising the willing seller- willing buyer principle. This would allow area-based land and agrarian reform, designed to improve the productivity and security of the multiple livelihood strategies that rural people practice.

Land acquisition and settlement in these areas would also allow for the integration of land redistribution and tenure reform, using a common set of legal instruments and administrative support structures. In some areas restitution projects could benefit as well. Of course, redistribution need not be limited to only these areas, but it makes sense to use scarce resources where impact is likely to be highest.

Infrastructure and support services could be provided to land reform projects in a much more cost-effective manner than is possible within the current *ad hoc* pattern of land acquisition. An additional benefit would be that many people settling on new land would not have very far to move, and could more easily maintain links with their communities of origin.

To some observers this strategy might appear to be little more than an expansion of 'backward' communal areas, which presently function as 'poverty traps'. But these are stereotypes that arise from a false analysis of the causes of poverty in overcrowded black rural areas.

It was not the communal tenure regime that was responsible for underdevelopment, but decades of neglect combined with policies, including forced relocation, designed to create reserves of cheap labour. Authoritarian and corrupted 'traditional' land tenure formed an integral part of this 'decentralized despotism'. Redistributive land reform, combined with democratic reform of communal tenure and integrated rural development, can begin to reverse this legacy.

The paradigm shift required to realize this vision of land reform is threefold in character. First, government must become a pro-active agent of land redistribution, making intelligent use of the market to acquire land to meet identified demand, and undertaking area-based planning for development. Secondly, high quality land along the boundaries of the former reserves and in other areas of high demand needs to be targeted.

The third involves acknowledging the multiple and diverse character of the livelihoods of the rural poor and placing this at the centre of land reform policy. In this scenario, land and natural resources are vital, but cannot be the only focus of development; complementary forms of rural enterprise and employment must also be planned for.

Amidst all the calls to speed up delivery, it is worth remembering that land reform is inherently complex and necessarily slow. However, as Bredell shows us, popular discontent is bound to break out sooner or later if real progress cannot be demonstrated. It is now clear that the current programme is hardly moving at all. Holy cows, get ready to be sacrificed.