

**POLICIES & CHALLENGES IN ADDRESSING THE LAND QUESTION IN THE  
NEOLIBERAL DEMOCRACY OF SOUTH AFRICA (CASE STUDY OF THE  
FORMER CISKEI HOMELAND)**

**BY**

**VUSUMZI MBA**

**Dissertation component submitted in partial fulfillment of the requirements for  
the degree of Master of Political Science in the School of Social Sciences,  
University of KwaZulu-Natal**

*As the supervisors of the candidate we have approved this short dissertation for  
submission.*

*Date :* \_\_\_\_\_

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## **ABSTRACT**

The post 1994 land question has been a contentious issue among different political parties, civil society structures, rural social movements and governmental institutions in South Africa. The current disparities in the ownership and distribution of land were caused by the Land Act which was passed during the colonial times. The Land Act resulted in the indigenous people-the majority- owning a small portion of the land in South Africa. After 1994 the government has made efforts to redress these imbalances. However, literature indicates that this has brought little progress and the legacy of colonial dispossession still persists. The Eastern Cape Province is no exception to this. The problem that currently faces the former homeland of Ciskei in the Eastern Cape is the increasing number of people who are becoming impatient with the slow pace of land reform in a democratic South Africa .The problem becomes greater as the South African government post 1994 continues to adhere to liberal policies in dealing with the challenges of the land question. In light of this, this study seeks to investigate the policies and challenges in addressing the of land redistribution in a liberal democracy based on private property. This study follows a qualitative research methodology of data collection comprised of questioners, and interviews. Findings of previous research, studies documentary sources, newspaper reports etc, survey findings of specific questions that relate to this key research question. To investigate the challenges of land redistribution in the liberal democracy of South Africa, a Marxist approach was used. Findings showed that the current land reform in South Africa is not popular with the masses as it employs market related strategy of redistributing land. Findings further revealed that participants believed that little has been done by the government and poor policy implementation is the cause of the low pace in distributing land.

## **DEDICATION**

This work is dedicated to the late Nompunzi Gladys Mxoli (Mamgqwashu), Nzimeni Thompson Mxoli (Mlambo) and the late Nomathamsanqa Patricia Mba, whose spirits I believe are always with me.

A special dedication is offered to Z. K Mathews, Mzala Nxumalo, Pixley ka Isaka Seme and, lastly, to Sol Plaatje, who in 1916, after the passing of the 1913 Land Act, said that Black South Africans had become “pariahs in the land of their birth” (Sitas, 2012:44).

K.K Chule Papiyana

Thando Bulembu

Thami Rubusana

Claude Qavana

Xola 'Gagatha' Mopi Nene

Siphiwo Zuma

Bathandwa Ndondo

I dedicate this study to all those who are no longer with us, with whom we walked a path towards a better life and quality education for all. Words cannot do justice to my gratitude and appreciation to what you have done for us.

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## **LIST OF ACRONYMS**

ANCYL	African National Congress Youth League
ANC	African National Congress
ASGISA	Acceleration and shared Growth –South Africa
BCMM	Buffalo City Metropolitan Municipality
CODESA	Convention for Democratic South Africa
COSATU	Congress of South Africa Trade Unions
CPSA	Communist Party of South Africa
DLA	Department of Land Affairs
EFF	Economic Freedom Fighters
GEAR	Growth Employment and Redistribution
NDP	National Development Plan
NDR	National Democratic Revolution
NGO	Non-Government Organization
NP	National Party
NUMSA	National Union of Metalworkers of South Africa
PAC	Pan Africanist Congress
RDP	Reconstruction and Development Programme
SA	South Africa
SACP	South Africanist Communist Party
SANNC	South African Native National Congress

SLAG Settlement Land Acquisition Grant

ZANU Zimbabwe African National Union

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## **CHAPTER ONE**

### **1.1 INTRODUCTION AND BACKGROUND TO THE STUDY**

This study critically analyses and evaluates South African land reform policies. It looks at the impact and challenges facing the redistribution of land to its rightful claimants of the former Ciskei homeland. This is based on the notion of redressing the injustice of the past through market led policies, reconciliation and economic stability. It is also an intention of this study to consider whether it is possible for South African government to achieve its objectives of land redistribution under a system of neo-liberal democracy. Neo-liberalism is an economic approach that requires minimum government intervention in the economy. With, this approach, the market is left to operate on its own.

Land reform is a redistributive policy practice which concerns land as a scarce resource and it is frequently highly contested and politicized (Chamungwa, 2012:10). Land reform is a political practice since it concerns the attainment and redistribution of a scarce resource with great economic and symbolic value and also significantly affects the power dynamics of a society (Chamunongwa, 2012:10). Since the transition to democracy, the South African government, led by the ANC, has implemented a multidimensional land reform programme to address the historical challenges of colonial and apartheid dispossession and poverty, relying heavily on neo liberal market related policies such as willing buyer, willing seller (Lahif, 2007:1577).As a result the rate and pace of land transfer remains far below the target that was set and there is little evidence to show that neo-liberal market related policies have made a positive impact on the lives poor working class people in former the Ciskei homeland area.

The land question in South Africa has occasioned controversial debate between different political parties, civil society structures, rural social movements and governmental institutions. Since the formation of a democratic South Africa, the land question has been central for many black South Africans, especially the youth.

The challenges of redistribution, restitution and the question of how a large-scale redistribution of land can contribute to the transformation of the economy, hold great interest.

Land reform in South Africa has been undertaken in ways differing from other countries and has taken place for different reasons and has produced different consequences (Chikowore, 2013:15). The South Africa land reform programme is conservatively defined by many scholars as having three broad policy headings; land tenure, land redistribution and land restitution (Lahiff, 2002:9). The objective of the South African land reform approach is predominantly centered on readdressing the historical injustices of colonial and apartheid policies, to achieve a more reasonable distribution of agricultural land and rural development (ARI, 2013:1).

Land dispossession policies during the colonial and apartheid era created a highly unequal pattern of land ownership, unequal economic societies and extensive rural poverty (Jacobs 2003:1). The democratically elected government led by the African National Congress inherited the consequences of the policies of colonialism and apartheid (Ntsebeza: 2007). When the ANC-led government came into power in 1994, it embraced a neo-liberal policy framework to readdress the historical injustices of the policies of the past.

The Eastern Cape is the province with the highest incidence of poverty and the lowest mean monthly household expenditure with an estimated forty eight percent of its population is classified as living in poverty (Lahiff, 2002:5). The majority of its population is located in the two former Ciskei and Transkei homeland areas and poverty is rife among them (ECSECC, 2000:5).

Millions of poor people in South Africa are in the former homelands and they continue to eke out an existence from agronomy and other land based activities (Jacobs, 2003:1). The genesis of the land question in South Africa can be traced back to both the colonial and apartheid eras.

The Union of South Africa was formed in 1910, and in 1913 the government introduced the land Act (Beck, 2000:113). This Act took productive land from the indigenous population and reserved it for the white minority who were not originally from the African soil.

The Land Act of 1913 restricted and prohibited the African indigenous population from owning and leasing land in the native reserves (Pepetheka, 2013:1).

The promulgation of the 1913 Land Act laid the foundation for the Bantustan policy which relegated the indigenous people (black people) into the position of second class citizens in their own country of birth. The act forced black people and black farm owners to become cheap labour for the development of the white commercial farmers (Thomas: 1990). Millions of black people were forced to relocate to areas allocated for them by the white government of the Union of South Africa (Pepetheka, 2013:1-2). From 1960 to the late 1980s, Xhosa speaking people from all corners of the country were forcibly removed and resettled in the two assigned Xhosa speaking homelands; Ciskei and Transkei (Lahiff, 2002:6). The forced removals of the natives into homelands by colonial and apartheid legislation resulted in overcrowding, chronic poverty, emigration of labour and lack of economic development (Lahiff, 2002:6).

The South African government, led by the ANC aimed to redistribute thirty percent of land areas a period of five years in office (Ntsebeza, 2007:8) However, by May 2012 only 7.95m hectares of land has been redistributed or transferred back to previously disadvantaged communities (ARI, 2013:1). It is only one third of the original target of 24, 6 million hectares that has been transferred (ARI, 2013:1). The African National Congress government has been criticized for the slow progress of land redistribution (Ntsebeza, 2007: 7-9). Criticism of the approach to land reform in South Africa is not new. The primary argument is that the policy approach of the ANC relied on ideological models that disregard the reality of a market led approach to land reform (Williams 1994).

The progression of dispossession that culminated in apartheid was complemented by the forced removal of the natives and strategies that were cruel and brutal in removing them without compensation (TCOE, 2004). In twenty years of liberal democracy in South Africa, the people of South Africa have seen remarkable and successful achievements by the ANC-led South African government as it tried to address the skewed socio/economic legacy of the past.

However, regardless of the achievements of the government in trying to address the debilitating legacy of colonialism, there is still the fundamental question to be answered even now: how is the South African government going to redistribute land that was forcefully taken away (Ntsebeza, 2007:2).

Critical Marxism theory is used as the main theory to that is used to analyze the issue of land redistribution and the role played by neoliberalism in the policy formulation process of land reform in South Africa. The Marxist theoretical framework has been used to discuss and analyse the concept of private property, power relations, liberal democracy, conflict and the role of the state under a neoliberal democratic set up. Marxist theory is also used as a critic of neoliberalism and the challenges that manifest due to the system of what it portrays.

## **1.2 Problem statement**

The problem that currently faces the former homeland of Ciskei in the Eastern Cape is the increasing number of people who are becoming impatient with the slow pace of land reform in a democratic South Africa .The problem becomes greater as the South African government post 1994 continues to adhere to liberal policies in dealing with the challenges of the land question. The fundamental challenge facing South Africa post 1994 is how to reverse the injustices of colonial dispossession and apartheid legislation that forcefully removed the natives into reserves and paved the way for racial inequalities (Ntsebeza, 2007:3).

This issue of land redistribution is absolutely critical in the former homeland of Ciskei in the Eastern Cape, as it is in South Africa in general.

Through a focus on former Ciskei homeland locations such as Dimbaza, Duncan Village, Mdantsane and Zwelitsha, this study aims to critically analyse and evaluate South African land reform policies and the impact and the challenges being faced with regard to the redistribution of land to the rightful claimants (especially the Black people) of the former Ciskei in South Africa. This study also considers whether it is possible for the South African government to achieve its objectives of land redistribution under neoliberal democracy. It will therefore explore the following:

The Willing buyer willing seller policy, Growth, Employment and Redistribution (GEAR) Acceleration and shared Growth –South Africa (ASGISA), National Development Plan (NDP) and the South African constitution.

### **1.3 Research questions**

This study poses the following questions in order to critically analyze and evaluate South African land reform policies, the impact and the challenges facing the redistribution of land to the rightful claimants of the former Ciskei home in South Africa.

- (i) Firstly, are there any political obstacles to restructuring and if so what can be done to mitigate these?
- (ii) Secondly, are there any challenges of land redistribution in a neo-liberal democracy due to private property?
- (iii) Finally, are there any challenges posed to land reform by a neo liberal economy based on private property and if so how can these be addressed?

The above questions have been answered through the use of a qualitative research method consisting of questionnaires for farm owners in the Ciskei homeland area and community leaders in the former Ciskei homeland locations such as Dimbaza, Duncan Village, Mdantsane and Zwelitsha.

The choice to use this approach is because these are the people who were most affected by the legislation of colonialism and apartheid. They are also still currently are still most affected by the policies and challenges in addressing the land

question in the neoliberal democracy of South Africa. Although the policy and challenges of addressing the land question in the country is one for a national discourse, the views of the former Ciskei homeland people are as such significant for the national discourse about the politics of the land question.

#### **1.4 Delimitations of the study**

The study has been limited the study to only the former Ciskei homeland because the homelands were founded on the Land Act of 1913 and other colonial and apartheid laws. Therefore, the former Ciskei homeland area in the Eastern Cape is a point of focus in the research. The conclusions are mainly based on my analysis of the responses and views of the people of Ciskei.

#### **1.5 Composition of the study**

This study is configured into seven chapters as set out in the chapter outline section. The study includes an introductory chapter, literature review, theoretical framework, research design and methodology, a historical perspective on the politics of the land question in the Ciskei and South Africa, data presentation and analysis, recommendations, findings and conclusion.

This dissertation comprises of six chapters. In chapter one there is an explanation of the research problem, background and significance of the study.

In chapter two there is a critical discussion of the concept of land reform, concentrating on the views of different scholars of the land question.

Chapter three introduces the theory and concepts that have guided this study. The study of land reform in South Africa is located within Marxist theory central the analysis of the South African land reform programme.

Chapter four provides reflections upon research methodology and methods employed in the study and also outline the research design, methodology, area/setting, target population, limitations of the study, sample size, data collecting

instrument and the data.

Chapter five provides a historical perspective on the politics of the land question in Ciskei and South Africa.

Chapter six consists of an analysis of the research findings, and an interpretation of the collected data. In chapter seven provide a series of recommendations and the conclusion on how land redistribution could be improved

## CHAPTER 2

### LITERATURE REVIEW

#### 2.1 INTRODUCTION

The purpose of this chapter is to review already existing literature on land reform in global context, Africa and South Africa. The objectives of reviewing literature is to identify similarities, gaps in knowledge as well as flaws in the previous studies, which determines what has already been done and what is yet to be studied or improved in a particular subject. According to Kendall (1999: 22), the critical analysis of other researchers work on a particular topic is crucial, as it helps to clarify issues and can also assist the direction of the researcher in his or her own study. The chapter discusses how colonialism and apartheid affected land ownership patterns in South Africa. It further gives attention to land policies, legislation and approaches that were adopted pre and post 1994 in South Africa. The chapter also discusses International, African and South African literature regarding land reform.

Historically land has always been a major factor in conflicts between groups because it is a major factor of production, a source of socio-political power, a status symbol as well as a store of value (Chikowore, 2013:14). In the history of human kind the struggle for land may be traced back to the Old Testament where land as source of production caused conflict between Nobath and King Ahab (Yeni, 2006:6). “Land reform is normally defined as a process of redistributing property or rights in land for the benefit of a landless class, tenants and farm labourers”(Zarin, 1994:9). Chikowore (2013:14) argues that there are many definitions of land reform and of what it seeks to achieve. However, what is common to all these definitions is that land reform is about changing land ownership by reapportioning land to people who were historically excluded from land ownership.

In the South African context land reform involves an attempt to address the historical injustice of the past.

In twenty years of democracy in South Africa, land reform has been one of the most highly contested political debates in and outside government platforms. This is because land reform is a redistributive policy practice which concerns land as a scarce resource and it is frequently highly contested and politicized (Chamunongwa, 2012:10). Therefore, land reform in South Africa is a political practice since it focuses on the attainment and redistribution of a scarce resource with great economic and symbolic value and also significantly affects the power dynamics of a society (Chamunongwa, 2012:10). However, in post 1994 in South Africa it became a source of conflict or a cold war between the conservatives, radicals, landless and land owners.

It is there for of paramount importance to use political tools of analysis or political lens to understand the challenges of the land question in South Africa. There have been studies conducted regarding land reform in the Eastern Cape and South Africa in general. The studies are conducted because land is a vital part of socio-economic transformation of South Africa, means of addressing the historical injustices, imbalances of the past and further decreasing the high level of poverty. For the purpose of this study, it is important to analyse the literature and research concerning critical thinking around policies and challenges in addressing the land question in the neoliberal democracy of South Africa. There is a significant body of literature that provides a narrative perspective on land reform in South Africa, Africa and internationally. This chapter will provide such and also unpack different scholarly perceptions of the land question in a neo- liberal democracy.

## **2.2 Colonialism and Apartheid in South Africa**

According to Ntsebeza (2007:108), from the 17<sup>th</sup> century white settlers in South Africa ended up, through a complex process of colonialism and land dispossession, legally appropriating more than 90 percent of land. The process was formalised with the promulgation of the notorious Native Land Act of 1913.

Colonial and apartheid legislations confined the indigenous population to reserves in the remaining marginal portion of the land.

Despite increasing size of land for the Native occupation in terms of land laws of 1936, there was chronic shortage of land in the reserves. As a result the natives were gradually converted from successful farmers prior to the discovery of minerals particularly gold in the 1860, to poor paid wage labourers (Ntsebeza, 2007: 3)

Colonial dispossession and apartheid systematically undermined the native agricultural development and production through substantial government subsidies and laws that availed and promoted cheap African labour (Ntsebeza, 2007:4). This created a class divided society and two forms of agronomy: the so called the core, and the periphery of development. Since the land laws prior 1994 forced the Natives in labour market of cheap labour, the argument can be advanced that land dispossession was not only built on the ideological underpinnings of racial discrimination but also a capitalist mode of capital accumulation. The inter-generational deep seated racialised socio-economic inequality in South Africa demonstrates the consequence and a continuation of capital accumulation that still forces people to become cheap labour in farms and mining sector .

Land reform was necessitated because of the unequal racial distribution of land which occurred through colonial and apartheid times (Rungasamy, 2001:11). In this regard Plaatjie (1916:21) said “Awaking on Friday morning, June 20, 1913, the South African Native found himself, not actually a slave, but a pariah in the land of his birth”. The 1913 Land Act and subsequent land policies that followed deprived indigenous South Africans from developing their own sources of production and deliberately sought to confine them to unskilled cheap labour.

In 1994, the African Nationalist Congress led government began with a rebuilding process of the country. One of the most challenges of the rebuilding process was land reform. In a country facing substantial challenges stemming from inequalities, poverty, poor infrastructure development, lack of facilities, shortage of housing, and unemployment. Land reform was seen as a fundamental part of the rebuilding process of South Africa (Rungasamy, 2001:11).

## 2.3 Overview of the Eastern Cape

This part discusses the demographics of the Eastern Cape Province. Demographics are fundamental for this study, since it is a study that aims to critic and contribute to knowledge production of the political discourse land reform in the Eastern Cape and South Africa.

According to statistics provided by Census Mid-year population estimates 2014, the Eastern Cape Province is home to about 6 786 900 people, which accounts for 12.6 of the total population of South Africa. The province is comprised of comparatively young people; a deteriorating but higher than national average fertility rate; below average life expectancy rate and a working class age population that is increasingly females (DEDEAT, 2013:11). Although access to basic social services such as water, formal human settlement, electricity and refuse collection are improving (ECSECC, 2012:1) the province still has the highest levels of service backlog in many areas in the former Bantustans Ciskei and Transkei. Under the current demarcation, the former Bantustan of Ciskei land is found in the Amatole Municipality and the Buffalo City Metropolitan Municipality. The Eastern Cape has many urban centres which are critical to its economy. One of those is Buffalo City Metropolitan Municipality which comprises of the following areas King Williams Town, Mdantsane, Dimbaza and East London which is its major port city (BCMM, 2014: 26). There has been a rapid increase in the population and the number of households while there is a decline in number of average households (ECSECC, 2012:1) This means that irrespective of the increase in number of household and population, it is also noticeable that the average household incumbent are not capable of managing and developing their houses and life style due to socio economic challenges they are face on daily basis. A clear example of this is what is taking place at Phola Park an area near Dimbaza which has no schools, clinic and police station.

The whole Buffalo City Metropolitan demarcation comprises of approximately 2, 515 km<sup>2</sup>, with 68 km of coastline which is predominantly found in East London (BCMM, 2014: 26).

In the Buffalo City Metropolitan Municipality there are two cities that of crucial importance. The East London and King Williams Town areas both contribute enormously to the economic development of the area (BCMM, 2014:26).

Buffalo City Metropolitan Municipality is divided in the three important areas which have identifiable land patterns such as urban axis of East London, Mdantsane, King William's Town and Dimbaza (BCMM, 2014: 26). The areas under investigation are as follows: Dimbaza, Zwelitsha which are townships near King William's Town and, Mdantsane and Duncan Village are also townships near East London. These areas have both industrial development and institutions for service delivery. For example, Bhisho and Zwelitsha in King William's Town serve as the centre for the provincial administration and function as a regional service centre, where most public servants are working. Also there are factories like Da Gama which contribute to the areas' level of industrialisation.

The remaining part of the Buffalo City area is classified as a peri-urban and rural settlement; these areas are totally dependent on the urban axis areas King Williams Town and East London (BCMM, 2014:26). The area includes the Newlands, settlement, Ciskei homelands and the Ncera settlement located in the west of East London (BCMM, 2014:26). All these areas were those that were previously disadvantaged or known as part of the homelands.

The last areas of Buffalo City Metropolitan Municipality are the commercial farming areas which are mostly based in the north eastern and south western coastal area of the municipality (BCMM, 2014:26). The north eastern area comprises of the farms that are dominantly owned by Black people who benefited from the former Ciskei regime. These are not contributing enormously to the economy of the Buffalo City Municipality. Most of the farms are not large scale farms and they do not do extensive commercial farming. All these farms are situated in the out skirts of the country that were created by the 1913 Land Act and other racial segregation legislation that followed. The south western farms are those that are along the coast and are predominantly owned by White farmers. According to the research

conducted by the Buffalo City Municipality, these farms are very productive and are contributing enormously to the economy of the Buffalo City (BCMM, 2014: 26).

It is evident that the former Ciskei areas called, Zwelitsha, Dimbaza and Mdantsane were never meant for development and even suitable for Agricultural purposes. The segregation laws of Colonialism and Apartheid were well designed so as to confine the Native population in the Ciskei and not to develop even in the post-colonial and Apartheid regimes. The three areas of Buffalo City Municipal areas are not comparable to each other in terms of the broader development.

The Buffalo City Municipal economy and the economy of the Eastern Cape Province shares common characteristics with the rest of other eight provinces of South Africa (ECSECC, 2012:1). It is developed and underdeveloped. This has led some activists, academics, institutions, youth structures, political parties and government officials to argue that the province is divided since it has two forms of agricultural development: so called sub substance farmers and commercial farmers.

The former President of South Africa Mbeki once addressed this type of dualism. According to Mbeki cited in Ntsebeza (2007:4) South Africa is a country with two economies; a core that is well connected to the global economic system and periphery that consist of rural areas and informal urban settlement. The periphery of development is characterised by low wage casual and seasonal work, weak local economies, hunger and low income self-employment (Ntsebeza, 2007:4). The latter characteristics dominate in the Eastern Cape and its former homelands; Ciskei and Transkei.

The two centres of industrial development (Buffalo City Metro Municipality and Nelson Mandela Metro Municipality) have first world components, while the former Bantustan land Ciskei and Transkei is characterized by poverty and is generally underdeveloped (ECSECC, 2012:1). The majority of the people living in the Eastern Cape are black (Elsenburg, 2005:1, Lahiff 2002:5). Poverty is predominantly more noticeable among black people, female headed household and rural areas (Lahiff 2002:5, ECSECC, 2000:5).

This can be linked to historical injustice of colonialism and apartheid. Poverty and unemployment in developing countries are frequently rural phenomena (Thirwall, 2006:364).

In South Africa there are three main socio-economic challenges; namely poverty, unemployment and inequality. In the Eastern Cape Province, poverty remains deeply entrenched and widespread (ECSECC, 2012:1). Poverty, unemployment and inequalities in the Eastern Cape and South Africa in general can be linked to the slow pace of land redistribution in the post 1994 era.

### **2.3.1 Land legislations, policies and approaches**

Land reform policies in South Africa are informed by the following clause in the 1955 ANC Freedom Charter. This states that “The Land Shall be Shared Among Those Who Work It. Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger; The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers; Freedom of movement shall be guaranteed to all who work on the land; All shall have the right to occupy land wherever they choose; People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished”(DERSA:2005).

When the ANC came into power in 1994, the promises of the Freedom Charter were outlined in the RDP policy framework. The ANC committed itself to land reform that would redistribute thirty percent of agricultural land to the poor and the landless through the RDP policy (Hall: 2003:24). The RDP policy stated that a national land reform programme in South Africa is essential for rural development. The policy ensured security of tenure for all South Africans and also highlighted the two parts of land reform programme:

- *“Redistribution of residential and productive land to those who need it but cannot afford it, and...”*
- *“Restitution for those who lost land because of apartheid laws. These people must be given land to compensate them for their loss. The land claims court will deal with this”* (ANC, 2014).

Land reform is a national responsibility. It includes the redistribution of land, land rights as well as institutional arrangements under which people exercise their existing land rights (Adams, 2012:1). Westaway (2010:5) points out that it is constitutionally assigned to the national sphere of government. Westaway (2007:8) argues that land reform in South Africa has three components, namely: 1) Agricultural development: The government objective is to make land available for those who have intentions of farming; 2) Settlement: land is to be made available for settlement; 3) Non-agricultural enterprise: this involves providing land for non-agrarian purposes such as mining, tourism and sustaining good standards of living for previously disadvantaged people.

Therefore, since the instalment of a democratic government the Department of Rural Development and Land Reform has addressed the three legged programme that consists of restitution, redistribution and tenure.

#### **a) Land redistribution in South Africa**

In South Africa land redistribution is part of government strategy to reduce the high levels of poverty, especially in the previously disadvantaged areas of South Africa. The strategy is to provide previously disadvantaged citizens of South Africa with access to land. By 2012 post-apartheid land reform had transferred 7.95 million hectares into black ownership (Nkwinti 2012), which is equivalent, at best, to 7.5% of formerly white-owned land. Whites as a social category still own most of the country's land and redressing racial imbalances in land ownership is land reform's most urgent priority (PLAAS, 2013).

Land redistribution embraced the need to provide land to the landless class through the grants provided by the state. This encompassed the need to provide land to the landless class through grants provided by the state. The grants provided namely the Settlement Land Acquisition Grant (SLAG) in the period 1994-1999 and the Land Redistribution for Agricultural Development plan (LRAD) were elite and exclusive(Chikowore, 2013:19). They were calculated on the size of an individual monthly salary; meaning that the more one earned the bigger the grant (Chikowore, 2013:19).

The main objective was to ensure the transfer of 30 percent of agricultural land over a 15 year period (DLA, 2001:1). Wegerif (2004:11) explains that the objective of SLAG was based on the need to uplift the status of the poor and to reduce poverty amongst the target group.

From 1998 to 1999 the policy was reviewed by then Department of Land Affairs (the predecessor of the Department of Rural Development and Land Reform), which indicated that there were many challenges within the implementation process (Wachter, 2010:71). Some academics, land reform activists, civil society structures have argued that the grant fund of R16 000 provided by the state was insufficient and it did not meet the price demanded by the willing seller (Hall, 2004, Chikowore, 2013, Ntsebeza 2007). . As a result in 2001 a new land redistribution approach was implemented (Wachter, 2010:71). This approach was a bit problematic and elite in nature since it targeted only a few full time farmers whom already had a competitive advantage whereas the poor landless class had to rely on the Settlement Land Acquisition Grant (SLAG) which did not provide for the prices required by the willing sellers.

#### **b) Land tenure reform in South Africa**

Land tenure reform in South Africa aims at the establishment of secure and formalised rights, especially for people working in farms, farm dwellers, and individuals within communal areas and former homeland areas (van den Brink *et.al* 2006:1). Adams (1999:2) defines land tenure as “*the terms and conditions on which*

*land is held, used and transacted. Land tenure reform refers to a planned change in the terms and conditions (e.g. the adjustment of the terms of contracts between land owners and tenants, or the conversion of more informal tenancy into formal property rights)".*

Land tenure in South Africa was predominantly about protecting the rights of tenants on the mainly white owned farm land and improving the land administration system (Rugege, 2004). Essentially, tenure reform refers to protection or strengthening the rights of ownership of land.

The land tenure agenda was adopted and introduced by South Africa's government with the aim of according black people secure rights to the land that they occupied under apartheid (Westaway, 2010:6).

Duplessis (2011:1) argues that the aim of the tenure system of land rights in South Africa was to get rid of the existence of second class citizens that was created by the apartheid system. Westaway (2010:6) claims that tenure insecurity is still rife in a multiplicity of circumstances, each requiring a specific resolution. Such resolutions have been introduced over a protracted period. The Labour Tenants Act (Land Reform) was passed in 2004 but its regulations are yet to be applied (Westaway, 2010:6). With regard to land tenure in the former Bantustans/ homelands which is a study area for this thesis, the post-apartheid government led by the African National Congress still faces challenges in addressing the land question.

In 2001 the national conference on land tenure discussed the challenges of tenure reform in the former homelands. It's been twenty years since the conference took place, yet, the Eastern Cape Province is still facing numerous challenges in addressing the land question. Lahiff (2002: 33) says that, the biggest challenge facing the Eastern Cape Province is the failure from the state to resolve land tenure issues, land administration in communal areas by tribal authorities and unsettled boundaries disputes between tribal authorities such chiefs and the people from the royal priesthood. Lahiff (2002) further argue that the deadlock of communal tenure

in the Eastern Cape Province is a creation of the repetitive failure to develop and implement apt policies at national level.

### **c) Land restitution in South Africa**

The Land restitution programme aims to address the legacy of apartheid, which is a legacy of dispossession. The Restitution of Land Rights Act of 1994 oversees the procedure of restitution, and was the first piece of legislation adopted by the democratically elected government of South Africa.

The statute specifies that those who have been dispossessed of land rights since 1913 due to racial laws, without receiving satisfactory compensation, should put forward claims for restitution of those land rights before 1998 (Westaway 2010:5).

Forced removals of the natives because of apartheid regulations were supported by the following legislation; the Native Land Act of 1913, the Native (Urban Areas), the Bantu Trust and Land Act of 1936 (Hall, 2004: 26). All these acts aimed at consolidating Bantustans and creating `black areas` (Hall, 2004: 26). These were features of colonial and apartheid repression that shaped a strong foundation in the early 90's for the dispossessed communities to demand that their land be returned to them (Hall, 2004: 26).

In 1994, a restitution agenda was adopted as a distinct method of redistributing land rights from White population to Black indigenous people of South Africa. The purpose for this was to reinstate land rights to individuals and communities dispossessed of land since the promulgation of the Land Act of 1913(Hall, 2004:26). The colonial and apartheid government moved the Natives from productive land to the townships and villages in the out skirts of the Cape, where they would own or share small land. It is argued that the land that was given to the Natives was unproductive for commercial farming; hence farmers in those areas are unable to produce goods that meet for commercial standards.

Hall (2004:27) states that the dispossessed claimants could return to their land or choose for other redress choices such as monetary compensation. The primary tool

through which the state used to redress the historical injustice of colonial dispossession and apartheid laws was spelt out in the DLA's 1997 White Paper on land reform (Westway, 2010, Ntsebeza, 2007, Chikowore, 2013). There has been much criticism on using monetary compensation as a primary tool to redress the historical injustice and skewed racially land ownership patterns in South Africa. For example, some of those who were compensated in the former Ciskei utilised the resources for personal development rather than the defined purpose of Rural Development and Land Reform. However, the deadline for submission of claims was set for the 31<sup>st</sup> of December 1998 (Pepeteka, 2013:3).

It is claimed that by the 31<sup>st</sup> of December 1998, a total of 79 687 claims were lodged with the Commission for the Restitution of Land Rights (Pepetheka, 2013: 3). The 31<sup>st</sup> of December 1998, which was the deadline for submission of claims, excluded potential claimants, who were not aware of the process of restitution and their rights ahead of deadline. Pepetheka (2013:3) further claims that the number of claims lodged by the cut-off date were far below than the number of indigenous population forcibly removed. This argument is further supported by the fact that even today there are still people who talk about rural development and land reform. There are still people who want to submit their claims as they were not aware of the processes of Land Reform. This is one of the reasons that the land claims process is being reopened as outlined by president Zuma in the 2013 State of the Nation Address. Consequently, calls for reopening of the claim process have been made for former homelands Ciskei and Transkei (Pepetheka, 2013:3).

Under the RDP framework, these three land reform procedures were to be implemented using the willing buyer willing seller government approach. The willing buyer willing seller principle is based on the market value of the land which is what it will fetch if sold by a willing seller to a willing buyer on usual terms and conditions (Pepeteka, 2013:10). Under the willing buyer willing seller approach, the willing seller has a right to bargain whatever amount he/she desire for the land (Khan, 2007).

This approach has slowed the progress of land reform as private property rights were respected so the value for land was demanded by the willing seller (Chikowore, 2013:17). There is a significant body literature that addresses advantages and disadvantages of market led approach to land reform. However, some scholars of rural development and land reform have argued that this approach has resulted in a snails pace process of land reform which has created many challenges in addressing the land question. Land redistribution in South Africa 'started with a pilot programme in 1995' (Ntsebeza, 2007:9). Over period of three years, the programme picked up pace.

The pace of land redistribution from white commercial farmers to black people has been a far cry from expectations of people and the actual targets of government (Ntsebeza, 2007:9). The pace of land redistribution has been regarded as major challenge for land reform in South Africa.

Anti-pro-market land reforms have been used in the African continent in countries like Tanzania, Mozambique and Angola etc. Anti- pro- market policies in the African continent were against privatization of land but opted for nationalization of land. Nationalization of land meant that all classes and stratus of the society are able to access land under free hold tenure therefore resulting to accumulation from bellow (Chikowore, 2013:17). Under nationalization, land belongs to the people (the citizens of the country) and therefore land was given to the people for free (Chikowore, 2013:17). The author further notes that, despite the imperfections of nationalization, it was the most ideal for resolving the land issue after decolonization of many countries around the African continent. The 1955 Freedom Charter document of the ANC, adopted in Cliptown by the Congress of the People proclaimed that "The People Shall Share in the Country`s Wealth" and included the following clauses;

*"The national wealth of our country, the heritage of South Africans, shall be restored to the people;*

*The mineral wealth beneath the soil, the Banks and monopoly industry shall be transferred to the ownership of the people as a whole;*

*All other industry and trade shall be controlled to assist the wellbeing of the people;*

*All people shall have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions” (ANC, 1955).*

The 1955 Freedom Charter Document further includes the following land clauses;  
*“Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger;*

*The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers;*

*Freedom of movement shall be guaranteed to all who work on the land;*

*All shall have the right to occupy land wherever they choose;*

*People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished” (ANC, 1955).*

It is argued in the political discourse surrounding land reform in South Africa that the Freedom Charter document of the ANC advocated for nationalisation, where land belongs to the people. However, the idea of nationalisation was ruled out at the beginning of the 1990's (Ntsebeza, 2007:11). This indicates that at some point in the early existence of the ANC it adhered the anti pro market policies but then changed its approach.

In 1996, there was a paradigm shift in policy formulation in South Africa. The shift occurred when the ANC led government encountered the first currency crisis which led to it opting to a conservative macroeconomic policy (Visser, 2004:8).The policy shift took place by the introduction of Growth, Employment and Redistribution (GEAR).The GEAR policy of South Africa concentrated on three main objectives; to

create and increase employment, to reduce government debt and to create an export orientated economy (Hall, 2003:29-31).

Weideman (2004:168) argues that the South African (GEAR) policy contributed to the slow pace of land reform by cutting down the budget (financial resources) for redistribution and also by reducing the size of the Department of Land Affairs. Reducing the size of the department also contributed to the slow pace of policy implementation. GEAR focused on urban industrialisation and paid less attention to the agrarian question and the land question.

In response to the shortcomings of GEAR, the government further legislated South Africa's land reform by introducing the 1997 White Paper on Land Reform. This policy carried the objectives to: foster reconciliation and stability in South Africa; to reinforce economic growth; and to alleviate poverty and to improve household welfare (DLA, 1997:5).

The white Paper on South African Land Policy was formulated on the premise that it will address a number of socio-economic challenges such as food security, employment and agricultural production (Lahif: 2007). The White Paper on Land Reform Policy in South Africa was narrowly focused on the agrarian question and unemployment with the industries of agriculture. Notable, the White Paper continued with the willing buyer willing seller approach. A cousin (2009:19) argues that this approach is based on voluntary transaction between the seller and the buyer. It can be argued that this approach is a neoliberal approach to land acquisition and transfer. In this regard, Thwala (2003) asserts that the willing buyer willing seller policy favours the black emerging farming class. The reasons for the ANC led government to adopt policies that are based on the market were to safeguard that efficiency is sustained and increased in agriculture (Twala: 2003).

In the late 1990`s, the neo liberal approach to land reform proved to be very slow, conflicts and tensions were common (Cousin,2009:19). Bond (2005: 16) argues that neoliberalism should not be celebrated due to the failures of the market oriented policies. Bond's argument emanates from the fact that majority of the land in South Africa is owned by the few white farmers whose farms are totally

dependent on black farm workers. These farm workers have indigenous skills in this sector, therefore given a chance for land/farm ownership this could generate more economic opportunities for them and to increase the country's economic growth.

In 1999, a review of the market oriented policy took place and a new policy framework was introduced in 2000 (Cousin, 2005:19). The review focused on creating and promoting black commercial farming and encouraging black entrepreneurs (Jacob, 2003). Though this review was aimed at address the socio-economic challenges and legacies of apartheid, it subsequently advocated for the creation a black farming bourgeois capitalist class to contribute to the development of a capitalist agriculture system.

According to the Marxist theory, classes are defined according to their roles in production that is by the relations of production (Shaw, 1978:49).The bourgeoisie class is not monopolistic, the petty bourgeoisie class is one of the transitional factions within the bourgeoisie class (Mackenzie, 1980:10). Marxist theory argues that the petty bourgeoisie are strata in transit that gets swallowed up into the broader development of the capitalist system.

Therefore, the creation of black entrepreneurs in the farming sector failed to serve the interests of the black poor people. In this regard, land activists have critiqued the shift from an explicitly pro poor land reform policy focus to a market orientated policy which promotes the emergence of a new class of farmers (Walker, 2005:819). The critics argued that the shift from pro poor to market led approach was an abandonment of the poor (Hall, 2004:5). The shift required the poor to contribute a minimum of R 5 000 (DLA, 2000). Statistics indicates that land redistribution have picked up momentum over the year but still fall far short of its target of 2, 15 million hectares per year so as to meet the official target of 30% agricultural land by 2015( Hall, 2004: 25).

In the Eastern Cape it is not possible to conclude about whom benefited from the shift but the amount required indicates the socio-economic status of those who applied for the grant. However, it is claimed that all classes participated with some

entering at the lowest grant level (Jacobs, Lahif and Hall, 2003). Despite the achievements of the policy shift, the poor and rich black people of South Africa are still competing for limited resources (Hall, 2004:26) and land which is a source of living.

The review of the 1997 White Paper on land Reform led to the launch of the 2001 Land Redistribution for Agricultural Development. The LRAD heads up the redistribution programme eclipsing other programmes such as the access for settlement and municipal commonage for the poor (Hall, 2003:25). Among other challenges, this policy aimed at addressing the shrinking role of the state caused by inadequate institutions and financial resources (Hall 2003:29).

In 2006, the ANC led government shifted from GEAR to Accelerated and Shared Growth Initiative for South Africa (ASIGISA) - the policy attention now focused on the role of the state in promoting growth and redistribution to the second economy (Cole,2009:37-38).The policy acknowledged that there is a need to create livelihoods through developed funding and coordination of land reform (SESG:2008). The South African government, under the leadership of former President Thabo Mbeki and Deputy President Mlambo Ngcuka, noted that the major challenge in South Africa is not policy formulation but implementation of those formulated policies. The ASIGISA policy was drafted on the basis that it must improve policy implementation and economic growth through dealing with the following:

- *“lack of skilled and committed staff in the public service*
- *lack of human resources to implement policies*
- *inadequate financial resources*
- *corruption and mismanagement of funds*
- *lack of people-driven development*
- *lack of proper co-ordination between institutions*
- *Barriers to entry, limits to competition and limited new investment opportunities”.*

However consultation of stakeholders was seen as major challenge to the implementation of the policy. ASIGISA was criticised by the alliance partners of the ruling party; the South African Communist Party, South African National Civic Organization and the Congress of South African Trade Union. SANCO argued that there was “there was insufficient consultation with civil society organisations” (Chagunda, 2006:3). COSATU argued that there was need to redesign the policy in order to guarantee that there is common commitment to share, rather than inequitable growth that runs through all ASGISA’s programmes (Chagunda,2006:3). COSATU summarised the policy as ‘reducing workers’ rights in small business’. The SACP supported the argument of COSATU. The SACP warned government “to work equally with all interest groups, not only business”(Chagunda,2006:3) The unions argued that both GEAR and ASIGISA were based on the neo liberal macroeconomic policy framework (Bell: 2006). The arguments stipulated by the alliance partners of the ruling party reflected the unhappiness of the alliance regarding the policy.

In 2011, the National Planning commission drafted the National Development Plan: Vision for 2030 (NDP). The National Development Plan requires change in access to resources such as land, skills and water (NPC: 2012:195). The NDP speaks off an “integrated and inclusive rural economy” where rural communities will be given greater social, economic, political opportunities to fight against poverty (NPC, 2011:196). The National Development Plan’s “integrated and inclusive rural economy” attention to agricultural development land reform strategies was to ensure that rural communities have jobs (NPC, 2012:196). However the NDP has been critiqued by some political analysts, unions, policy experts and civil society such as COSATU as being a conservative macroeconomic document.

One of NPD’s critics, the National Union of Metalworkers of South Africa (NUMSA) argues that, the NDP falls short in articulating the role of the state in land ownership. It thus argues that “[l]and should be the heritage of all South Africans, owned by the democratic state and shared in use, not in ownership, among those who work it” (NUMSA 2013: 33).

## **2.4 International experiences with redistributive land reform**

This section provides international land reform experiences in Brazil and Colombia. The literature on international land reform experiences provides background to the case study chosen for this research.

### **2.4.1 Overview of the land question in Colombia**

Like South Africa, Colombia has experienced challenges in addressing the Land question. Since 1985, Colombia has been regarded as one of the countries with the highest rates of internal displacement in the world (USAID, 2010). The reason for this is because, most rural inhabitants of Colombia moved from their rural home to urban informal settlements (USAID, 2010:1). In all these areas this is where there is “lack of basic infrastructure and tenure security” (USAID, 2010:1).

The other challenges are that: “Land distribution in countryside is inequitable; a small percentage predicted less than one percent owns more than half of the country’s best land. [And] Tenure is insecure, predominantly for the indigenous population and members of the woman –headed household” (USAID, 2010:1).

These trends mentioned above are similar in comparison to the South African context. It is a normal occurrence in South Africa to have migration from rural settlements to either inform/formal urban settlements in search for better opportunities. Around the world “land has continued to be a distinctive factor as it tends to be a store value, a symbol of political and economic power, a source of production and a status symbol of social influence” (Stilwell and Jordan, 2005:2016).

In Colombia, the land question has been a long term concern. Addressing of the challenges of land distribution would create an upsurge in the productivity and sustainability of agricultural production and decrease rural violence, notes Dieninger, (2008:6).

However, the land question in Colombia has remained a source of political and economic conflict between the landowners (capitalist class) and the landless poor and the working class. The conflict can be linked to the extreme inequality of access to land distribution for agricultural purposes and “serious ambiguity around property rights” (Berry, Unknown: 1). These related challenges have contributed to other socio-economic ills such as violence. There has been episodic recognition of serious challenges in Colombia; however, the government on many occasions has attempted to address them. One of those attempts includes the reform of the agrarian structure. Berry (Unknown: 1) notes that the pressure for reform of agrarian structure arises out of the socio-economic challenges hampering Colombia, most notably poverty, ambiguity around property rights, injustice and inefficiency.

Colombian land reform policy is readily traceable to the policy debates of the 1960's. In the 1970's policy focus shifted to integrated rural development (Gruszcznski, 2003:73). Gruszcznski (2003:73) argues that from 1988 and 1994, a new wave of debates regarding land reform in Colombia occurred. The government introduced substantial changes to rural land laws.

The changes introduced a market assisted land distribution method (Gruszcznski 2003:73). This shows that there was a paradigm shift in policy formulation of Colombia. The same year that Colombia introduced the market led approach; the new government led by the ANC in South Africa introduced a market led approach to address the skewed ownership patterns and injustices of the past. However, Gruszcznski (2003:73) note that the changes in policy formulation regarding land reform in Colombia have had little impact on the distribution of land and use. He further argues that *“Large tracts of arable land remain underexploited with subsequently low levels of rural employment generation, stagnation of rural poverty levels and environmental damage of environmentally fragile areas. Much of the policy debate has centred on subsidy levels and their costs rather than on the sustainability of productive projects. At the two extremes are (a) direct state intervention with high levels of subsidy for land and complementary activities, and (b) market-assisted land reform with lower subsidy levels in which the employment*

*of credit to finance a portion of the land and complementary activities provides a market signal to the viability of the project’.*

The struggle for land in Colombia, just as in South Africa is a struggle to address the injustice of the past so that the poor and the working class can have access to land which is a source of production in a capitalist economy. The struggle for land between the landless poor and landowners is typical of the history of land reform all over the world, filled with violent struggles.

The challenges faced by Colombia are similar in comparison to South Africa and the Eastern Cape Province homelands. The Eastern Cape is faced with numerous environmental threats; one of which is land degradation (Humann, 2012: 26). The province has some of the highest rate of unemployment and poverty in South Africa. It is claimed that 72 percent of the province’s population lives below poverty line (Humann, 2012: 26).

The challenges around land reform are powered by the following; “the slow pace of land redistribution- raising questions about the government meeting its target to redistribute 30 percent of land by 2014,

the plight of farm workers and dwellers who continue to live under conditions embedded in the previous political dispensation, the neo liberal framework of land reform, which relies on the market to redistribute land” (Westaway, 2010:7).

Two pilot exercises on land reform in Colombia indicates that beneficiary selection, integration into the value chain and planning at the local sphere of government are the fundamental mechanisms of successful rural farming and land reform projects (Gruszcznski (2003:73). The Municipalities of the Eastern the Eastern can use the Colombian approach as a point of reference when addressing the land question at the local sphere of government. In spite of the achievements of the pilot project, institutional and policy failures have undermined the results (Gruszcznski 2003:74). Gruszcznski (2003:75) note that market failures continues and are armour-plated “by the continuance of, albeit reduced, subsidies and distortional agricultural lending

policy". He further notes that the failure of land administration system to foster land markets have failed to guarantee tenure security.

The case of Colombia is similar to the South African situation. It is evident that South Africa is not the only country that opted for market led land approach. It is also evident that South Africa is not the only developing country that adheres to a neo liberal market led approach. This approach is commonly faced with so many challenges regarding the redistribution of land and tenure. In the case of the Eastern Cape as it is in Colombia, land administration systems have to foster land markets which have failed to guarantee tenure security. Land administration and tenure conditions in the former Bantustan of the Eastern Cape are precarious (Westaway, 2010:35). Tenure in the former homeland of Ciskei and Transkei can hardly be pronounced as secure.

According to Westaway (2010:35) there two distinct arrangements in South Africa, one arranged for former white areas and the other for the homelands. In the former white areas individualised tenure dominates. Westaway (2010:35) argues that in former white areas in the Eastern Cape is characterized by a freehold system.

He further argues that the system is polished by sophisticated administrative capacity in both public and private sector. Along it, there are uneven and weak systems of land tenure. There are no systems in place to administer land tenure in the former Bantustan homelands. Tenure is largely communalised.

The above two mentioned land tenure systems in the Eastern Cape are a clear expression of divided society. According to the research conducted by PLAAS, cited in Westaway (2010: 36) 'which looked at the extent to which municipalities played a role in the administration of communal tenure'. The study indicated that none of the Eastern Cape Municipalities is able to respond to the challenges of communal land rights. This indicates that there is little role played by municipalities in the process of administering communal land rights in the Eastern Cape. In the case of Colombia studies indicates that the local sphere of government is a key component of rural development and land reform. (Harvey: 2004). South Africa as a country faced with high levels of unemployment, inequalities', crime, corruption,

lack of service delivery and ineffective institutions, can use Colombia as point of reference in order to learn more about the challenges of democracy and land reform.

#### **2.4.2 Overview of the land question in Brazil**

Prosperity has been mainly associated with land in Brazil (Assuncao, 2006:1). This can be traced back to the days of colonization when the Portuguese Crown separated the territory in fifteen big tracts of land which was donated to grantees (Lambais, 2008:1). A chronological background of land reform in Brazil is traced back the Land Act of 1964, brought about by the military regime (Assuncao, 2006:1)

The policy proposed for agrarian reform which then created the base for the establishment of the National Institute for Agricultural Development (INDA) and the Brazilian Institute for Agrarian Reform (IBRA) to convey out the Act (Assuncao, 2006:1).

Boyce (2005:5) argues that the Act came as a result of dissuading the pressure for land redistribution from social movements, Catholic activists, land activists and peasant leagues. This shows the historical development towards the land reform policy of Brazil which came about as a response to colonization.

After the democratic elections in 1985, the first National Agrarian Reform Plan was established with an unrealistic target of settling 1, 4 million families in a period of five years (Assuncao, 2006:1). Brazil is regarded as one of the countries with the most skewed land distribution and one of the most unequal societies in the world (Deininger, 1998, Assuncao, 2006 and Boyce, 2005). In trying to reduce poverty and inequality as well as deal with the challenges of land use and ownership post colonization, the government introduced a land reform programme (Boyce, 2005:5).

Since the creation of land reform programme in Brazil in 1966 there have been fundamental differences in implementation of policy through time and space (Assuncao, 2006:1). Yet inequalities in the land distribution have continued to be a major cause of poverty (Borras, 2006:1). The majority of the working class is nearly landless, while several small farmers and emerging farmers are cultivated insufficient (Borras, 2006:1).

In 1985, Brazil adopted a constitution that allows expropriation of land (Assuncao, 2006:1). With the new election of government, there were hopes that land reform will keep with the new constitutional expropriation provisions (Frank, 2002: 1). This provision was critically analysed by the people of Brazil as not being able to provide land in a way that they want (Frank, 2002:1). The adoption of the constitution after a democratic process is similar in comparison to South Africa. Just after the demise of the apartheid, the Republic of South Africa adopted the constitution as its highest law of the land. The South African constitution allows expropriation. Just like South Africa, Brazil at independence also inherited a racially skewed distribution of land (Deininger, 1998:22), yet even today there is a large political demand for land reform.

The lack of delivery to the people of Brazil led to violence, just like in Colombia. This violence was mainly on the demand for land. The violence was between the land owners and the landless class (Hazel, 2006:4).

The MST (Movement of Rural Landless Workers) met with the landless class and educated them about farming strategies and technics, marketing, sanitation and cooperative organization (Frank, 2002:1). Thereafter, the landless attained the right to settle after struggles over the land. The right to occupy the land partially fulfilled the radical slogan "Occupy, Resist and Produce". The fulfilment of the slogans was structured to survive in the market conditions imposed on Brazil by the neo liberal framework endorsed by Cardoso regime (Frank, 2002:1). The author, further notes that the following four areas were prioritised: Co-operative production- where people will be organised on a co-operative basis sharing the resources and production of the land, Education, Division of labour and Environmental ecology.

In this context this approach particularly the one of educating about land use, could serve as a lesson for South Africa's land reform. This approach can assist in decreasing the number of people migrating from rural areas to urban areas.

In 1998, the Brazilian policy focus changed when the Cardoso regime came into power. The regime introduced a new agricultural policy named Novo Mundo rural New Rural World in 1998(Wolford, Unknown: 559). The policy adhered to the neo liberal framework. Frank (2002:1) argues that the policy changed land into a 'compensatory policy'. The policy was more focusing on compensating rather than developing an all encompassing land approach. It is argued that the policy shifted from pro poor people movement to a policy that is more concerned about exchange of commodities. Borras (2006:2) argues that land reform has been displaced as 'dominant paradigm' by the market led approach. He further argues that this has been largely influenced by powerful international financial institutions such as the World Bank and IMF. In the political discourse of the land question in South Africa, it is mostly argued that the World Bank and International Monetary Fund (IMF) also influenced the pro market approach to the ANC led government.

According to Frank (2002:1) the neo liberal policy framework and structural adjustments have had a predominantly devastating effect on Brazil agronomy. The neo liberal framework and structural adjustments affected all parts of agronomy and small farmers were tremendously affected (Frank, 2002:1).The MST pointed out the effect on the market led approach on Brazilian agriculture.

The following that took place: the decreased in spending, agricultural subsidies ceased to exist, rural credit default increased from 182 percent in 1997-99, bankruptcy of 400, 000 farmers in a short period of two years and migration of rural people to urban areas (Frank, 2002: 1).

In Brazil, like in Colombia and in South Africa, the neo-liberal/pro-market land reform framework reveals the underlying challenge whereby rural inhabitants migrate from the land they are supposed to claim ownership off to more urbanised areas. This trend undermines the core purpose of land reform.

## **2.5 African experiences with redistribution of land**

For one to evaluate and quantify the failures and successes of land reform in the neoliberal democracy of South Africa, it is crucial to reference instances of other land reform systems adopted by other countries around the world following independence. This helps by providing information on successful and unsuccessful implementation of land reform.

This part of the study discusses land reform in the African continent with specific focus on Zimbabwe, Namibia and Kenya.

### **2.5.1. Overview of the land question in Zimbabwe**

When one debates the land question of Zimbabwe, what usually stands out in the minds of people is that it was chaotic and it led to the 'Zimbabwean Crisis'. People left Zimbabwe to neighbouring countries looking for greener pastures. However Scoones (2010) argues that Zimbabwean land reform was masked with myths and deceptions as there are many conceptions. There is no constant agreement on what transpired in the process of addressing the land question in Zimbabwe (Chikowore, 2013: 20). Scholars from different orientations have different views on the land reform of Zimbabwe.

Hence, it is always necessary for academics, civil society structures, youth and activists to critically analyse and contribute to knowledge production on Zimbabwean land reform.

In 1898, native reserves were formed in Rhodesia (Mushunje, 2001:11). Zimbabwe was formerly known as Rhodesia and black people were predominantly the indigenous people of the country (Mushunje, 2001:11). The indigenous people of Rhodesia were the Shona people. The Shona people were side-lined and forced to live on small fragments of land by the colonizers (Mushunje, 2001:11). He further contends that this was done by the colonizers to ensure that black people could not

sustain their agricultural and socio/economic development. He argues that the native reserves led to the land deterioration that today negatively affects the agricultural system of Zimbabwe. The situation that occurred in Zimbabwe is exactly similar to what also happened in South Africa. The above argument gives insight into the way and scope at which black Zimbabweans were treated before independence. A large number of black Zimbabweans were pushed to remote parts of the country where development is void and the scale of the land available is very small. The use of productive land for socio economic development was only limited to the white population. The historical background of Zimbabwe described by Mushunje (2001) can be compared to the historical background of South Africa. In South Africa, the racial laws of apartheid and colonization forced the native to live on small fragments of land in the Bantustans (Pepetheka, 2013:1-2). It is argued that this was done to ensure that the natives could not sustain their social and economic development.

Mushunje (2001:11) says that during the time of colonization in Zimbabwe black people were regarded as subsistence farmers while white farmers were there as commercial farmers who must produce on a large scale and export their products around the world. During the colonial times the economy of Zimbabwe was divided into two, one for indigenous black people and one for white settlers.

According to the author, black Zimbabweans were used as labourers to meet the demand and needs of the white commercial farmers. In the South African context, colonial policies such as the 1913 Land Act and other racial legislation that followed restricted land ownership by the Natives and constrained them to homelands (Dail, 2012: 1342). The land Act of 1913 was specifically aimed at the small successful black commercial farmers that existed before the promulgation of the law (Karuiki & Van Der Walt, 2000). In a similar fashion to Zimbabwe, colonial policies of dispossession created reserves and a pool of cheap labour to work on farms that are owned by the white farmers.

In the South African context this was achieved through territorial segregation and marginal portions of land (Daile, 2012:1342). It is argued in the political discourse concerning rural development and land reform that colonial policies forced the Natives to leave the rural land for urban farms searching for employment (Ntsebeza and Hall 2007: 3). In the Eastern Cape, it is arguable that colonial policies resulted in the current defining characteristics of the province agricultural economy, which is predominantly privately owned by white commercial farmers.

During the 1980 independence, there was a racially skewed agrarian and land tenure structures (Moyo 2011: 941). These structures were dominated by 6000 white farmers, few foreigners and nationally owned agro- industrial estate (Moyo, 2011: 941). He claims that they were alongside 700,000 peasant families and 8000 small-scale black commercial farmers. Zimbabwe inherited a racially skewed land distribution which was in favour of a minority race.

Chikowore (2013: 20-21) argues that this situation brought about imbalances in gain access to the natural resources of Zimbabwe, therefore there was a need for land reform. The land reform programme of Zimbabwe aimed to improve livelihoods and reduce poverty by issuing land to the poor who would then get the chance to contribute to a balance development (Scoones et al, 2010 Chikowore 2013:20-21).

Looking into the Zimbabwe land reform policy, it was aimed at reducing poverty, by redistributing land to the poor. Just as is the case of South Africa, the policy also aimed at combating poverty, addressing skewed ownership pattern and at the same time addressing the injustices of the past.

However, land policies of both of these countries did not focus on the race, gender and class question but rather focused on reducing poverty and addressing historical injustices.

In 1980 during the independence, the newly elected democratic government set a target of resettling 165, 000 white owned farms to black people (Cliffe, 2007:6). This indicates that land reform was the priority of the newly elected government of Zimbabwean at this time...

The Zimbabwean government established an Intensive Resettlement Programme (Chitsike, 2003:3). This programme summarized the following as its objectives:

- *“To alleviate population pressure in the Communal Areas;*
  - *To extend and improve the base of productive agriculture in the peasant farming sector, through individuals and cooperatives;*
  - *To improve the standard of living of the largest and poorest sector of the population of Zimbabwe;*
  - *To ameliorate the plight of people who have been adversely affected by the war and to rehabilitate them;*
  - *To provide, at the lower end of the scale, opportunities for people who have no land and are without employment and may therefore be classed as destitute;*
  - *To bring abandoned and under-utilised land into full production as one facet of implementing an equitable policy of land redistribution;*
  - *To expand and improve the infrastructure and services that are needed to promote the wellbeing of people and economic production”*
- (Chitsike ,2003:3).*

These objectives guided the policy implementation process up until the end of the first decade in independence of Zimbabwe. However, due to experiences gained during the first decade of independence, the policy objectives were revised in the new National Land Policy of 1990 (Chitsike, 2003:4). The target was changed to 8,3 million hectares (Chitsike, 2003:4). He claims that the aim of this policy was to target and address the needs of the same population as stipulated by the first policy of 1980.

The policy also established the government strategic objective for the scope of numerous land tenure regimes including Model A, B, C and D (Chitsike, 2003:4). The new policy of 1990 had its own challenges just like those that any other policy initially faces. In addressing those challenges, there were amendments that were continuously being done.

The major motive for the amendments was to attempt to improve the quantity of land given up for resettlement (Chitsike, 2003:9). This pointed out that policy implementation in Zimbabwe had its own flaws and as a result it was continuously amended. South Africa can learn a lesson from this situation. One of those lessons is that policy formulation and the process of implementation is not an easy task. It continuously needs reviewing and updating processes to meet the demands of the people.

From 1980 Zimbabwe followed a market led land reform approach which managed to resettle 70, 000 families on about three million hectares (Bratton, 2007: 97). However the approach changed after the 1996 presidential elections (Chamunongwa, 2012, 11). The state approach to land reform shifted ideologically from electoral rhetoric to a radical land policy proposal (Chamunongwa, 2012:11). This can be argued that the shift from electoral rhetoric to radical proposal was largely influenced by the war veterans and their demand for land in Zimbabwe. The South African land reform process is still on the electoral stage as some political parties are still promising a radical land reform on the electoral manifestos and public speeches.

There is a direct link between poverty reduction and land reform, and issues of poverty reduction cannot be tackled without addressing issues of land reform (Chitsike, 2003:10-11). Land reform and poverty are interrelated and interdependent. It is believed that when the country distributes the land to the poor and the landless it is also addressing the socio-economic challenges which are seriously affecting South African citizens.

## **2.5.2 Overview of land question in Namibia**

Namibia at independence also inherited a racially skewed distribution of land as a result of colonization and imperialism. Just like South Africa, in Namibia the land question was aimed at readdressing the imbalances of the past, and reducing inequalities and poverty.

Namibia opted for and deployed the inflexible neoliberal approach of 'willing buyer willing seller' to address the land question (Cliff, 2007:1). South Africa, and Namibia opted for a market led approach to address its racially skewed land distribution. In Namibia historical disadvantaged communities, families and individuals were given financial assistance by the state to purchase land (Chikowore, 2013:19). The land reform programme was supported by the state which evaluated land, valued it, offered land, and negotiated the owners and processed the lease agreement (Chikowore, 2013:19). These trends are similar in comparison to the South African context.

In South Africa, the National and Provincial government committed and promised a better life for all. The ANC government committed itself to Reconstruction and Development Programme (ANC, 1994). South Africans believed that the policy would create an enabling environment for transformation of historically disadvantaged societies. After being advised by powerful monetary institutions such as the World Bank and IMF, the ANC led government opted for the neoliberal market approach (Ntsebeza, 2007, Moyo, 2008, Hall 2004 and Daile 2012). As articulated by Ntsebeza (2007), the neo liberal market led approach avail funds for purchasing agricultural land from white commercial farmers in a form of grants. The approach adopted by Namibia is exactly similar as the one of South Africa. In Namibia land reform was aimed at rectifying the injustices of the past through a neo liberal framework. In South Africa and the Eastern Cape, the neo liberal approach has resulted in majority of the poor people and the working class failing to be able to purchase land. As a result, the approach has been criticised as failing to redress the social inequalities and reduce poverty (Lipton, 2009).

### **2.5.3 Overview of the land question in Kenya**

After independence in 1963, Kenya became the first Anglophone former settler colony to establish a land reform programme that aimed at transferring land from white farmers to create black farmers (Cliffe, 2007:5).

This programme was formulated just before independence in 1961, targeting farming initiatives in the ex- 'White High Lands' (Cliiffe, 2007:5). This programme enclosed of 1.25 million of acres and engrossed a big quantity of resources for agricultural development (Adams, 1995: 6). This was expected to produce a stable class of wealthy black farmers. However, the programme gave rise to the landless class and women that were marginalised. Women argued that the approach is favouring men against women and it is also undermining the role of women as the 'actual utilizers' of land (Adams, 1995:6). The programme favoured the 'progressive farmer' meaning that the government gets involved in the economy to offer an extra advantage to those who already had a competitive advantage in this case the minority population (Kariuiki, 2009:5). The focus of land reform programme was about the creation of a black commercial farmer.

Therefore, Kenya is another African country and ex- settler colony that experienced colonization and also faced issues and challenges of land reform after decolonization. Just after 1963 independence, Kenya, introduced a land reform policy that was mainly focusing on agricultural development.

Three decades after the independence of Kenya, South Africa drafted its land reform policy. The South African land reform policy focus was to redistribute land through the willing buyer willing seller approach (Ntsebeza, 2007, Daile, 2012). From 1995 to 1999, this was done through availing funds to the poor so to purchase land (Hall, 2004:25). This approach was widely criticised. The criticism was based on the following arguments "it reproduced overcrowding, and it did not link the acquisition of land to support and resources to enable people to generate a livelihood off it" (DLA, 1997b).

In response to the challenges of land reform in South Africa. The Minister of Agriculture and Land Affairs announced a new policy direction in 2000 (Hall, 2004:25). However, the actual target of 30 percent remains the same. The intension was to establish a class of black commercial farmers (Hall, 2004: 25).

This policy shift was originally intended for people with capital to invest, preferably those with agricultural qualifications (Hall, 2004: 25.). As it happened in Kenya, land reform policy in South Africa is designed to create a stable class of wealthy black farmers.

The South African land reform policy initial focus was to redistribute 30 percent of white agricultural commercial land to the poor (Ntsebeza, 2007, Daile, 2012). This was going to be done through availing funds to the poor so to purchase land (Hall, 2004:25).However, policy formulation shifted from pro poor to creating stable class of wealthy black farmers. The land reform of Kenya teaches South Africa that a commercial model of land reform, might in the future give rise to the poor and the landless revolting against the policy as it disfavours them .

## **2.6 General South Africa Literature on land reform**

When the African National Congress took state administration from National Party government, it inherited the injustices of colonial dispossession and apartheid.

At the point of redressing the injustice of the past, the ANC formulated and introduced a land reform policy. The ANC land reform policy promised South Africans especially the native population that a new South Africa is imminent. This assertion is as a result of the assumption that when the ANC fought against colonial and apartheid regimes mainly to liberate the natives politically, socially and economically. As always stipulated in the political discourse of land reform, land reform in South Africa is about fulfilling the aspirations of the Freedom Charter. In 1994, the ANC introduced an ambitious and ambiguous land reform policy in trying to fulfil the aspirations of the Freedom Charter (Ntsebeza, 2007).

Land reform is redistribution of property ownership in land or other rights to access and use of land (Dixon 1990). It should not be seen as an agrarian matter only, since it includes an extensive range of social changes such as access of people to land, the ownership structure of land, land holdings and the legal or contractual forms of land tenure (Mapurunganda, 2004:14-15).

Around the world poverty is conceded to be one of the biggest challenges (Thirwall, 2006:43). To resolve this issue of poverty around the world requires the raising of the living standard of two thirds of the world's populace. Most of that two thirds are rural people who are denied the means for self-improvement by a capitalist neo liberal system of restricted access to the most basic needs and land resources (Sullivan2009:2). The history of humankind informs us that there has been a continuous struggle by poor people fighting for land that was forcefully taken away by colonisers. Throughout history land has for the poor been at the heart of a desired redistribution of wealth and it has driven the campaign for economic freedom by those who are marginalised in the society (King, 1977).

In the context of South Africa, the land question can be traced back to the days of colonialism and imperialism of a special type (apartheid) which distributed land in an unfair way to the white society and promoted racial capitalism (SACP, 2012). In this context, racial capitalism is defined as a process of developing socio-economic value from the racial identity of another person (Leong, 2013: 2151). The author further argues that this is a long standing, common and intensely problematic practice.

Racial restrictions on land use, ownership and occupation were one of the tools of oppression used against blacks during apartheid in South Africa (IDAF, 1983). In 1994 a democratic government led by the liberation movement that fought against colonialism and apartheid came into power and developed a comprehensive and far reaching land reform programme that seeks to address the challenges of land reform (Jacobs, Lahif and Hall 2003:1). However, it could be argued that the programmes and policies that were introduced to redress the injustices of the past in terms of land. Therefore, the concern was to balance redress with reconciliation and economic stability (Kahn, 2007:3).

This whole process of land reform of South Africa is not as easy as one would think, since the South African government should avoid domination and empowerment of one race by another race.

The South African government opted for a liberal approach to redress the historical injustices and skewed land ownership.

The fundamental challenge facing South Africa post 1994 is how to reverse the injustices of colonial dispossession and apartheid legislation that forcefully removed the natives into reserves and paved the way for racial inequalities (Ntsebeza, 2007:3). This is a critical issue of land redistribution in the former homelands of Ciskei in the Eastern Cape and South Africa in general. Bester (2011: 11) traces the land question from colonial dispossession and laws of apartheid that prohibited the indigenous people of South Africa from owning and selling land. Bester (2011:11) further goes on to argue that when the ANC led government came into power, it inherited the legacy of the past, therefore the ANC led government had to rectify the unjust laws of colonialism and apartheid by creating policies that will speak of South Africa for all who live in it. The argument raised by Bester (2011:11) is crucial since even today the ANC government is still working out effective policies to address the land issue as most of the South African people are not yet satisfied with the current land reform policies and other developmental policies in place.

Land and Agrarian questions are indispensably tied in with matters related to rural labour and market restructuring in South Africa as elsewhere. Westaway (2010:6) sees land as part of the agrarian question. Westaway (2010:6) argument is subject to scrutiny as he confines land reform in the Eastern Cape and in South Africa as Agricultural development. This argument has its limitations as land reform is not only based on agrarian issues but also includes other related issues such as housing, tourism, infrastructure development, cemeteries etc.

### **2.6.1. Land Reform in the Eastern Cape**

The land reform programme of the Eastern Cape is in line with the national aspiration and objectives which is to address the historical injustice of the past. Chikowore (2013:14) argues that there are many definitions of what land reform is, and what it seek to achieve. It is noticeable that the bottom line drawn from all these definitions is that land reform is about changing land ownership by apportioning land so that the landless class can get a portion. The landless class and the black poor population in the former homeland Ciskei is in majority, yet throughout the province of the Eastern Cape both the latter have less portions of land compared to the white settler population. Land reform is a political practice since it encompasses the acquisition and redistribution of limited resource with a great economic value that can lead to a significant shift in power of societal dynamics (Chamunumgwa 2012:10). In 20 years of democracy, only 7.5 percent of possessed land has been redistributed to the indigenous people of South Africa, which is lesser than the target of 30 percent set by ANC led government (Pepeteka, 2013:13). According to statics provided by the Department of Rural Development and Land Reform, end of term report: 2009- 2014 in the Eastern Cape a total number of 196 farms, 181 613 hectares and 1433 people have benefited from land redistribution (DRDLR, 2014:14).

Lahif (2001) says the Eastern Cape Province has the highest incident of poverty in the country and forty eight of the population is classified as living in poverty. The majority of the poor population is located in the former homelands of Ciskei and Transkei, and poverty is predominantly noticeable among black people (ECSECC, 2000:5). Lahif (2001) speaks of land policies in the Eastern Cape, with precise emphasis on agrarian reform on Ciskei and Transkei areas. Lahif (2001) research looks at the significance of small scale land based activities such as cropping, gathering of wild resources and livestock to the people of the homelands of the Eastern Cape Province. He concludes by saying that land continues to be a vital component in the livelihood strategies of millions of people in the Eastern Cape and

land reform policies have a role to play in transforming the lives of the vast majority of people who are currently living without secure land rights.

## **2.7 Conclusion**

The land question has been a major challenge to countries that experienced imperialism and colonialism. After independence many of those countries opted for land reform programmes. The chapter has reviewed existing international and domestic literature on land reform. This section of the study has reviewed literature on policies pursued to address the land question in South Africa post 1994; it has brought out the debates and arguments that surround policy formulation on the land reform issue in the Eastern Cape. The motivation for undertaking land reform in South Africa and elsewhere in the world has been mainly prioritizing rural development and agricultural productivity.

## **CHAPTER 3**

### **THEORATICAL FRAMEWORK**

#### **3.1 INTRODUCTION**

This chapter will provide a brief overview of land reform in South Africa with a specific focus on the former Ciskei homeland and is followed by a detailed explanation of concepts which have guided and informed the research from the literature of Marxist theory. The focus is to present the theory that provides the foundation for the present study. The chapter shall first give an overview of the area under study and then discuss the Marx theory. The chapter shall also give a critical analysis of the Marxist theory to test its applicability in the real world and in South Africa.

#### **3.2 A brief background of the Transkei and Ciskei areas of the Eastern Cape**

This is a study of policy choices and challenges to be faced in addressing the land question in South Africa focusing on the former Ciskei homeland in the Eastern Cape. The former homeland of Ciskei is located on the eastern seaboard of South Africa between the Stormberg escarpment and the sea, the great Kei River in the east and the Great Fish and Kat River in the west (Charton, 1980:9). The former Republic of Ciskei was a Bantustan established by white the minority government of the Republic of South Africa as part of its apartheid policies (Charton, 1980:9). Ciskei was one of two Bantustans for the Xhosa people in the Eastern Cape, the other being Transkei. These homelands are separated by the Kei River; hence their names: this side and across the Kei (White, 2008:01).

The historical background to the formation of Ciskei can be traced back to the 1920s, when the Union of South Africa came up with a system that was designed to administer the area under British colonial rule (SAHO: 2014b). The Republic of Ciskei was formed in the 1970`s in conditions differing from those of the Republic of Transkei. Ciskei constituted of different areas under weak chiefs while some parts had no administration by chiefs at all (SAHO: 2014b). Moreover, the chiefs had no real power over their subjects and they were not treated in the same way the chiefs of Transkei were treated (White, 2008:1). This might have been caused by the fact that the traditional leaders in Ciskei did not agree to the segregationist policies of the South African government as did the Transkei traditional authorities. In Transkei, the highest placed traditional leader, Chief Matanzima, was highly submissive to the colonial government and he relentlessly promoted the colonial government's strategies and objectives. For example Bank and Southall (1996) claim that he persecuted political activists and chiefs such as Sabata Dalindyebo of Thembuland and journalists who fought against apartheid (Bank and Southall, 1996). The people of Ciskei were from different ethnic groups. They consisted of these were the Mfengu`s, and the Amarharhabe, and so they had no respect for traditional leaders who had been imposed upon them. . As White (2008:1) argues, the Ciskei was a working class homeland designed to provide cheap labour for the neighbouring towns in South Africa such as King Williams Town, Queens town, East London, etc. The establishment of Ciskei was not for ethnic identity reasons but rather for administrative purposes to facilitate Republic of South Africa's pursuit of apartheid and racial capitalism.

Before 1994, Ciskei was an independent republic created as initiative of the Glen Grey Act of 1894<sup>1</sup>(Lacey, 1981:4) which was later developed and enforced by the Land Act of 1913(Act 27 of 1913), and the Native Trust and the Land Act of 1936(Act No .18 of 1936) (Milila, 2000:7). The Land Act of 1913 and 1936 set aside

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<sup>1</sup> The Act "was designed to set a pattern of African land-holding throughout the Cape African reserves" (Davenport 1987: 181). It imposed a labour tax and introduced individual land holdings. It further "excluded property ownership altogether as a voting qualification for blacks who held under Glen Grey title" (Davenport 1987: 108).

and segregated areas for Bantu Natives and white settlement respectively (Milila, 2000:7).The land set aside for white settlers amounted to about 21 million acres, while that set aside for the natives was ten times smaller than the land given to the minority (Feinberg& Hon 2009; Letsoal 1987). The percentage was later increased by five percent through the Native Administration Act of 1927(Act 38 of 1927) and the Native Trust and Land Act of 1936(Act 18 of 1936) which paved the way for the establishment of the homelands (Pepetheka, 2013: 1). As a result the natives were restricted from owning land in the homelands which constituted only 13 percent of the total area of land in South Africa (Pepetheka, 2013:1).This resulted in one of the most unequal communities in the world with a minority population enjoying high standards of living and the great majority of the Natives living in poor conditions and suffering extremely exploitation and marginalization (May, Woodlard and Klasen 2000:6).

In 1994, all homelands including the Ciskei, were incorporated into the democratic republic of South Africa, which then faced the problem of how to address and reverse the historical injustices of colonial and apartheid policies. However, in addressing these historical injustices the democratic government led by the African National Congress adhered to neoliberal<sup>2</sup> policies which have been seen to go against what the Freedom Charter advocated for (Satgrar, 2010). The Charter called for, among other things, land reform and nationalization. It's almost 20 years after South Africa attained freedom and the ANC is yet to adopt these principles. As a result of this, the ANC has been criticised for its allegedly neo-liberal stances, which are said to have allegedly sold out the people of South Africa to capitalism (Narsiah, 2002).

It is often argued that the character of the South African economy (unemployment, crime and poverty) and the aspirations of the people for economic freedom, state

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<sup>2</sup> At neoliberalism is a belief in the free market and minimum barriers to the flow of goods, services and capital. It is an extension of the traditional liberal philosophy, which argues for a separation of politics and economics and that markets should be "free" from interference of government (WHO, 2015)

ownership and control of strategic sectors of the economy should be the foundation for sustainable economic transformation in South Africa. According to Satgrar (2010) the ANC-led liberation movement chose not just “reconciliation (which is what most South Africans wanted) but appeasement. This meant that minority monopoly capital<sup>3</sup> was not called upon to take responsibility for its complicity under apartheid and to commit to a serious transformative program, even though the conditions existed for this. The ANC indirectly gave the minority monopoly capital leverage through its neo-liberal reforms such as privatisation and free market economic mechanisms and economic stability. Satgar (2015) maintains that the neo-liberal policies have produced a country with one of the highest unemployment rates in the world, obscene inequality, a deepening ecological crisis and growing hunger. Neoliberal policies compel the government to have minimum intervention in the economy and this causes problems. Neoliberal fiscal austerity policies decrease public expenditure through cuts to central and local government budgets, welfare services and benefits and privatisation of public resources resulting in job losses (Fryer and Stambe, 2015).

It is claimed by many scholars of rural development and land reform such as Ntsebeza (2007), Pepetheka (2013:1-8) and Moyo (2008) that land reform is too slow and that market based policies have failed to achieve the desired redistribution. It is for this reason that this research seek to critically analyze and evaluate the land reform policies, the impact and challenges involving in the redistribution of land to the rightful claimants in the former Ciskei homeland, through the concepts of Marxist theory.

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<sup>3</sup> This is a monopolistic economy associated with a certain small elite dominating the modern accumulation process.

### **3.3 MARXIST THEORY**

Marxism is defined as a system of thought that was formulated by Karl Marx, who provided the central theoretical basis for socialism (Sean, 2000: 1-2). The Marxist theory begins by articulating a general theory of class struggle that springs from economic relations of production that separate society into opposing classes. In Marxist theory there are two classes; the haves who own the means of production and the have-nots who have to sell the only commodity they possess, their labour. Karl Marx and Friedrich Engels analyzed the transformation of power relations and social institutions from one class to another. According to Marxist theory, classes and class struggles are a product at given stage of historical development, of economic development (Lavallette1997:59). Wealth distribution is a product of the distribution of ownership in production.

Economic differences reflect on the fact that a certain class or fragment of society owns the means of production while the greater majority he population (working class) -does not own the means of production and the material conditions force them to work for owners of the means of production (Lavallette, 1997:59). The class that owns the means of production and has economic influence usurps political influence (Lavallette, 1997:58-62); as a result, the class with economic power controls state power and all the means of political power such as the army, courts, media, police and institutions involved in policy formulation. In a class divided society it is the ideas of the class that has economic and political power that prevail at a given time due to the factors mentioned above (Lavallette1997:65).

### **3.4 THE MARXISM THEORY ON REDISTRIBUTION**

Marxist theory of land distribution and all of other strategic resources rejects any distribution of land based on considerations of race, class and gender. In that its stance is the same as that of the Freedom Charter<sup>4</sup>.

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<sup>4</sup> The Freedom Charter was the statement of core principles of the South African Congress Alliance, which consisted of the African National Congress and its allies the South African Indian Congress,

“It is the meaning of the principal economic clauses of the Freedom Charter that has generated most disputes to date. These call for the 'national wealth' of South Africa to be 'restored to the people, for the ownership by 'the people as a whole (of) the mineral wealth, the Banks and monopoly industry'; for the control of 'all other industry and trade ... to assist the well- being of the people'; for 'all people (to) have equal rights to trade where they choose, to manufacture and to enter all trades, crafts and professions'; for the ending of 'restrictions of land ownership on a racial basis' and the re-division 'of all the land ... amongst those who work it' ( Hudson, 1989:8).

In their analysis of the society Marx and Engels reached the conclusion that societies are divided into classes, a class that actually carries out production and one that enjoys the benefits of production. Marx and Engels further noted that the unequal distribution of strategic resources such as land and property rights, benefit only the bourgeoisies and negatively affect the lives of the proletariat (Blackledge, 2008); hence the call for redistribution. In trying to understand and solve the land question in the former homeland of Ciskei and in South Africa in general, Marxist theory allows one to analyze and evaluate South African land reform policies, the impact and the challenges facing the redistribution of land to the rightful claimants (especially the Black people) of the former Ciskei home in South Africa who were disadvantaged by the Land Act of 1913 and other racial legislation of colonialism and apartheid. The focus of this study is on of land reform. “Land reform is normally defined as the process of redistributing property or rights in land for the benefit of the landless, tenants and farm labourers. This is a narrow definition, reducing land reform to its simplest element” (Warriner, 1969). In explaining land reform from a Marxist perspective, I draw on a number of authors and scholars. Qalam, for example, posits that land reform in South Africa is encapsulated in the ANC 1955 Freedom Charter, which stipulated that “land shall be redistributed amongst those

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the South African Congress of Democrats and the Coloured People's Congress (ANC, 2015). It sought to ensure inclusiveness in every aspect of the South Africa society. Its main aim was to transform South Africa into a non-racial society where everyone would be equal before the law. Furthermore, the Charter also called for democracy and human rights, land reform, labour rights, and nationalization.

who work it in order to banish famine and land hunger”( Qalam, 2012:1). According to Kahn (2007:1) land reform in South Africa is based on the premise that it must address the historical imbalances that currently exist in land ownership. Land reform in South Africa must further advocate policies favouring the working class and policies that appraise customary laws governing land ownership so as to provide access to land for the landless.

In the 20 years of democracy, the issue of land reform has stimulated a great deal of theoretical debate among political parties, African scholars', civil society structures, academics, government institutions and youth in the townships.

All are concerned with how the historical injustices of colonial and apartheid regimes should be addressed by a government that purports itself to be of the people for the people. However, the discourse has been characterized and dominated by two ideological orientations: a liberal and the socialists' orientation. The socialists argue that policies of land reform should be rooted in the Marxist principle of collective ownership. Therefore land and all strategic sources of production should be nationalized by the state with the intention of facilitating redistribution (Yifeng, 2008:1-3). On the other side the liberals argue that individualized tenure systems are to be preferred as more economically just, equitable and fair (Wolford, 2007: 555). Marxist and liberals are of the view that historical injustices must be addressed, but they disagree on the fundamentals of policy formulation for land redistribution. Marxist reforms want to establish a connection between proletariats peasant communities and the land, and improve social justice by redistributing resources to the proletariat peasant communities who will later contribute to a balanced development of the society (Edelman 2002, Courville 2006 and Wolford 2003). In the process of doing so the redistribution of land among poor and the working class who live and work in the area of the former homeland will need to be analyzed.

Since the transition to democracy, (1990- 1994) which saw the incorporation of the homelands into South Africa, the South African Government has strongly supported a macro neo-liberal policy framework for land reform (Lahif, 2007:1).

The assumption was that the neo-liberal macroeconomic policy framework is the best way to allocate land and property rights to productive single individuals who were dispossessed by colonial and racial laws while at same time addressing the historical imbalances caused by colonial dispossession. The assumption is based on the premise that land and property rights are a 'reasonable reflection of labour applied' (Wolford, 2007:552). The Marxist theory argues that neo liberal market oriented policies for redistribution serves to rob and exploit of the working class and the poor (Wolford, 2007:552).

In South Africa, people who own the land do so because they possess political and economic power (both in the past and in the present). The neo- liberal macroeconomic approach to land reform was advised by World Bank and IMF to the African National Congress, which was then a government in waiting (Ntsebeza, 2007: 1-3). They suggested that if there is a need for land reform it is because the South African market is insufficiently developed has not as yet amalgamated all the segments of the society (the poor marginalized homeland communities and the working class). The neo liberal framework suggested that the South African market merely needed to be expanded to create space for the previously marginalized (the working class, black, poor people). However, neo-liberal reform that comes about by relying on the market is likely to be plagued by the markets own very historical mal-development (Wolford, 2007:552). Marxist theory argues that markets have been sufficiently developed but only so as to favor and support the privileges and interests of the wealthy land owners. Marxist theory further advocates that the state needs to be mobilized to carry out land reform. However, this is not easy to do in neo liberal democratic conditions where the state is a tool that is used to advance the ideas and interests of the ruling class. Extending this argument, Brown (2003) posits that the state is a central institutional actor in the neo liberal views of things, primarily to support the actions and events of the market.

In the South African context the class that produces consists of black people who were dispossessed by colonial policies and further marginalized by apartheid racial capitalist policies; the class that enjoys the fruits and benefits of production consist of whites who dispossessed the natives by moving them into reserves such as the Ciskei and Transkei. This stems from the fact that poverty and inequality in South Africa are still intertwined and poverty is distributed along racial lines. The white population has much of the resources than other racial groups (StatsSA, 2014). Statistics reveal that the gini-coefficient of the Eastern Cape Province is 0.64 (ECSECC, 2013).

This is so high by international standards and shows that the wealth gap between the rich and the poor is disturbingly high. Statistics further shows that provincial poverty rates are highest for the Eastern Cape (71% and is concentrated among blacks, particularly Africans: 61% of Africans and 38% of coloureds are poor, compared with 5% of Indians and 1% of whites (Budlender et al. 2001). The statistics are even grim when land ownership is taken into consideration. Blacks who were previously disadvantaged still own little and this has been blamed on the market related land reform policies.

The Marxist theoretical framework discusses and analyses the concept of private property, power relations, liberal democracy, conflict and the role of the state under neoliberal set up of democracies. The Marxist theory provides a critique of neoliberalism and the challenges that manifest themselves due to the system in place. Marxist theory stresses the notion that social life is based upon conflict of interest between the two classes (bourgeoisie and proletariat) in relation to the means of production (Anonymous, 2005: 1-3). The next section looks at the fundamental concepts of this study.

### **3.5 The Marxist view of private property, power relations, liberal democracy, conflict and the role of the state in neo-liberal set up of democracies.**

#### **3.5.1 Private Property**

Marx's notion of class and class struggle is defined by ownership of property (Rummel: 1977). According to Marxist theory ownership invests a person with power to exclude others from land or property and utilize it for personal purposes (Rummel: 1977). Marx highlighted the role of property ownership, whether of land or the means of production, in dominance and power. Historically, he saw social relations, culture, and ideology as reflecting property relationships.

Moreover, political power, the state, was the instrument for maintaining and protecting property relations, and in mature capitalist society, the business of the state was that of the bourgeoisie (Rummel, 2000). Zeitlin (1973), argues that Marx recognized the separation of ownership and control as simply a transformation in capitalism, realizing that those who control do so in the name of the capitalists and share their class interests.

A position on this controversy need not be taken here. At issue is whether it is authority or property relations that provide the most basic vehicle for understanding class conflict. Property is that over which one legitimately exercises exclusive control. It is a right granted by society (i.e., the state) to authoritatively exercise sovereignty over the property: to exclude others from it or to regulate them in its use (Rummel, 2000).

#### **3.5.2 Power relations**

Marxist holds that power is basically lodged with the owners of the means of economic production and political power is determined by economic power.

The owners of the means of economic production that regulated, exchange and distribution in a capitalist society, but also control and dominate the institutions of political power (Anonymous, 2014:3). One's level of participation and contestation for and within the (super) structural institutions of society is largely determined by economic power, which gives control. For example, in the former Ciskei, a person with resources will have power over those who are less economically empowered when they compete for a seat in a policy formulation platform since the person with resources can afford the costs of running a campaign. Economic power also comes with an advantage of the ability to bargain through distribution of patronage.

In the South African neoliberal democratic context, "the poor" are defined as those individuals and groups who are not well integrated into the market and the corresponding policy response is to develop pro-poor market solutions (Hulme, 2004:404).

South Africa has failed to 'integrate' the poor into the 'market' because of its liberal macro-economic policy framework requires little government intervention in the economy. Satgrar (2015) concurs and asserts that post-apartheid neoliberal South Africa is in a conjunctural crisis in which a capitalist pattern of development is not able to meet the needs of the people and the ecological web of life. A redistributive approach was needed after 1994, given the historical legacies of racialized deprivation and exclusion. However, despite this, the ANC led government chose to implement free market policies which did little to solve poverty and income inequality. The economic policies adopted by the ANC have attempted to improve economic growth but this has not necessarily translated into improvements in economic wellbeing for the majority of the population. This has resulted in South Africa being one of the most unequal societies in the world (WHO, 2012). The major share of the means of production (including land) has remained in the hands of a few elite. For example in 1994, as a result of colonial dispossession and apartheid, 87% of the land was owned by whites. By 2012 post-apartheid land reform had transferred 7.95 million hectares into black ownership (Nkwinti 2012), which is equivalent, at best, to 7.5% of formerly white-owned land.

Whites as a social category still own most of the country's land and redressing racial imbalances in land ownership is land reform's most urgent priority (PLAAS, 2013).

This study shall attempt to explore the feasibility of the socialist approach which compels the society to advocate for a primarily redistributive process of land reform that can lead to the balance of economic power. The present study draws attention to the fact that the Freedom Charter which the ANC used as the basis for its campaign against apartheid had land redistribution as one of its key aims. This approach has not yet been adopted and almost two decades after the end of apartheid in South Africa, the failure of the agrarian reform policies of the African National Congress (ANC) has exposed the bourgeois nationalist liberation movement's inability to resolve the land question (Qalam and Joshua Lumet, 2012). The land question in South Africa remains unresolved partly because of its own gradualistic neoliberal approach to land reform (Moyo, 2005).

The subject of the effectiveness of neo-liberal policies in agriculture in South Africa sets the ground for the socialist approach. However, it should be noted that the validity of the socialist approach is an empirical issue and it needs to be investigated and this is one of the objectives of this study.

### **3.5.3 Liberal democracy**

Liberal and democratic principles are based on individual freedoms and minority rights both (Somet, 2003: 1). It is crucial to decide whether individual freedoms or collective interests should take precedence in ownership and control of the means of production. Marxists hold that, neoliberalism emphasizes individual rights and freedoms to the extent that compromises the collective good of society. Marxist theory believes that ownership of land by private entities and individuals creates a privileged minority class and concentrates economic power in few hands. Marxism requires that ownership of land should be communal so as to serve the best interests of society as a whole.

In other words, Marx proposes that the communist society be based upon the principle that the free development of all (Grunebaum, 2015 and Ellerman 2014). It is private ownership of land, resources, and the means of production which Marx believes forces workers to sell their labor power. Private owners become rich, powerful and free, while the workers become poor, weak, and enslaved.

### **3.5.5 Conflict**

Class, according to Marxist theory is defined by ownership of land or property (Rummel: 1977). Ownership enables a human beings to deny others land and property and to keep it for personal enrichment (Rummel: 1977). During the colonial time the apartheid government came up with ways that ensured that the white populations own the economic resources. This was manifested when the ruling white minority government, which held most of the economic and political power, decided to form the homelands (SAHO, 2014b). This also contributed to economic disenfranchisement (many black people were relegated from being property owners to being job seekers) of the black people in the Ciskei and surrounding areas who therefore united to fight against the white people who had taken their land (Lahif, 2002: 1-4).

### **3.5.6 The State**

Marx conceptualized the 'state as the repressive arm of the bourgeoisies' or an instrument of the ruling class (Hay, 1999: 152-157). The conception is that the functioning of the state is to serve the entrenchment of power in individuals or groups of people in strategic positions. This is done either directly through the manipulation of state policies or indirectly through the exercise of pressure on the state (Gold, Lo and Wright, 1975: 34). In the South African context, the ruling class was the white elite while the Bantustan leaders operated to entrench the class interest of more economically powerful white nationalist government.

The white central government ensured continued dominance and political advantage for whites through legislation that was based on separate development (SAHO, 2014a). All the commanding heights of the economy were reserved for white ownership and the homeland governments were accountable to the central government which was the custodian of white economic and political power.

For the purpose of this study, the bourgeoisie is the minority population that owns the means of production and the strategic resource in South Africa due to the injustice of the past, the proletariat, generally consists of the native black people, who sell their labour power for the development of the capitalist system and the capitalist class. In terms of land ownership, Whites as a social category still own most of the country's land and redressing racial imbalances in land ownership is land reform's most urgent priority (Institute for Poverty, Land and Agrarian Studies, 2013). These previously advantaged populations still own the means of production in the agricultural sector and those who were previously disadvantaged are living in poverty. In the former Bantustans, where many households are headed by women, poverty was and continues to be rife. The number of people living below the food poverty line (FPL) increased between 2006 and 2009, before dropping in 2011 to 10,2 million people (roughly 20,2% of the population) (StatsSA, 2014). Wealth in South Africa is even more unevenly distributed in favour of a minority South Africans, given the much higher past incomes (Kantor, 2014 and Holland, 2014).

Marxist theory complements the aims of this study as it seeks to investigate the impact of neoliberalism on the broader transformation agenda of South Africa. The challenges of land redistribution under neoliberalism and bourgeoisie democracy are also investigated. Marxist theory serves as a guideline for the study by providing an alternative approach to land reform in South Africa. Marxist theory also addresses political and socio economic issues in land reform such as gender, race and class which are also in the center of discussion in political discourse about an alternative approach to land reform.

Although this study recognizes the importance of Marx's theory in addressing the land question in South Africa. In this regard, the study shall attempt to use the Marx approach in addressing the land issue in South Africa.

### **3.5.7 Class**

According to Marxist theory, class division is a key feature of a capitalist society where the class that owns the means of production dominates all around (Mocrieffe, 2004:17). Class struggles results in unequal distribution of power; which produces a proletariat and a poor class. In the Ciskei, land owners used to influence political structures which were the traditional and western structures. This is clear from the composition of the erstwhile iBhunga authority which was dominated by land owners and traditional leaders (SAHO, 2014b). The owners of land and the other means of production wielded political power and therefore could take decisions to preserve their advantage.

### **3.5.8 Race**

The consensus of scholars on land reform in South Africa is that racial differences in landownership still persist (Hall 2004, Cousin, 2006 and Lahiff, 2007). Since the transition to democracy Marxist scholars and civil society structures too have expressed their doubts about the ability of neo liberal market oriented to do anything but entrench the existing inequalities between the white and black population.

During twenty years of democracy in South Africa the political discourse on land question and on race still maintains that the white minority population is substantial advantaged as compared to the majority of the black population. Since the ruling class was a mainly white, it is difficult to ignore race in the transformation discourse in South Africa, also when it comes land reform.

### **3.5.9. Gender**

Woman living and working in areas of the former Ciskei homeland locations in South Africa post 1994 experience economic subjugation due to the entrenched systems of patriarchy in society. In the former Ciskei and in South Africa in general, women have little power in the decision making process and find it hard to acquire land for them to own. Women constitute a majority of the population in the rural areas of South Africa, but for to historical reasons, women have rights to only very small proportion of the land (Small 1997: 45).

### **3.6 Empirical validity of Marx's theory**

Critics of Marxism have argued that the Marxist analysis of the working class was always flawed and that 20th Century developments have rendered the Marxist theory increasingly irrelevant for the analysis of the contemporary working class. Thus critics have argued that long term changes in overall class structures have resulted in the relative numerical decline of the working class. This has also resulted in the relative numerical growth of the middle class. It has also resulted in the decline of unskilled and semi-skilled manual work and growth of skilled manual work within the working class itself. All of which suggests that the working class is unlikely to play the revolutionary role predicted in Marxist theory (Galbraith, 2000). This might apply in South Africa where there has been an emergence of a middle class which consists mainly of rich black people. Of the 8.3 million adults classified middle class in 2012, 51 percent are black, 34 percent white, 9 percent coloured and 6 percent Indian (Wittstock, 2013).

There has been a dramatic expansion in the middle class in SA since 1994, and the largest share of this growth is among black South Africans who changed consumption patterns as they entered the residential property market and spent on durable consumer goods. This might show that the previously disadvantaged populations are now also getting opportunities and in time they will be better off and

inequality would be reduced. Developments have resulted in the redistribution of income and wealth toward the working class and this, combined with high and sustainable rates of economic growth, has resulted not in the upliftment of the working class but in their rising affluence; that affluent working class people have experienced a process of embourgeoisement and that the increased availability of affordable consumer durables increased their contentment with the capitalist system as a whole (Maass, 2014). This then renders the Marx's theory invalid. Another criticism of the Marx's theory is that that in practice, Marxist societies do not work and rather than leading to a condition of equality, lead rather to totalitarian governments (Maass, 2014). In the case of South Africa, the state would be in full control of the affairs of its territory and whatever it does would be unquestionable. This might not be good for the citizens as it would lead to the adoption of anti-democratic practices.

Despite these criticisms, Marx theory still looks attractive considering the current economic and social standing of many people in South Africa. In South Africa with its high levels of racial inequality, inequality in income distribution is especially large and persistent (Van Der Berg, 2011). Unemployment is disturbingly high and this has resulted in poverty. These problems have been caused by the neo-liberal policies that were adopted by the ANC-led government after 1994 (Satgar, 2015). The failure of these neo-liberal policies may provide a ground to test Marx theory in the South African context and this is one of the objectives of this study.

### **3.6.1 A critical analysis of the Marxism theory**

This section makes a critical analysis of Marx's theory. Theories are collections of concepts about some real world area of concern or interest which facilitate explaining, predicting, or intervening. With theories people explain why and how things occur as they do. However, it must be realized that theories should not be taken as a given because they can be flawed. Marx's theory is not an exception; it also needs to be criticized in order to see if it can be able to explain the current situation in South Africa with regard to land distribution.

Literature has found Marx's theory to be having some flaws. Firstly it has been found that Marxism goes much too far in laying the blame for the many problems of modern capitalist society on the capitalist class and its incessant search for profits (Sanderson, 2004). Some of the problems of modern society have their roots in the capitalistic profit motive, but the Marxists greatly overdo it in their emphasis on class domination. Capitalism certainly has some things to answer for, but it has also had some notable successes too, and Marxists are inclined to sweep these under the rug. Anthony Giddens mentions two in particular: creating a very high level of general affluence, and the establishment of liberal democracy (Sanderson, 2004).

Secondly it has been found that there is a failure of Marx's predictions. The working class within capitalism is not revolutionary at all. Socialism has never emerged in the most advanced capitalist societies, but, on the contrary, in the most backward agrarian regions of the world, and it was the peasantry rather than the proletariat that was the revolutionary class (Volker, 2014). Volker further maintains that since the late 1980s we are living in a world that is experiencing the "transition from socialism back to capitalism," the very opposite of what Marx predicted.

Thirdly Marxists have a very strong tendency to romanticize the working class – seeing in it everything that is good and liberating – and socialism as an economic system (Kliman, 2007), but actually existing forms of socialist society have been for the most part a disaster, and these forms give little reason for optimism about any future form of socialism. "In the Third World, socialist societies have shown little developmental potential, and less-developed capitalist societies such as Taiwan and South Korea have performed much better. Capitalism has shown much more resilience than Marx ever anticipated, and it has solved many of its earlier problems" (Kliman, 2007).

However, it would be a grave mistake to be dismissive of Marxian theory, its serious deficiencies notwithstanding. Marxism has achieved a number of extremely important insights. Its conflict orientation is clearly moving us in the right direction. Class domination is a reality in modern capitalism, and in many precapitalist societies, and states are very significantly controlled by capitalists (Sanderson, 2004). This shows that although Marx theory may be have weaknesses it still has some strengths that could make it applicable to South Africa. However, this is an empirical issue and it needs to be tested. This study shall draw from the literature discussed above to test the validity of Marx's theory in the South African context.

## CHAPTER FOUR

### RESEARCH METHODOLOGY

#### 4.1 INTRODUCTION

This part of the study deliberates on critical issues related to the land question in the former Ciskei homeland locations in the Eastern Cape. This chapter outlines the research methodology and techniques that are utilized in the study to gather data and describes the case study approach that was used. This study is about the evaluation of policies and the challenges of the land redistribution process in the former Ciskei homeland in the Eastern Cape. In designing this study, a qualitative data gathering approach was used. The use of qualitative methodology is suitable for this study because qualitative research is a broad approach that seeks to study social phenomena to gain a deep understanding of the activities and perceptions of people and organisations Marshall and Rossmans (1999:2).

The reason for choosing a qualitative research method is because it is the only method that allows for this research to critically analyse perceptions and meanings. The qualitative data gathering techniques that were used in this study consisted of questionnaires that were given to the community leaders from Duncan Village, Dimbaza, Mdantsane and Zwelitsha and semi-structured interviews that took place with farm owners in the former Ciskei homeland. The choice of structured interviews for farm owners and questionnaires for community is because this is the best approach for a researcher to use in order to gain an understanding of the perceptions, meanings and beliefs of respondents.

The decision to use qualitative research methods allows the researcher to fully engage the research and go into depth regarding the factors which could make the research successful. "Qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings that the people bring to them" (Denzin and Lincoln, 1994:2).

According to Cresswell (1998) the use of qualitative methodology is useful because it is a broad approach that seeks to study social phenomena to gain a deep understanding of the activities and perceptions of people and organisations. Qualitative research methods constructs a neutral base for the researcher because the answers will not be pre-determined and therefore cannot be subject to biased sourced of input.

The advantage of qualitative studies is that the participants are able to offer data detailing their experiences in their own words and the researcher thus has the opportunity to discover the feelings, thoughts and attitudes of the participants. Qualitative research also helps the researcher to go into a great deal of depth regarding their topic. It can also sometimes result in the participants pointing the researcher to other perspectives or dynamics concerning the topic that they were not aware of. The methods of data collection that will be used include documentary analysis and semi- structured interviews with farm owners in the former Ciskei homeland area. Questionnaires were also distributed to community leaders of the areas such as Dimbaza, Mdantsane, Zwelitsha, and Duncan Village location

The approach to data analysis will be deductive. A deductive research approach allows the researcher to establish a hypothesis by using theory. A variety of data and information is collected by the researcher to confirm or reject the hypothesis to resolve the issue (Gill and Johnson 2010). The various steps of using the deductive approach are development of theory, hypothesis, observation through data and information and confirmation.

Mouton and Marias (1990:18) argue that a qualitative approach may be described as “those approaches in which the procedures are not strictly formalised while the scope is more likely to be undefined and a more philosophical mode of operation is adopted”. A qualitative approach to research problem tries to avoid prior obligation to any theoretical framework (Yin: 1989:25). A qualitative study permits the research to be flexible while analysing the concepts and constructs so as to understand the phenomena and concepts.

Mouton and Maries (1990:19-21) also point out that qualitative approach allows the researcher to tackle highly complex research questions.

One of the disadvantages of a qualitative study is that “the research participants are not passive, neutral beings or inanimate objects but are susceptible to reactivity to the research” (Boyce, 2003:20). However Huysaman says in cases where the participants are familiar with the researchers hypothesis, they may consciously or unconsciously supply the researcher with the information that they think the researcher wants (Huysamen, 1994:67). This study shall use secondary sources to critique and support the study’s findings. The study shall also compare its findings with those of other studies that sought to investigate the same matter. Furthermore, after data was analysed, the findings were validated by asking the respondents if the findings corroborated and interpreted the respondents’ position.

#### **4.2 Ciskei as an area of study**

The former Ciskei homeland in the Eastern Cape was chosen as a research area because the researcher is from the area and therefore familiar with it. This made it easier to conduct the research in the former Ciskei locations such as Mdantsane, Dimbaza, and Zwelitsha because they fall under the Buffalo City Municipality today. It was also easy for the researcher to organise meetings with the community leaders. Initially relationships were established with the community leaders of Dimbaza, Zwelitsha, Mdantsane and Duncan Village and this helped the researcher in becoming aware of the history and current dynamics of these communities of the former Ciskei region.

The process of gaining cooperation and consent from the community leaders was long and complicated. Before the process of distributing questionnaires to the community leaders of the former Ciskei region began, a visit was paid to the municipal offices of Buffalo City in King Williams Town to explain the reasons for approaching the office.

A request was made to work with the community leaders of Zwelitsha, Duncan village, Mdantsane and Dimbaza location and to be allowed to distribute questionnaires and collect data for the study on land reform in South Africa.

The Buffalo City Municipality office based in King Williams Town agreed that the proposal could be beneficial to the Buffalo City Municipality and consent was given to go and organise a meeting with the municipal manager in East London and to write an email in the form of a request for an appointment with the Municipal Manager. The proposal to conduct the research was approved by the office of the municipal manager and further forwarded to the office of Knowledge Management, Research and Policy of Buffalo City Municipality. The office of the municipal manager and the office of Knowledge Management, Research and Policy of Buffalo City Municipality assisted by organising a meeting with the community leaders where the community leaders from the different locations could be met. At the meeting it was proposed a letter be written that requested a meeting with all the community leaders privately. The letter explained who the researcher was and briefly outlined what was going to be done in the research.

The letter was emailed to the office of the Buffalo City Metro Municipality and the office forwarded it to all the requested community leaders. A meeting was called in order to meet all these community leaders face to face before the process of collecting data started. This did prove have difficult moments where different questions were asked concerning the researcher's background,, political affiliation, why the research was being conducted in the Ciskei and not Buffalo City or the Eastern Cape Province, as well as how the Eastern Cape would benefit from this project. All these questions were clarified and assessed and community leaders gave their approval for the research to be conducted.

Yin (1989) notes that case study research designs investigates a contemporary phenomenon within its real life context, from an interpretivist perspective. The former Ciskei homeland in the Eastern Cape is an area of study that clearly demonstrates the challenges that the people are facing in regard to the land question.

It also reveals how neo liberalism has played a part in policy formulation as evidenced by RDP, GEAR, ASIGISA, the willing buyer willing seller model and the NDP. The former Ciskei homeland case study enabled the researcher to critically understand the challenges and dynamics of the land question.

#### **4.3 Strengths of Ciskei as an area of study**

The former Ciskei homeland case study offered the opportunity for a multi-perspective analysis since it allowed for data detailing the experiences of both the community and those government officials who most draft policies on how to address the land question. It allowed for the voices of the marginalised groups such as the poor landless people of the Ciskei to be captured in a manner that avoided bias.

#### **4.4 Weaknesses of Ciskei as an area of study**

The former Ciskei homeland, like any other place, has its own flaws. Its main flaws are the inability to generalize the results of this study to other areas because of the unique conditions in this environment. While the findings from the study will not be generalized to other areas, lessons can be learned from the study.

#### **4.5 Sample**

The research composed of two community leaders from Dimbaza, Duncan Village, Mdantsane, and Zwelitsha. The age group of these community leaders is above eighteen up to the age of sixty five. It also engaged farm owners in the former homeland area. The age group of the farmers is above eighteen up to the age of sixty five.

#### **4.6 Non Probability Sampling**

There are two approaches of sampling: probability sampling and non-probability sampling. For the purpose of this study, non – probability sampling was used. “Non-probability sampling designs are used when the number of elements in a population is either unknown or cannot be identified” (Kumar, 1999; 160).

There are four types of methodologies that are used when conducting a non-probability methodology, these are quota, accidental, judgmental or purposive sampling and snowball sampling. When using non- probability sampling both snowball sampling and convenience sampling were used. “Snowball sampling is the process of selecting a sample using networks”(Kumar, 1999; 162). Snowball sampling is used in a situation little is known about the group being studied. Convenience sampling occurs when the people needed for the research are selected because of their proximity and accessibility. The participants are from the communities of former Ciskei homeland in the Eastern Cape and the second sample is farm owners in the former Ciskei homeland area.

#### **4.7 Data Collection**

Eight participants from the communities of the former homeland of Ciskei were given questionnaires consisting of three sections. The first section requested demographic information; the second section asked about policy formulation and the last section asked about the challenges of land reform in the former homeland of Ciskei. Four visits to the former land locations were made. The second group of participants were farm owners who participated in structured interviews.

#### 4.8 Data Analysis

The following approach was used as a guide for data analysis.

Table 3.1 Data Analysis Frame adapted from Hills (2003:1)

<b>TASK</b>	<b>QUESTIONS TO GUIDE THE ANALYSIS PROCESS</b>
Prepare data for analysis	What data has been collected for each research question or objective?
Go back to research questions	What did the study aim to do? What are the issues involved?
Go back to literature review	Who said what about your research focus? Whose work seems most important? Does your data seem to match/contradict the work of others?

The research was qualitative and used a constructivist approach in an interpretive dimension (Denzin and Lincoln, 2003). Interpretive research is not just the effortless collection of data but the working of data so as to reveal the essence of the participants' experiences and reasons for doing things the way they do (Henning, Van Rensburg and Smit, 2004). The analysis was done by listening to the interview recordings and transcribing the recorded interview from audio onto paper. Once in written form, the transcript was read continuously until themes and meanings were developed from the transcripts. The study used thematic content analysis to analyse data collected from interviews. After data was collected, the responses were organized and categorized in order to obtain recurring themes. Content analysis was used because the "basic idea of content analysis is to reduce the total content of data collected to a set of categories" (Collins, 2011). Words, thoughts, meanings and positions were grouped together. Once grouped the data was categorised into different thematic clusters. A checklist was used to ensure consistency when reviewing the different interview transcripts and also to ensure a systematic review of the data. After data was analysed, the findings were validated by asking the respondents if the findings corroborated and interpreted the respondents' position.

#### **4.9 Limitations to the study**

The study was carried out in the former homeland of Ciskei locations namely Dimbaza, Duncan Village, Mdantsane and Zwelitsha in the Eastern Cape Province (South Africa). Because the conditions in these areas are somewhat unique, the results of this study can only be generalized to the former Ciskei areas that fall under Amatole Municipality and Buffalo City Metro Municipality in the current dispensation.

#### **4.10 Ethical considerations**

The conduct of the study obliges honesty and integrity, amongst other things; this research will be used only for academic reasons and responses will be treated with strict discretion. Orbs (2001:93) define ethics as process of doing well and avoiding harm. Written permission to conduct the study was acquired from the University of Kwazulu Natal and its school of Social Science and Humanities.

Furthermore, respondents are guaranteed anonymity and their rights will be respected, that is, they will be asked to participate only if they are willing to answer the questions directed to them. Last, but not least, this study will respect the University of Kwa-Zulu Natal's ethical protocols and respondents will be required to sign an agreement form before the commencement of the fieldwork

## **CHAPTER FIVE**

### **HISTORICAL PERSPECTIVE AND POLITICS OF THE LAND QUESTION IN SOUTH AFRICA**

#### **5.1 INTRODUCTION**

The main aim of this Chapter is to give a historical perspective of the land question in South Africa. The chapter also highlights the politics surrounding the land question in South Africa with a view to understand the political background and the political forces driving the land reform in South Africa.

#### **5.2 Historical perspective on the land question in the Cape**

The history of the land question in South Africa is one of dispossession of the indigenous people (the natives) of South Africa by western regimes who created “exploitative labour conditions” (Hall, 2010:70-71). The historical development of land apportionment and dispossession in South Africa can be traced to the arrival of Europeans with Bartholomew Diaz in 1487 and, later Vasco da Gama in 1499 (Walker, 1956:14-15). However, they never intended to settle and colonize the South African land. The history of European settlement in South Africa began in 1652, when Jan Van Riebeeck arrived and settled at the Cape. To the Dutch East Indian Company, the southernmost portion of land of Africa was seen as strategically important to them for business needs (Lekhela, 1955:17). After two years, in 1657, the company discharged nine Europeans from working for the company and allowed them to work on lands for themselves (Lekhela, 1955:17).

The company allowed them to work on a small portion of land of about one third of an acre which they occupied in freehold tenure (Lekhela, 1955:17). These European workers were the first people to hold land tenure. So the history of European settlement and colonization of African land by Europeans began.

Colonialism has been defined by many scholars as form of domination the by individuals or groups (Horvath, 1972:46). Marxist scholars have also defined colonialism as a form of economic exploitation (Horvath, 1972:46). There is a consensus among sociologists that colonialism is domination based on power (Landers 1961, Kohn 1958 and Manuier, 1949: 13-14).

Colonization in the African continent took place in two different forms; these were colonies of domination and colonies of settlement. Colonies of domination were areas that were occupied temporarily for strategic reasons such as establishing a military station. On the other hand, colonies of settlement were areas that were permanently occupied by the settlers. For the purpose of this study the focus is on settler colonization of South Africa. The term settler colony can be traced back from its definition and historical context, “as an institution dependent on the presence of long term majority white racial communities, where the indigenous people are presented by colonial policies and practise” (Schwarz, 200:361).

The fundamental factor that distinguishes South Africa and other colonies of settlement from colonies of domination is that European people settled permanently on the land of the natives. For the purpose of the study, the attention will be given to the historical background of white settlement in the Cape and the consequences of the policies of European Settler for natives of the Ciskei. There is historical evidence that Africans from all over the African continent resisted colonisation and imperialism. In the Cape, from 1778- 1878 there were nine bloody wars between the settlers and the Bantu occurred as the latter resisted European settlement and colonization (Lekhela, 1955:19). Through these the stronger would increase their hold on the land and the weaker would have diminished control over land.

In the Cape where the former Ciskei homeland is situated, the Xhosa people were the first Bantu race with whom the European white settlers, who were advancing to occupy more land, came into contact with (Jones, 1964:2). From a Marxist point of view settler colonialism allowed European colonisers to pursue their capitalist interests by occupying large pieces of land and to force indigenous people to work in the farms.

In 1778 Governor Van Plettenberg initiated the first racial and territorial segregation policy to determine the how the natives must live in their country of birth (Lekhela, 1955:19-22). The policy stipulated that the Fish River must be the boundary between the indigenous people of South Africa (Natives) and the Europeans settlers (Walker, 1956:9).

The struggle for land between the indigenous people and the European settlers began. The ultimate reason for the indigenous people of South Africa to embark on a war with the settlers that was that was that they had established and enforced a policy that restricted and governed them in their land of birth. As a result, wars about land were inevitable (Jones, 1964:2). The Xhosa people ignored the policy that was formulated for them (Jones, 1964:2). This resulted in the initiation of wars. The historical evidence is that the territorial segregation policy of Governor Van Plettenberg was founded on the ideas of racial capitalism and colonization. Lord Charles tried to negotiate with the Kings and leaders of the Xhosa people and to persuade them of the need for territorial segregation. The Xhosa leaders were enjoined to surrender a large percentage of their land for the sake of peace. However, their subjects regarded this as a deliberate curtailment of their privileges, rights and freedoms in their country of birth (Lekhele, 1955:24).

The Xhosa people who experienced the giving away of land to the white settlers as a deliberate encroachment upon their privileges, rights and freedoms defended their country of birth. In December 1834 another war over land broke out (Lekhela, 1955:25). There is no historical evidence which allows a decision to be made as to who won the war since both the settlers and the Xhosa lost many lives and property was damaged on both sides. Neither the Xhosas nor the Settlers could claim victory, since intention of the Settlers to drive and send the Bantu Xhosa ethnic group over the Kei. The , “parceling out the lands” never occurred and the Xhosas sustained a great loss of human lives and property was lost (Lekhela, 1955:25).

After the war of 1834 the Governor, Sir Benjamin D`urban who was successor to Governor Lord Charles, realised that the intention of the Settlers to drive the Bantu out of their land to over the Kei had failed so that another strategy was needed (Lekhela, 1955:25).

It was then decided to govern the Xhosas by means of a Chief Commissioner (De Kiewiet 1929:51). According to De Kiewiet (1929:51) this strategy of Governor Sir Benjamin D`urban resulted in Bantu tribesmen becoming subjects of the colonisers. Mamdani (1996:37) calls this system of colonization decentralised despotism. Mamdani argues that the “natives”, as subjects, were governed by customary law. Frequently, colonial authorities would intervene in matters of African tradition and customs.

Historical evidence is not clear as to whether the strategy of Sir Benjamin D`urban worked in favour of the settlers. In 1846, another war broke out (Walker, 1956:236) when “the Bantu (subjects) of the Chief Commissioner strategy” fought in defence of their land against policies that sought to divide them and to colonize them. Again in 1850 the “subjects of the chief commissioner” went to war with the Settlers in order to gain back their land (Lekhale, 1955:28). The Bantu lost many of these battles and as a result they lost much of the land to the White settlers. History indicates while the white European Settlers were gaining more land and assuming full control of Bantu land through wars and that the Bantu in the Cape were standing up and defended their land. The Bantu, in the form of the Xhosas in the Cape, resisted western colonization until 1857. At this point a “tragic incident” occurred (Brooks, 1927:87), an incident often described as the “National Suicide of amaXhosa”.

The “National Suicide” of the Xhosa ethnic group, occurred when the nation experienced famine (Brook, 1927: 87). The “suicide” occurred after the national trusted prophet uNogqawuse had a dream of the settlers going back to the sea. The prophet of the Xhosa nation told the nation of his dream. They were convinced by the prophet’s dream and as per his instructions they destroyed all their possessions including slaughtering their livestock, and burning their grains.

The “historical suicide” of the Xhosa nation opened the door for the white settlers who gained a competitive permanent advantage in the administration of the Cape. After this point the Xhosa people were used for cheap labour and as slaves of the white Settlers (du Toit, 1949:209). This “historical suicide” led to the collapse of the Xhosa nation that had until then resisted territorial segregation and colonization.

The collapse of the united Xhosa nation in the Cape gave birth to capitalist exploitation, creating a capitalist class and proletarian class. In the Cape the proletariat class were the Natives who had lost everything and were now forced to sell their labour. The capitalist class were the white land owners who assumed full control of the native land following wars and the brutal killing of the indigenous people of the Cape.

In 1866, an organised system to administer the lives of the Natives was developed and the indirect control policy for all the Native land was introduced (du Toit, 1949:355). This resulted in the Bantu race in the Cape being forced to sell their labour to the white settlers and sell their land as well. The sale by Natives of their land was not valid, even though Act No 28 of 1905 legalised it (NLSR, 1922:42). One could argue that the Act was drafted to suit European settlers. There was no way that those who bought cheap land from a desperate Bantu race would return it to them and admit that the transaction was illegal.

### **5.3 Union of South Africa**

In 1908 the South African convention took place in Durban where the idea of forming a Union of South Africa was articulated (Poel, 1933:138). The South African convention worked on the assumption that the white civilization was under threat from the indigenous South Africans (Poel, 1933:138).

The idea to form a Union was a key objective for both the white English speakers and the Boers. However, there were ideological differences that could not just be resolved during one convention between them. The Boers felt that the local indigenous populations were inferior and should be treated as such.

On the other hand, the white English speakers believed that although the local populations were inferior, they deserved better treatment albeit different from that of the whites. There were many differences between the settlers, but an urgent need for the settlers to unite against the “danger to white civilization” was acknowledged by all (Lukhele, 1955:77).

In 1910 the Boers and the English speakers agreed to form a tactical alliance regardless of their differences. The main aim was to develop a Native policy for South Africa (SAHO 2014 a). When the Union of South Africa was established in 1910 the overall area of land set apart for native occupation amounted to circa 7.13 percent of the overall land of the Union (Hailey, 1956:691).

#### **5.4 From 1910 to 1962**

The Union of South Africa was formed in 1910 (Saunders, 2003:15) and the four colonies became provinces of the union. In the Union of South Africa only the settlers had a right to be nominated and elected into positions of political power in both Houses of Parliament (the House of Assembly and the Senate). Only the settlers had the right to nominate and vote for candidates of their choice for strategic positions of power in parliament. This law applied only in the Transvaal, Natal and the Orange Free State (Saunders, 2003:15). The subjects of customary law (the natives) were second class citizens of the Union of South Africa. They were governed by customary law and were only allowed the right to nominate a civilised white person to represent them (Saunders, 2003:16). Because the natives were perceived as people who are backward and barbaric by the settler they were not granted a right to lead civilised society. The franchise rights of the natives in the Cape were included in the proposed constitution (Saundes, 2003:16).

## 5.5 The Land Act of 1913

The discovery of gold in the Transvaal and diamonds in Kimberly led to the introduction and enactment of various pieces of legislation that were amended and re-enacted overtime (Gilder, 2013:2). These were meant to dispossess the indigenous people of South Africa of their land and to make up space for settler occupation and to force the indigenous Bantu people race to become labourers (Gilder, 2013:2). This was largely achieved through taxes and other restrictions.

In 1913 the parliament of the Union of South Africa introduced the Land Act (Act of 27 of 1913). Under the Act, land that was demarcated for Bantu population was separated from land for white European Settler occupation (Saunders, 2003:25).

- The Native Land Act (Act 27 of 1913) stipulated clearly that the Bantu (natives) have no right to go into an agreement to purchase, lease or even hire land. According to the Land Act (Act 27 of 1913) the only people who have a right to land were its citizens and the subjects of customary law were not regarded as citizens and could not have the same rights. A citizen in the form of white settler could not enter any arrangement or deal for hiring, leasing or purchasing land with a subject who was governed by customary law. If such incident occurred, it was seen as illegal or unconstitutional (Saunders, 2003: 25).
- The Act postulated further that no person (citizen) could buy land in the reserves unless authorized by the Governor General (Saunders, 2003: 25).

The indigenous people of South Africa have been victims of many injustices, including the Land Act of 1913 which forcefully removed and relocated the Natives into reserves (DRDLR: 2013). The Land Act of 1913 paved the way for all the other brutal and antagonistic racist laws that were later to come with apartheid regime (Pepetheka, 2013:1).

The Land Act of 1913 was clearly meant to secure an unequal distribution of land between the citizens and the subjects.

The policy created an unjust society where landowners controlled the means production and the landless provided cheap labour for the benefit of the landowners. From a Marxist perspective, the Land Act of 1913 shaped the South African society into two segments of development; a core and the periphery. Accordingly the drivers of core development were the white landowners and in the periphery of development were the black landless people who depended on the drivers of development for survival.

Tatz (1961:13) argues that the Land Act of 1913 advocated for unequal distribution of land, where land owned by whites would be ten times bigger than that of the native population which was more numerous.

Tatz (1961:13) indicates that there were two key considerations used to determine how much of land should be reserved for each race;

- The superior necessities of the settlers as opposed to the embryonic needs of the natives.
- The basic need for natives to be utilised as cheap labour for the production of white settlers in the mining sector, the farms and white areas general.

The Land Act of 1913 was a premeditated interim measure to retain the status quo regarding land ownership (Saunders, 2003:26). Critical Marxists theory would argue that the Land Act of 1913 was a class project of capitalists to create a great division between citizens and subjects.

Just two years after the Union of South Africa was formed in 1910, the SANNC which was the predecessor to the ANC, was formed (Mashele, 2014:2-3.). It formed to unite native population in order to resist imperialism and colonization (Mackenzie, 1980:14).The main objective of the natives was to form a political party that would fight colonization and defend the rights and privileges of the natives (Luthuli, 1962:90). This was going to be done through lawful and constitutional means.

From its inception the ANC was composed of an elite class that was never radical in resolving issues that affected the natives.

The first leadership of the ANC comprised of the products of missionary education such as teachers, lawyers, clerks, small scale traders, people from the royal priesthood and academics (Walshe, 1973:36).

Just one year after the national liberation movement was formed in 1912, the Land Act of 1913 was introduced and adopted by parliament as the law of the land. Mackenzie (1980:15) says the first challenge that the leadership of the ANC experienced in office was the Land Act of 1913. In March 1913 after the first congress of the ANC sat they resolved to send a delegation to the government of the Union of South Africa expressing the views of the natives on the Land Act of 1913 (Mackenzie, 1980:15). The move proved futile because the issue was not resolved.

It could be argued that the challenge that the ANC leadership experienced in 1913 is still a major challenge faced today. It could further be argued that the ANC is still using this method of negotiating to address it, albeit unsuccessfully. Regardless of the strong resistance from the natives to colonialism and the racist nature of the policies of colonialism, the Union South Africa was formed. It remained in place from 1910 till 1948. In 1927 the South African Native National Congress held a special congress where the natives discussed the native policies and the congress rejected all segregation policies, including the Land Act of 1913 (Tatz, 1962: 52).The resolutions called for equal rights to be entrenched in the constitution and an equal share in the management and direction of the affairs of this (Tatz, 1962: 52).

## **5.6 The Apartheid Era**

In 1948 the National Party came into power and introduced its policies and acts to effect separate development. These policies advocated that different ethnic groups and races should develop separately (Hall, 2010: 81-84) .The Population Registration Act of 1950 and the Group Areas Act of 1950, and the Bantu Authority Act of 1951 were enacted with the intention to suppress the Bantu population (Schrire, 1994:300).

The aim of the National Party government in formulating these policies was to develop reserve areas, where those whom they perceived as barbaric, backward and a danger to white civilization would live separately and “independently”. Each reserve area of land would be classified on an ethnic basis and ten homelands were to be established for ten ethnic African Groups (Butler et al, 1977:7). The Bantu Authority Act of 1951 provided the legislative foundation for the future of Bantustans and gave birth to the formation of the Ciskei Homeland.

### **5.7 Historical background of the former homeland of Ciskei**

The former homeland of Ciskei is located on the eastern seaboard of South Africa between the Stormberg escarpment and the sea, the great Kei River in the east and the Great fish and the Great Fish in the west (Charton, 1980:9).

The former Republic of Ciskei was one of the Bantustans that were established by white minority government of the Republic of South Africa in quest of its apartheid policies (Charton, 1980:9). Ciskei was one of the two Bantustans of the Xhosa people in the Eastern Cape, the other being Transkei. These homelands are separated by the Kei River, hence their names mean this side and across the Kei (White, 2008:01).The land identified as the former Ciskei in the Eastern Cape today was administrated by colonial and apartheid regimes for the greater part of the nineteenth and twentieth centuries (Walker, 2008:6).

The historical background of the formation of Ciskei can be traced back to the 1920s. This was when the Union of South Africa came up with the Bunga system which designed to administer the part under British colonial rule (SAHO, 2014 b). It stipulated clearly that the local assembly authority was subject to the magistrate court .In 1951 the Bantu Authority Act was introduced and it took away the powers of the Bunga system and its authorities and ceded direct control to the Union of South Africa (SAHO 2014b).This paved the way for of the establishment of homelands and racial segregation.

The Republic of Ciskei was formed in the 1970`s in conditions differing from those of the Republic of Transkei (Charton, 1980:9). Ciskei comprised different parts with some under the authority of weak chiefs while other parts had no administration by chiefs at all (White, 2008:1). The chiefs had no powers over their subjects and were not dealt in the same manner as the chiefs of Transkei were (White, 2008:1). The chiefs in Transkei followed the orders of the colonial government and they received special treatment. This is because most Ciskeians were removed from the different areas of the Republic South Africa through the Land Act of 1913 and the Group Areas Act.

The people of Ciskei were originally from the same ethnic groups for such as the Mfengus and Amarharhabe and they had no respect for their imposed chiefs. White (2008:1) argues Ciskei was a working class homeland designed to provide cheap labour in the neighbouring towns like King Williams Town, Queens town, East London, etc. The Ciskei was administered to assist the administration and government of the Republic of South Africa in pursuit of apartheid and racial capitalism.

When Ciskei was formed the Bantu Xhosa population living elsewhere were moved to the new promised land and some of them were forcibly resettled. As Plazky and Walker (1985:55-56) expressed it ... *“that the memorable movement of the natives was when they left white rural areas and farms to the Ciskei others were forced to relocate, this was a historical moment to the natives as they were leaving to the promised land, where they will be independent”*.

According to Plazky and Walker (1985:55-56), when the homeland of Ciskei was formed an estimated number of 401 000 people were forced to relocate between the periods of 1960 to 1983. The progression of dispossession culminated in apartheid's forced relocation of the natives against their will and without compensation (TCOE, 2004). The removals advocated by the Land Act of 1913 and the Group Areas Act forced the natives to relocate to the homelands. These became too overcrowded, lacked economic development and left people in chronic poverty (Lahiff, 2002:5).

The dispossession process that took place between 1912 and 1984 is why people in that area today still have little economic and social security. Dispossession contributed to poverty, overpopulation and a lack of sufficient facilities such as transport, marketing and finance (Van der, 1997: 453).

### **5.9 *The transitional period***

In 1993, the ANC and the NP agreed that the Republic of South Africa must be a democratic state that is non-racial, non-sexist and prosperous. An agreement was reached about elections and the date of elections. The ANC and the NP accepted the new interim constitution on the 17<sup>th</sup> of November 1993 (Saunders, 2003:21). For the first time in the history of South Africa all races were considered to equal (Lowis, 1995: 23). In 1994, the first democratic elections took place and the ANC won and became the ruling party of the democratic Republic of South Africa (Saunders, 2003:21). This marked the official end of colonization and apartheid.

### **5.10 The Democratic Republic of South Africa**

From 1994 onwards the government of national unity, led by the African National Congress, embarked on an ambitious land reform agenda (Ntsebeza, 2007:8). The aim of the ANC led government was to address the two fundamental issues concerning the land question: the reconstruction of land possession (addressing the racially skewed land distribution) and the distribution of land on a fair basis for all who lived in it. The aim of the ANC was to deliver the promises of the Freedom Charter which says the land question must be resolved to address hunger and poverty in South Africa.

## **5.11 The historical Impact of dispossession in the country's overall development**

When the Land Act of 1913 was introduced black people all over the country were reduced to being mere workers whether in the mines or as domestic workers (Kahn, 2007:3). This led to the development of informal settlements or squatting by the natives seeking employment in the cities. Land dispossession in South Africa created problems for both rural and urban areas (Kahn, 2007:3). As a result of the history of land dispossession in South Africa pre 1994, 84 million hectares of land were owned by 60 000 white farm settlers (Levin and Weiner, 2003:39).

When the apartheid regime ended in 1994 poverty in the homelands was at its peak. An estimated 13 million people in the former homelands were living in poverty (Kahn, 2007:3). With the end of apartheid in 1994, when the ANC government came to power, it was clear that the ANC government had inherited the challenges that were caused by dispossession and it was clear that the ANC must rectify the injustices of the past.

## **6 A Brief historical background of the area of study: Dimbaza, Duncan Village, Mdantsane and Zwelitsha**

### **6.1 INTRODUCTION**

The first part of this section focuses on the historical background of locations where the research is conducted. The second part of this chapter discusses the politics of land question in South Africa.

#### **6.1.1 Dimbaza**

The name of Dimbaza is derived from the Xhosa metaphor ukudimbaza meaning “to take grain out of the storage pit” (SAHO, 2014c). The origin of Dimbaza can be traced back to the forced removals that took place from December 1967 till the late 1980s. The majority of Dimbaza’s residents’ post 1994 came from farms and small towns throughout the Cape Province (SAHO, 2014c).

The residents resettled in Dimbaza as a result of forced removals effected by colonial and apartheid authorities.

### **6.1.2 Zwelitsha**

The name of Zwelitsha in Xhosa means 'the new era'. Zwelitsha was created as a result of colonial and apartheid racial segregation policies (SAHO, 2014b). Zwelitsha was established by the South African Native Trust (Zituta, 1997:29). Zwelitsha began as a squatter camp of those who were forcefully removed from all the over the Cape Province and resettled in the Ciskei (SAHO, 2014b). Some residents were evicted from white farms (Zituta, 1997:29).

### **6.1.3 Mdantsane**

Mdantsane developed from 1958 onwards, following a survey that was conducted in pursuit of black cheap labour in the existing locations of East London (BCM, 2014: 53). Mdantsane was started to address the difficulties in finding cheap labour in the then existing locations of East London such as Duncan Village with its overcrowded conditions. The government then declared a site to accommodate the natives so that cheap labour could be found there to meet the needs of East London, farms and industries (BCM, 2014: 77- 78).

The residents of Mdantsane came from villages, farms and small towns of the Cape Province to find employment in East London. Some were victims of forcible resettlement from all over the Cape Province and South Africa (DISA, 1983: 77-78). Therefore the establishment of the location of Mdantsane must be understood in the context of racial segregation and capitalist policies that sought to exploit and marginalise the natives in the land of birth.

### **6.1.4 Duncan Village (Eziphunzana)**

During the apartheid era Duncan Village suffered administrative and institutional neglect (UNESCO, 2014). An estimated of 80, 000 people today live permanently in Duncan Village in a unpleasant condition where almost 50 percent of core city population is crammed onto just two percent of the land ( UNESCO, 2014).

There are an estimated 3, 500 formal dwellings, 14 000 shacks and the population density exceed 2500 people per hector in some areas of Duncan Village (UNESCO, 2014).

## **6.2 The land question in South African politics**

### **6.2.1 INTRODUCTION**

According to Doner (1972) land reform's basic elements suggests that:

- Land reform is consistently more or less direct publicly organized change in existing land ownership;
- Land reform attempts a distribution of wealth, income or productive capacity and social order.

In the post 1994 politics of South Africa, land issues raise much controversy since it is one of the most valuable natural resources and land redistribution is also necessary to deal with historical injustices. Land, as the current discussions in South Africa suggest, represents a principal form of wealth. It is also the main source of economic and political power for both the previously disadvantaged and advantaged. Land, as a vehicle of human development, is a direct requirement or food production (Zarin, 1994:9).

When one discusses the land question in South Africa, one has to consider forms of land tenure and the institutions in control of land reform. These institutions help formulate laws and policies that govern the whole process of redistribution. Forms of Land tenure in South Africa have a thorough bearing on questions of development (Zarin, 1994:9). In developed societies land tenure reflects social class structures and relations (Zarin, 1994:9).

In the South African context, the land question is one of redistribution of property rights in land. This will allow historical redress and enable landless, poor, black, indigenous people of South Africa can also benefit from the wealth of the nation.

## **6.2.2 Theories of land reform**

The discourse about the land question in South Africa is characterised by two dominant theoretical frameworks, the neoliberal theory and African Marxism. African Marxist scholars argue that policies of land reform should be rooted in Marxist theory. This holds that land and all strategic sources of production should be nationalised by the state. Neoliberal theory on the other hand argue that private forms of ownership are more desirable (Odoom, 2011:162).

## **6.2.3 The neo-liberal theoretical contribution to land reform policies**

To follow the discourse about the land question in South Africa, one needs to understand the neo liberal theoretical framework, which advocates for individual as well as communal land rights.

An understanding of how these rights affect secure tenure and gender relations will enable one to clearly articulate the neoliberal concepts of property, secure tenure and land tenure (Odoom, 2011:161). The origins of classical and neo liberal concepts of land reform are traceable to the philosophical ideas of John Locke, Thomas Hobbes, Hume Rousseau among and others. The political ideology of private property and private land emphasises a close connection between a free society and property rights (Keyness: 1989).

According to Mark (2010:53) the liberal theory of property has its origins in the writings of John Locke, who argued that property confirms the right of self-ownership. Mark (2010:53-73) argues that human beings have equivalent decent reasons for ascribing to each persona natural right of property in extra personal objects. Mark further argues that individuals have an original natural right to take part in the acquisition of extra personal matters and in the disposition of acquired matters as one sees fit in the service of ones ends.

However, liberalism is divided in its views on the issue of natural rights to property. Some scholars within the liberal theoretical tradition hold that property rights are

natural, while others would not agree. In South Africa both black liberals and white liberals all agree that private property and private land rights are important for a free democratic society whether property rights be natural or not.

Property is perceived as a comprehensive term that symbolises tangible possessions, relationships or rights to the usage and ownership of those possessions (Odoom, 2011:162).” It is when property is qualified by real or landed – as in real property or landed property that it becomes narrowly focused on land and the rights therein” (Odoom, 2011: 162).

### **6.2.3 Individual land rights**

The term individualism means self-love, self-centredness or for one self as opposed to a collective (Odoom, 2011:163). The liberal term individualism is associated with capitalism and reflects ideology of John Locke state and his suggested ‘state of nature’. The South African neo liberal market approach holds that land and land rights can be privately owned and sold.

In South Africa this approach reflected by the state policy of ‘willing buyer willing seller’. The idea of willing buyer willing seller is inspired by individualism (Hodson: 2007). Land reform in South Africa is based on neo- liberal macroeconomic policies (Hall: 2003). The inflexible neo liberal policies of South African land reform promote individualism, or individual property rights.

### **6.2.4 Communal land rights**

The second major liberal argument about how to make sure that property rights are secure differs from this individualist argument. It is advanced by African communitarians who argue that land reform should revert to the traditional forms of land tenure. According to communitarians, insecure tenure is caused by two main factors; state led policies and individualised property rights which tend to marginalise the landless rather than to empowering them( Odoom,2011:163).

Katz (2000:115) says “the existence of social capital can substitute for well-defined property rights a respect for customary law and viable local institution, based on sustained interaction among resource users over time can enforce respect for private property boundaries and regulate exploitation of common property resources”. Communitarians in South Africa are only concerned about securing land tenure in order for them to be able to also contribute to the broader development of the capitalist system. Communitarians further advocate for communal land rights that are sensitive to gender relations and equality (Odoom, 2011:163).

For one to gain an in-depth understanding of land reform policy formulation in South Africa, one needs understand the role of neo liberalism in policy formulation relating to the socio-economic development of South Africa. The neoliberal orientation has influence South African policy formulators to draft policies that are liberal capitalist in character.

In the early 1990s, macroeconomic neoliberal land policies emerged and became dominant in mainstream policy formulation in South Africa (Hall: 2003). Land reform policies drafted from a neoliberal theoretical framework have become more dominant since the demise of the apartheid regime. These policies concern both public and private lands and have taken shape in three comprehensive policy types;

- Denationalization and individualization of communal lands,
- Denationalization and individualisation of property and land rights
- Advancement of land/ property rentals and sales of land.

Land reform policies formulated from the neoliberal theoretical perspective are generally directed and formulated by the South African government, supported by the world bank( Ntsebeza:2007).

### **6.2.5 The Marxist, Populist theoretical contribution to land reform in South Africa**

In order for one to articulate and gain a better understanding of the land question in South Africa, one need to also understand the critique of neoliberalism's assumption as provided by Marxist theory. Marxism holds a general theory of class struggle that which springs from economic production that causes class division of society. Classes according to Marxist theory are by their roles in production – that is, the relations of production (Shaw, 1978:49). From a Marxist perspective the land question must be about transfer of wealth and power from the white capitalist class to the black landless poor class to address the injustice of the past.

Griffin, Khan and Ickowits (2002:279-280) argue that land reform is about redistributing land ownership from private land owners to small peasant and the landless poor working class. According to the latter mentioned scholars land reform is concerned with a redistribution of wealth. Borras (2007:21-22) says that ownership and control of land resources means the effective control over the extent, nature and direction of surplus production and redistribution. The Marxist scholars such as the late Harold Wolpe, saw land reform's objective to be the of creation of purposive transformation. This would end the current skewed ownership patterns of land holding and improve the situation of the black landless and poor working class population of South Africa. Such transformation or reform is inherently imperative. It must lead to a net increase in poor peasant and rural workers power to control land resources. It should also result in a steady decrease in the share of influence of those who used to have undue influence in the land use and the production process (Borras, 2007:22).

The redistribution of power through land reform in South African can only occur through the transfer of the entire package of property rights from land owners. The majority of these are white South Africans who benefited from the unjust laws of the past. South African Marxist scholars of land reform are of the view that land reform is essentially power redistribution from the capitalist class to the poor landless.

### **6.2.5.1 The Freedom Charter and the land question**

Twenty years of democracy in South Africa has led to some remarkable successes in addressing the debilitating inheritance of the past. Still, despite the successes, the fundamental and controversial land question needs to be addressed. “The land question in South Africa represents one of those won’t go away political problems” (Andrews, 2008:1).

These quotations from the charter are among one of the most contentious statements on land reform policy of the African National Congress. According to Davies (1984:85), the Freedom Charter was articulated at a moment in history, when the liberation of the natives was still a distant goal .The Freedom Charter signified a general statement of aspirations (Davies 1984:85). In other words, the Freedom Charter was a wish list of those who were oppressed which stated how they would love to achieve a national democratic society. The Freedom Charter was a guiding document which was supposed to guide the African National Congress in how to achieve the national liberation. The Charter presented the movement’s awareness that the achievement of national liberation would be contingent on a radical transformation of the capitalist system (Davis, 1984: 85).

However, the Freedom Charter did not stipulate in details how the charter should be implemented and interpreted. It also did not discuss its aspirations on how land should be redistributed to those who work on it .It could be said that the Freedom Charter advocates for the transformation of the South African capitalist system. However, the Freedom Charter did not discuss in-depth the implications of transforming the capitalist system (Davies, 1984: 85).

The Freedom Charter is silent on the matter of race ownership of land and how it should be addressed. The charter is not clear on how land should be transferred from white monopoly capital to the state, the landless poor and the working class.

When one links the Freedom Charter and the land question, it is important to note that the national liberation struggle in South Africa was not openly fought around the land question as it was in other African countries such as Zimbabwe

(Ntsebeza:2007). Pre1994 and post1994- there was always the expectation that the land redistribution would be among the priorities of the South Africa democratic government (Ntsebeza: 2007). The expectations that land redistribution would be among the priorities of the South African government led by the ANC was not a matter of historical intent,. Rather it was rather, an expectation and imperative emanating from the promises of the Freedom Charter of the ANC. The expectation of the Freedom Charter was that those who were victims of the injustice of the past colonial and apartheid legislations should get an equal share in the production output of what they produced. It also acknowledged the injustices of the past that forced the natives to being workers by those who owned the land. However it also sought to readdress the injustice by

The Freedom charter did not attempt to classify the extent of monopolisation of the economy or deliberate on the implications of transforming monopolies so as to be publically owned (Davis, 1984:85). So it is of paramount importance that the discourse on the land question in South Africa must address two significant sections of the Freedom Charter: “The People Shall Share in the Country’s Wealth” and “The Land Shall be Shared Among Those Who Work it” in order to address the historical injustices of the past.

It is important for the discourse to raise certain pertinent questions about how to transfer the wealth of the nation and monopolies so as to be owned by the people (Davies, 1984: 86).

The discourse must open space for critical issues and questions on a number of controversial matters. For example land ownership, how land should be divided, who must benefit from land reform, what would be the new forms of production to be created.

If every person is going to benefit who will work the land, whom must constitute the working class, what will distinguish small farms from big farms for production purposes and how will transfer of agricultural monopolies be effected (Davis, 1984:86).

These are the essential issues and questions that must determine whether the Freedom Charter advocates further the development of the capitalist system or, instead favours nationalisation and socialism. In 1994, the African National Congress came into power and embarked on an ambitious land reform agenda (Ntsebeza, 2007: 87). The ambitious land reform agenda of the ANC had its origins in the document of the Freedom Charter, although others feel that the charter was misinterpreted and compromised. The ANC led government came up with a neo liberal macro-economic policy that sought to restructure the agrarian sector and transfer access to land ownership from whites to the indigenous people of South Africa (Hall, 2003:29).

Land reform policies are about addressing the injustice of colonial and apartheid dispossession as well as changing socio-economic relations in the country (Pepetheka, 2013:1- 3). However, the approach followed to address the injustices of the past caused divergent views from scholars of land reform, political parties, civil society structures and rural social movements. These views distinguished not merely in the approach, but in the very ideological orientation of the approach which some feel misrepresents and compromise's the Freedom Charter.

#### **6.2.5.2 The National Democratic Revolution (NDR) and the land question**

In the post-apartheid era, the national liberation movement in the form of the African Nationalist Congress has continued to implement the National Democratic Revolution (Schulze: 2012).The genesis of the National Democratic Revolution concept in the contemporary politics of South Africa can be traced back to the theory of imperialism articulated in 1917( Schulze: 2012). The philosophy of the National Democratic Revolution emerged from a Marxist- Leninist analysis of the national liberation struggles of the 20<sup>th</sup> century (SACP: 2006).

Historically, the National Democratic Revolution is a theory that advocates for a revolution led by progressive motive forces from the oppressed, the marginalised and those exploited by the capitalist system and colonial regimes ( SACP :2006). The National Democratic Revolution theory states that progressive motive forces

must defeat repressive and colonial regimes and construct a people's democracy (SACP, 2006). The idea of the National Democratic Revolution is to liberate those who were oppressed by capitalist colonial regimes both politically and economically. Therefore the National Democratic Revolution theory proposes the abolition of capitalist colonial regimes and establishment of a National Democratic Society.

The motive of the National Democratic Revolution is to proceed to socialism. However, in circumstances where due to the global balance of forces, socialism cannot instantaneously occur, it must be preceded by democracy (SACP, 2006). The Communist Party of South Africa (CPSA), the forerunner to the South African Communist Party of South Africa (SACP), noted that South Africa had characteristics of both an imperialist state and a colony with a single, inseparable, geographic, political and economic entity (Schulze, 2012). In other words, the SACP analysed South Africa to be a colony of a special type where white society is effectively an imperialist state and native society is a colony.

According to the ANC, the main objective of the National Democratic Revolution is to liberate black people generally and to build of a non-racial, non-sexist and prosperous society that will ultimately be a National Democratic Society (SACP, 2006). However, there are divergent views on the interpretation and conceptualisation of the National Democratic Revolution within the ANC. This is due to different ideological orientations present in the ANC. The Morogoro Conference of the African National Congress in 1969 endorsed the perspective of the National Democratic Revolution. It dedicated itself to it in with the understanding that it would correct or address the historical injustices of the past by putting an end to the existing socio- economic relations (Schulze, 2012).

However, the conceptualisation and perspectives of the National Democratic Revolution held by the ANC differs from the conceptualisation and perspectives of the SACP. The SACP's Marxist scholars argue that the National Democratic Revolution is the most direct route to socialism; the ANC perspective of the NDR

seeks to achieve a non-racial, non-sexist and prosperous society (SACP, 2006). The SACP argues that the National Democratic Revolution and the Freedom charter were never meant to deal only with the political and socio- economic manifestations of colonial and apartheid regimes, but to develop radical programmes that would transform the structural foundations of colonial and apartheid regimes (SACP, 2006).

Hudson (1986:23) argues that the Marxist view of national democracy easily fits in with the demands of the Freedom Charter. For example, the demands of the Freedom Charter for the nationalisation of monopolies and state intervention are archetypal for national democratic demands. The National Democratic Revolution sought to deal with and to address the three interrelated and antagonistic forms of oppression of the society, which are; gender oppression, race oppression and class oppression (Netshitenze, 2012:4).

According to the ANC the economic system of a National Democratic Society, in essence, would be capitalist, “shorn off... racial and gender exclusion... and freed from barriers to entry and completion”. It will have “a mixed economy, with state co-operatives and other forms of social ownership and private capital.

The balance between social and private ownership of investment sources will be determined on the balance of evidence in relation to national development needs and the concrete tasks of the National Democratic Revolution at any point in time” (ANC, 2014b). The ANC contends that the task of the National Democratic Revolution is to deal with the political and socio- economic manifestations of colonialist and apartheid regimes (SACP, 2006). The ANC interpretation of the National Democratic Revolution sought to include the land question, address property relations and socio-economic transformation of the country.

Ideological differences in the ANC and its alliance partners makes it difficult for policy formulators to conceptualise, draft and further implement both the National Democratic Revolution and the Freedom Charter.

The 2011 Census results have underlined the progress that has been made by the African National Congress led government in improving the quality of lives of the majority of South African people. Yet there still are the three antagonistic and interrelated oppressions of the society that need to be addressed in order to liberate the indigenous people of South Africa from the historical injustices of past colonial and apartheid regimes and these are: gender oppression, class oppression and race.

### **6.2.5.3 Land reform and gender**

In relation to gender, the South African discourse on politics of the land question is discussed independent of race and class; it curtails the broader objectives of the National Democratic Revolution and the Freedom Charter's understandings of inequalities in ownership and control of land within the context of patriarchy. Gender inequality in land ownership is a global in evidence around the globe (Agarwal, 2002; Walker, 1997; Ikdal et. al..2005). Although many countries have tried to address the gender question in land policy formulation, gender oppression and inequalities continue despite the implementation of gender equity policies (Agarwal 2002; Walker, 2005).

South Africa's ruling party is the committed to implementing the National Democratic Revolution (Schulze, 2012) which seeks to abolish repressive colonial regimes and build to build a peoples democracy (SACP, 2006) where there will be no male domination. In other words, the South African interpretation of the National Democratic Revolution advocates for gender equity and the abolition of gender oppression. The perspective of the South African Communist Party suggests that the struggle for democracy must be based on the three antagonistic pillars of oppression (SACP, 2006). The South African Communist Party's view of the three pillars of oppression pre -1994 is still relevant for the present society where males are still dominant in land owner and control.

Land reform policies must also take another route and acknowledge proactively that methods in which the historical traditions and social norms of patriarchy continue do disenfranchise women in terms of race and gender (Williams, 2007:2). It is vital to note that land ownership, even before the arrival of the settlers in the Cape in 1652, was not equally distributed between native men and women., Colonialism only reinforced an institutional patterns where women were socially, politically and economically degraded in grossly oppressive ways (Williams, 2007: 3). One of the motives of colonial regimes in separating South African societies and enacting legislations restricting communities from full participation in the economy was to eliminate competition by Africans (Bloem, 2006:18). When the settlers arrived they created a society that is reflected substantial inequalities between white men and women and inequalities between black men and women (Lukhela: 1955).

In 1994, the African National Congress came into power and introduced policies that seek to address the historical disadvantages of woman, young people, farm workers, disabled people and the natives in general (Hall, 2004:28). The government of South Africa promised to redistribute thirty percent of white land to previously disadvantaged communities (Mather, 2002). In twenty years of democracy the promise of thirty percent of land redistribution has not yet been met by the ANC led government.

The ANC's neo-liberal macroeconomic policies have proved to be ineffective in addressing both the socioeconomic issue and ineffective in addressing the gender question of land reform. The willing buyer willing seller policy framework of the ANC led government further disenfranchises women (Williams, 2007:8).

In South Africa woman in general and the working class woman in particular experiences economic suppression through entrenched systems of patriarchy in employment and domestic practices. Women have little power in decision making processes about their own labour and in acquiring land for personal ownership (Williams, 2007:10). For example, census 2011 indicated that woman in the

Eastern Cape are in the majority among the population of the rural areas of the province including the former homeland areas.

However, due to their marginal position in the society in which they live, they have rights to only a miniscule proportion of the land. The rights of women in rural areas are unceasingly undermined and violated since they don't have access to land (Williams, 2007:10). Therefore one can conclude by saying that the idea that is entrenched in the theory of the National Democratic Revolution in South Africa. In this theory women participated in the process of defeating repressive colonial and apartheid regime. However building a people's democracy is still a utopia. Women still live in a country where gender equity is preached but not practiced.

#### **6.2.5.4 Land reform and race**

The central argument here is that racial disparities in land ownership still persist in post 1994 South Africa (Lahif 2007; Hall 2004; Cousin 2006). A lot has been said, by scholars and political parties, about the ineffectiveness of the ANC's neoliberal land reform. Scholars such as Wegerif (2004), Lahif (2007) argue that reforming land through the market, using policies such as 'willing buyer willing seller' will only entrench existing inequalities. According to Lahif (2007) the old agricultural sector in South Africa is still defined by racial inequalities and still distinguishes and symbolises the failure of the neo liberal market approach to land reform

The contribution of ANCYL, EFF, SACP, and PAC to the current political discourse on land reform maintains the view that those who were previously advantaged according to their race during colonial and apartheid regimes are still advantaged even after twenty years into democracy. The ANCYL and EFF argue that white people in South Africa continue to enjoy substantial advantages compared to the preponderant population of the landless class, the workers class and the natives. All parties argue that in order for the South African government to deal with that it must reverse the historical injustices by nationalising all the strategic resources including land.

### **6.2.5.5 Land reform and class**

Marxist analysis proceeds from general theory of class struggle that springs from economic production relations that divide the society into classes (Sean, 2000:1-2). “The literature engagement on the class dimension of land reform process regards power and economic privilege as demining factors to access resources” (Mandletyana, 2011:47). Marxist theory argues that there are two classes in a society, the ruling class, one that enjoys the benefits of production, and the working class proletariat that carries out production. Anderson (2007:184) argues that classes can regard as structural compositions.

Land reform all over the world is experiencing a growing tendency of elitism, where power relations and the distribution of economic and political power remains as favouring the elite class (Cousins, 2007: 234). The elite class in South Africa is defined as the land owning class, mainly large scale farmers, property owners and owners of the means of production (Mandletyana, 2011:48). A second class as a landless class predominantly the natives, black women and the working class most of whom majority live in the outskirts of the country due colonialism apartheid laws. According Marxist scholars the second class citizens of South Africa were marginalised by a capitalist society that exploits the natives so that the ruling white class can enjoy the fruits of production.

Class formation in South Africa can be traced back to the formation of the Union of South Africa in 1910 (Buraway, 1994:531). The Union of South Africa created two classes, namely the bourgeoisie class composed of white land owners and mine owners and the proletariat class composed of black farm workers , mine workers, domestic workers and skilled non-European workers the majority of whom came from China and India (SAHO, 2014 a). Historical evidence shows clearly that since the arrival of the settlers in the Cape Province, the indigenous people were oppressed, exploited and marginalised.

In a situation where there was oppression, exploitation and marginalization the National Democratic Revolution's appeal is that progressive motive forces who were victims of colonial oppression must defeat colonial regimes and build a people's democracy (SACP, 2006). By doing so class oppression will be dealt with and pave the way to a National classless society.

## **7. Conclusion**

The chapter above deals with the historical perspective of the land question tracing it back from the arrival of the westerners till to the current discourse on politics of the land question. This chapter further discusses theories that inform the political discourse centred on the little progress that land reform has achieved in 20 years of democracy; what land reform is for, who should benefit and how it should be done. All these questions seek to answer how the historical injustices of colonial and apartheid regime should be addressed by government of the people for the people. However, the discourse is characterised and dominated by two ideological orientations: the liberals and the socialists (mainly Marxists). The Marxists are arguing that policies of land reform should be rooted in the Marxist principle of collective ownership, that is, land and all strategic sources of production should be nationalised by the state with the intention of facilitating redistribution. On the other side the liberals are arguing that individualised tenure systems are more anticipated and effective. Both the Marxist and the liberals are of the view that historical injustices must be addressed but disagree on the fundamentals of policy formulation for land redistribution.

## CHAPTER 6

### DATA PRESENTATION AND ANALYSIS

#### 6.1 Introduction

The study was carried out in the former Ciskei homeland which some of it now falls under Buffalo City Metro Municipality in the Eastern Cape Province. The former Ciskei homeland was used as a case study. Policies and challenges in addressing the land question in the neoliberal democracy of South Africa has been a major concern in South Africa.

#### 6.2 Presentation of findings

The study did not state any hypothesis at the beginning because of the methodology used following the nature of the study and the answers that it was seeking to find. The researcher used research objectives instead to drive the study and this is illustrated in this section.

**First objective: The study seeks to improve knowledge on the discourse of politics of land reform and further highlight the importance of land redistribution to the poor land class and the working class proletariat in the former Ciskei.**

##### **Need for land**

While the question of how many South Africans are in need of land and what do they need land for has not been satisfactorily answered in the South African political discourse of land reform (Ntsebeza, 2007). This study seeks to contribute in the gap of knowledge regarding the need for land by studying and introducing the views of respondents. The study discusses the views of community leaders regarding the extent and nature of the demand for land. All respondents live in the former homeland of Ciskei and 100 percent of them showed that they understand the political discourse of the land question of South Africa.

When a question was posed as to whether the respondents need land and what do they need land for? All respondents indicated that they need land and not only for agricultural purposes.

This is confirmed by the statement made by one of the community leaders that “*for agriculture purposes as well as for the benefit of people is as far as human settlements package is concerned – especially housing*” (Respondent A). This statement is in line with the argument raised by Moyo (2005) cited in Ntsebeza (2007), who argued that land remains a basic source of livelihood for the majority of people and majority of people depend on land in sectors such as agriculture, tourism, mining, housing and industry.

Another community leader responded by saying “*Yes! We do need land for agriculture, business, burial, and housing purposes etc.*” (Respondent F). This statement is also in line with the argument raised by Moyo (2005), that the issue of the land question is not just about agriculture but also encompasses social issues such as housing and sustaining good standards of living (Ntsebeza, 2007:7). Land is the most valued natural resource of a country. Zarin (2004:1) says it represents the main form of wealth and the principal source of economic and political power. Land can be understood as a vehicle for human development as well as a source for food production (Zarin, 2004:1). However, in Eastern Cape there’s little that is known about the extent and nature of demand for land.

The question of how many South Africans are in need of land and what do they need land for has not been satisfactorily answered in the South African political discourse of land reform (Ntsebeza, 2007).

### **6.2.1 Government Priorities**

In twenty years of democracy in South Africa, the people have seen impressive achievements in addressing the socio-economic challenges and the devastating legacy of colonialism and apartheid.

However, despite the government achievements, there's evidence that structural poverty is deepening, that unemployment has risen and that half of the South African population live in poverty (Ntsebeza, 2007:2).

In the early 1990s, after the release of all political prisoners and the unbanning of all liberation movements there were high expectations among the people of the former homeland of Ciskei. They believed that land would be returned to them and the advent to democracy would mean that there are more opportunities for previously disadvantaged societies.

In trying to get their views of the community leaders on the political discourse on the challenges of land question a question was posed as to: In 1994 when the ANC came to power, what did you expect the ANC government to prioritise?

The respondents made it clear that they expected housing, service delivery, employment opportunities, land and free education. This is confirmed by the statement made by one of the community leaders, a respondent: "*We expected job opportunities – people want bread on the table*" (Respondent, C).

The results seem to support Marx's view. The people expected to own the means of production after 1994 but this was not done by the government. The people thought they would own land and have better service delivery. But this never happened. After 1994, poverty increased and South Africa did not do much to distribute the land in a way that reduced poverty. As a result very little have benefited from land reform and poverty and inequality have been high in South Africa.

**Second objective: To measure the success and failure of land reform policies in a neo- liberal democracy of South Africa.**

**Market led approach**

As part of its development agenda ( RDP) Reconstruction and development Programme The ANC led government committed itself to a land reform project that will distribute twenty percent of agricultural land to landless class and the poor with a period of five years, (Hall, 2004:24). The ANC opted for the neo liberal macro-

economic approach of willing buyer willing seller (WBWS) mode of land acquisition (Ntsebeza, 2007, Hall, 2004, Moyo, 2004 and Daile, 2012). However, this approach has been heavily criticised in the discourse of transformation and redistribution in South Africa.

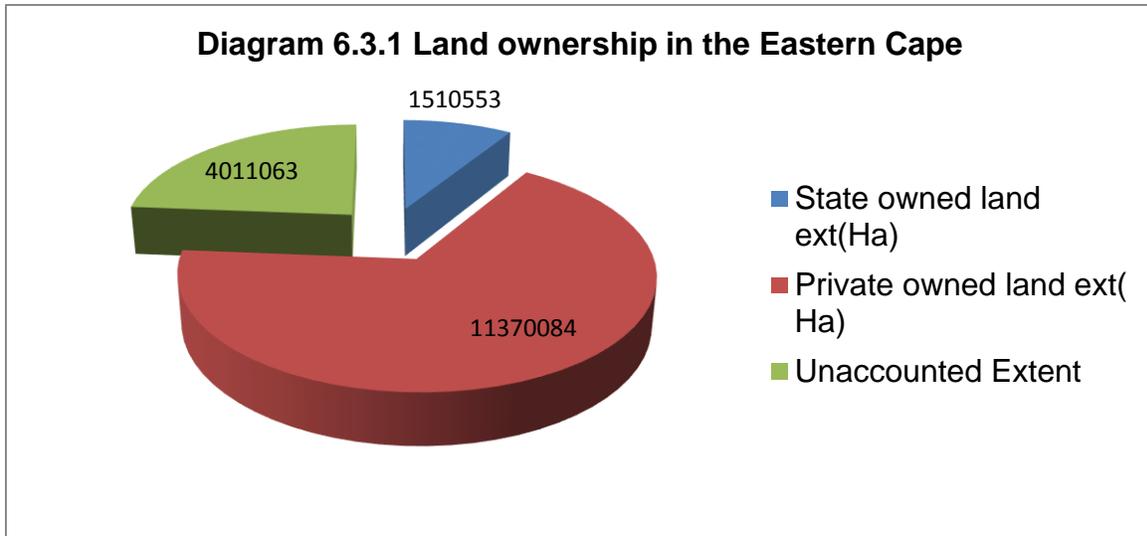
Criticism is largely raised by land reform activists, political parties, civil society structures, academics, government institutions and youth in the townships. One of the key criticisms was that the approach proposed by the World Bank relied on ideologically driven and untested models that disregard the reality of land markets and would be excessively expensive (Williams, 1994).

In trying to test the argument of the critics about the market led approach of South Africa respondents were asked the following question: Are you satisfied with the pace of land reform programme of South Africa based on market led approach?

All community leaders responded that they not satisfied with the pace of land reform programme based on the market. One of the responded said *“No! The market makes it difficult for the people to afford land and it excludes those who don’t have resources from owning land and property”* (Respondent, D). Another community leader responded by saying *“No- because people (i.e. millions) still struggle on human settlement aspect – market approach is a bit problematic because those who benefited this asset (land) sell it exorbitantly price”* (Respondent, B).

The pace of land reform in South Africa with specific focus in the Eastern Cape

Diagram 6.3.1: Land ownership in the Eastern Cape



Source: Compiled from state land audit, carried out by the office of South Africa’s Chief Surveyor-General and published in 2013.

Diagram 5.3.1 demonstrates that most of the Eastern Cape land is private owned. It is often argued that these private owners are white. This is as a result of the formation of the union of South Africa in 1910 and the racial laws that followed, which excluded the native from owning, buying and leasing land. Then in the 1994 South African government set as target the redistribution of thirty percent of white owned agricultural land to the indigenous people of South Africa (Hall: 2013). This was going to be achieved by the state using the liberal approach of willing buyer, willing seller in order to rectify the injustice of the land Act of 1913 and further redress the inequalities of land ownership between the historically disadvantaged and the historically advantaged citizens of South Africa. A Grant system was introduced to assist historically disadvantaged beneficiaries to buy land from willing sellers (Pepeteka, 2013:7).

However, it is argued by many scholars of rural development and land reform that the pace of land reform based on the three leg programme namely; land restitution, land redistribution and land tenure has been frustratingly slow. Delivery of land reform in South Africa started with a pilot programme in 1995(Ntsebeza, 2007:9).

“The programme had picked up pace through the rate at which land was being transferred from white to African ownership was still far cry from government targets and public expectations” (Ntsebeza, 2007:9). In 1994 when the democratic government came to power it aimed to redistribute thirty percent of white owned agricultural land to the indigenous people of South Africa. This was going to be done through using the three leg programme namely; land tenure, land redistribution and land restitution.

### **6.2.2 Political obstacles and challenges of land reform**

The following are the questions that this study aimed at answering as indicated earlier.

- Are there any political obstacles to restructuring? If so, what can be done to mitigate these?
- Are there any challenges of land redistribution in a neo-liberal democracy based on private property?
- Are there any challenges posed to land reform by a neo liberal economy based on private property? If so, how can these be addressed?

In trying to assess and get the views of respondents, the study asked. What in your opinion are the political obstacles and challenges that the South African government is facing when it comes to land redistribution, restitution and tenure system? The following were comments of the respondents:

*“One major challenge regarding the land question in South Africa and here in the Eastern Cape is policy formulation. Policy formulation tends to favour a certain race, gender and class. The second major challenge according to my own analysis is political will within the ANC and its alliance partners”* (Respondent G).

*“To me, the major challenge is policy implementation on the side of our own leaders in and outside government institutions”* (Respondent A).

*“Black people don’t have the land and whites who own the land do not give the blacks space to farm. Even the blacks who own the land are unable to use it profitably because they don’t have skills for farming like their white counterparts”* (Respondent C).

Literature has cited a lack of policy implementation by the government as one the most pressing challenges the South African government faces. Implementation of policy is not done properly and this results in the policy becoming ineffective. The land reform is not an exception, it is also affected by lack of policy implementation and this results in the policy not working as it should .

### **6.2.3 Solution to the challenges of land reform**

It is often argued by some commentators that the solutions to the challenges of land reform in South Africa are within the South Africans themselves. The study asked the respondents: How do you think challenges to land reform should be dealt with? The following quotations are from community leaders in the Eastern Cape townships of South Africa:

*“The government and the people of South Africa need to seat down and come up with policy alternatives”* (Respondent B).

*“The current government led by the ANC should formulate radical policies to redress the injustices of the past and be decisive when it comes to dressing the challenges that are affecting African population”* (Respondent C).

*“Any route that finds consensus among the communities of South Africa; necessary this suggest a policy shift”* (Respondent D).

*“Revisiting of the sunset clauses that were based on the compromise arrangements during CODESA negotiations”* (Respondent A)

*“Change in policy is needed, unity amongst black people and less dependency on western countries”* (Respondent F).

*“The willing buyer willing seller is not working and helping the process, therefore, government must do away with it”* (Respondent H).

These results echo what has been demanded by several political parties such as the South African Communist Party and several analysts with regard to the distribution of land. There have been calls to remove the willing buyer, willing seller policy. This version of market-led agrarian reform has been influenced by the World Bank but enjoys support from landowners and elements within the ruling African National Congress committed to maintaining the structure of large-scale, capital-intensive farming. With the willing buyer, willing seller, the rate of land transfer remains far below official targets and the limited available evidence suggests that, where land has been transferred, it has made little positive impact on livelihoods or on the wider rural economy (Lahiff, 2007). Key to understanding the slow pace of reform is the lack of mobilisation and militancy among the rural poor and landless, who to date have had minimal influence over the design and implementation of the land reform programme.

According to Marx there is a rich few who own the means of production and poor working class who are the majority. This has been the case in South Africa. The majority have been poor and they earn little and as a result they cannot buy land under the willing buyer willing seller. This has made them to be poor and landless. Those who have the land have been making profits from the land and they have even become more richer. The land owners own large pieces of land and they are the minority and the majority owns little.

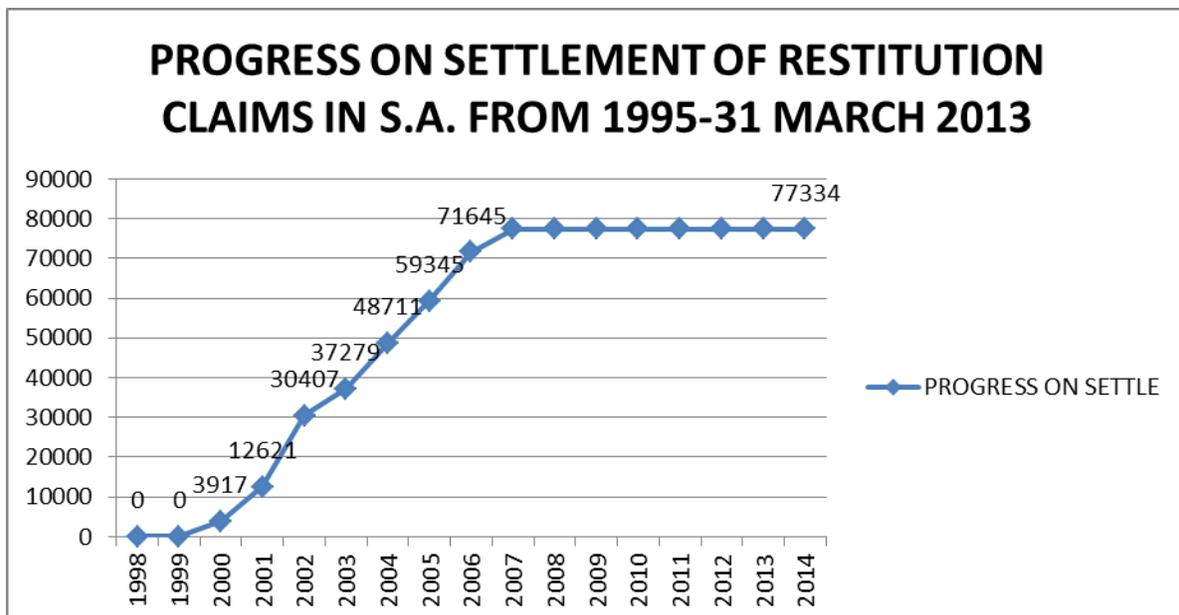
**Objective 3: To analyse political obstacles to resolving the land question and to evaluate South African land reform policies, the impact and the challenges facing the redistribution of land to the rightful claimants (especially the Black people) of the former Ciskei region in South Africa who were disadvantaged by the Land Act of 1913.**

Delivery of land reform in South Africa started with a pilot programme in 1995(Ntsebeza, 2007:9). “The programme had picked up pace through the rate at which land was being transferred from white to African ownership was still far cry from government targets and public expectations” (Ntsebeza, 2007:9). The following section will look at the The three leg programme namely; land tenure, land redistribution and land restitution.

### 6.2.3 Land restitution

In 1994 the government aimed to settle all restitution claims with a period of five years (Pepetheka, 2013:3). However, the restitution programme started a slow pace with only setting 41 claims between 1994 and March 1999(see diagram 5.3.6.2below). Few claims were settled, though it is argued that the slow pace was consistent with the challenges of the new democratic government. The targets to finalise all claims of restitution were then extended to 2005. There were numerous problems and challenges hindering restitution. In order to deal with these challenges, the Restitution of Land Rights Act was amended in 1999 and 2003 (Pepetheka, 2013:3). As a result, since the amendments there have dramatic increase in the total number of settled claims (see diagram 6.3.2).

**Diagram 6.3.2: Progress on settlement of restitution claims in SA**



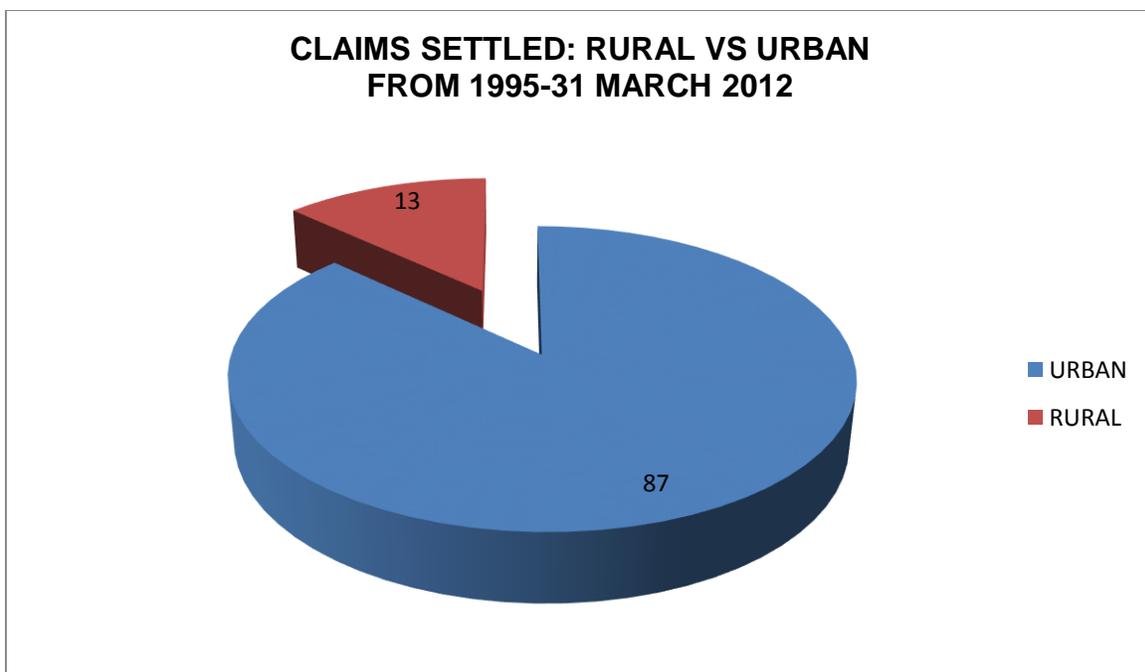
Source: compiled from CRLR Annual Reports (2005-2011/12) and response from DRDLR (2013)

The above diagram 5.3.2 shows the progress on resettlement of restitution claims in South Africa from 1998-2014. The diagram demonstrates that between 1998 and 1999 there was an insignificant change in the settlement of restitution claims.

A gradual increase in the claims started in 1999 and the trend continued in until 2001. A marked and much more significant increase in the claims was noticed after 2001. A sharp increase in the graph in 2002, shows that there was a huge change increase in that year.

The claims continued to increase between 2003 and 2007. This shown by the upward sharpening and sharp rise on diagram 6.3.2. The claims reached a plateau in 2007 and the non-increasing trend. Papateka (2013:6) argues that one of the reasons contributing to delay in land restitution in South Africa, was amendment of Land Restitution Act, A second reason was that there was not enough budget for restitution .

**Diagram 6.3.3: A comparison of settled claims in rural and urban areas**



Source: compiled from CRLR Annual Reports (2005/06 -2011/12).

The graph above illustrates that one of the major challenges encountered with the Land Restitution claims process in South Africa from 1995 to 31 March 2013 was that most claims that were urban and they were settled with monetary compensation (Papetaka, 2013:4).

One can argue that monetary compensation undermines the broader transformation agenda of the ANC and the Freedom charter which stipulates clearly that the Land shall be owned by those who live in it. It further undermines the objectives of Land Reform in a country which requires change in land ownership patterns in the country.

Monetary compensation is a challenge in addressing the Land Question in the liberal democracy of South Africa. One reason is that the state doesn't have enough resources for compensation as required. A second reason is that it doesn't serve the states objectives of changing land ownership patterns in the country which will rectify the imbalances of the past by restoring (thirty percent) of white owned land to the previously disadvantaged, indigenous people of South Africa.

#### **6.2.4 Land redistribution**

The grant approach for purchasing land from white commercial farmers has been heavily criticised by some scholars, activists, and institutions of rural development and land reform. Lipton (2009) points out that this narrow approach failed to redress the social inequalities, reduce poverty and promote accumulation from below. Chikowore (2013:18) argues that this approach resulted in a majority of the poor, landless and previously disadvantaged societies failing to buy land leading to exacerbated class stratification.

#### **6.2.5 Land tenure**

Land tenure mainly was to secure the rights of tenants primarily in the white owned communal areas and communal farms and to improve the administration system of land reform in South Africa (Chikowore 2013, Rugege 2004, Ntsebeza 2007, Westaway and Naidoo 2010). Out of the three legs of land reform of South Africa, land tenure has fared the worst (Pepetheka, 2013: 10). The foremost achievement has been the enactment of legislations aimed at crafting statutory rights in land for different categories of landowners (Pepetheka, 2013:10). These laws comprised of the Extension of Security of Tenure Act of 1997(Act no. 62 of 1996), the Interim

Protection of Informal Land Rights of Act 1996(Act no. 31 of 1996) and Land Reform (Labour Tenants) Act of 1996 (Act no 3 of 1996) (Pepetheka, 2013:10).

The Extension of Security of Tenure Act of 1997(Act no 62 of 1997) provided security for the people living on farms that are owned by others and regulates the eviction of those people. The objective of the act is protect farm dwellers from illegal eviction ( Pepetheka, 2013:10) However, the Extension of Security of Tenure Act of 1997 has not been successful in protecting the eviction of those who live on farms that are owned by others. This is shown by the survey conducted by (Wegerif 2005) which revealed that over two million of farm dwellers living in communal areas and commercial farms had been displaced between the period of 1994- 2004. This was a greater number than the number displaced in the last ten years of apartheid.

The Land Reform Act of 1996 ( Act no 3 of 1996) provides security of tenure of labour tenants and those who use and occupy land as a result of association with labour tenants (Pepetheka, 2013:11). This legislation affords labour tenants the same procedural rights as other occupiers are granted in terms of Extension of Security of Tenure Act (Pepetheka, 2013:11).

The Communal Land Rights Act of 2004 ( Act No. 11 of 2004) aimed at providing people living in communal areas the right to own land instead of being merely granted a permission to occupy (Pepetheka, 2013:11). Nevertheless, the legislation was declared unconstitutional or invalid by the constitutional court of South Africa based on the procedural grounds that were raised on the case of *Tongoane and others v Minister of Agriculture and Land Affairs and others* (Case CCT 100/ 09, 11 May 2010). The declaration of the Communal Land Rights Act of 2004 as invalid meant that the people living in communal areas in the Eastern Cape and other provinces of South Africa still don't have tenure security. Their rights to land are still secured by the Interim Protection of Informal Land Right Act of 1996 which gives temporary protection de facto occupation pending that a statutory that would give permanent rights (Rugege 2004).

## 6.2.5 Land Acquisition

Table 5.3.4 shows the progress of land redistribution between 2009 and 2013.

Table 5.3.4 Redistribution Statistics from 2009- December 2013

PSSC	REDISTRIBUTION STATISTIC 2009-13 DECEMBER 2013		
	FARMS	Acquired Hectares	Number of beneficiaries
EC	196	181 613	1433
FS	151	113 317	508
GP	93	15 881	268
KZN	236	130 415	7132
LP	139	56 086	2857
MP	178	142 321	1263
NC	79	446 557	230
NW	157	122801	3327
WC	48	34 126	1341
TOTAL	1277	1243117	18358

There are two major challenges facing land reform in South Africa. The first is to fast track the transfer of land and the second is to support productive utilization of

transferred land (Greenberg, 2010:4). The target year by which the official target was to have been transferred to the after it became clear obvious that the original timetable was not achievable (Greenberg, 2010:4).

With respect to land reform in the Eastern Cape all the aspects of the 3 approaches to land reform, with the exception of land labour tenants programme is applicable. . A total number of 9 292 of restitution claims were lodged by the people in rural and urban areas of the Eastern Cape Province for “some for substantial tracts of land” (Lahif, 2002: 12). Out of 68 878 restitution claims that were lodged at national level, 13, 5 percent of the national claims were from the Eastern Cape (Lahif, 2002: 15). Out of the 13, 5 percent of 68878 of restitution claims from the Eastern Cape 804 or 11 percent of the claims were classified as rural and 6588 as urban (CRLR, 2001: 14). However, numerous enquiries and complaints were forwarded by people all over the country including the people from the Eastern Cape claiming that they were left out of the 1998 lodgement period.

As the statistics in diagrams .3.1 and .3.1 indicate above indicate the official targets and the expectations of South Africans have not been not achieved Currently the pace and sustainability of land reform has been subjected to critical analysis. In trying to get the views of community leaders regarding the matter a question was posed as to how would you rate the pace of land reform in South Africa with specific focus in the Eastern Cape? All respondents indicated that the pace is slow. The following were comments made by respondents “ *it is very slow to the extent that I am worried that people will one day cause something that I don't even want to think about*” (Respondent B).

*“It is slow, but now that the new political parties are calling for radical land reform policies, I am hoping that the ANC government will fast-track land reform”* (Respondent C)

Marx argues that what sets the capitalist mode of production apart from the commodity mode of production is not only the accumulation of money; the capitalist mode of production is characterized by the use of labor power as a commodity to create more value. The people thought this would end through land redistribution in

South Africa but this has been seen to be slow. So the poor who happen to be the majority continue to suffer in poverty and they work for the minority who are rich.

**Objective 4: To scrutinize the Impact of neo-liberalism on the process of the broader transformation agenda of South Africa.**

**The property clause in the South African constitution**

One of the important political changes regarding the land question was the abolishment of racial territorial legislations such as the Land Act of no 108 of 1991. This Act repealed all other colonial and apartheid land legislations such as the 1913 and 1936 Land Act (Saunders, 2003: 21). The abolishment of colonial and apartheid land legislations also addressed the issues concerning land restitution and tenure (Saunders, 2003: 21). Predictions on what a future South Africa would be like started in the early mid 1980s (Spark, 1994), even though the debates were not centred on the land question. However, the debates ended discussing how the land question would be resolved post-apartheid period (Ntsebeza, 2007: 110). The discussion took form through the debate on the bill of rights. During the debate on the bill of rights, South Africans had different views regarding the issue of property rights. Two popular sentiments were expressed in the 1980s by two different judges of South Africa whom one of them sentenced one of the ANC freedom fighters to death Andrew Masondo (Ntsebeza, 2007:110). In warning South Africa on what the future holds this is what they said;

*“What a Bill of Rights cannot afford to do here...is to protect private property with such zeal that it entrenches privilege. A major problem which any future South African government is bound to face will be the problem of poverty, of its alleviation and of the need for the country’s wealth to be shared more equitably... Should a Bill of Rights obstruct the government of the day when that direction is taken, should it make the urgent task of social or economic reform impossible or difficult to undertake, we shall have on our hands a crisis of the first order, endangering the Bill of Rights as a whole and the survival of constitutional government itself. (quoted in Ntsebeza, 2007: 110 ,Chaskalson 1993: 73–74).*

According to the views extracted from Ntsebeza, (2007: 110) and Chaskalson (1993: 73–74) it is clear South Africans had foreseen what the future holds for them with a constitution that protects private property.

In the 20 years of democracy in South Africa the land reform discourse has been about quality, quantity, land ownership and private property. The close connection between free society and the right to private property has always been stressed by classical liberal traditions (Gaus, Unknown: 01). Mises (2005:2) argued that the programme of liberalism if considered to be one word would have to be: property that is private owned. The classical liberal theory of property derives extensively on Lockes theory of property whom argued that “the signature right of any right – oriented classical liberalism is the right of self-ownership” (Mark, 2013: 53-78). In summary, according to classical liberal theory a person has a natural right to own external property. However, not all classical liberals are in agreement that property rights are natural but all maintain the view that right to private property are important for a free society (Schamidtz, 1987: 79-100).

The “new liberal” project ( Neo liberalism) indicates that a free society requires robust protection of political and civil rights but not wider rights of private property beyond personal property ( Gaus, Unkown:2). The new liberal project replaces the individualistic “Laissez Faire” classical conception of property with a new more social conception. This recognises that production is fundamentally a social enterprise and the fruits of production must be shared by the producers nobly the workers (Hobhouse, 1964: 54, 98- 9).

Karl Marx’s theory of development regarded capitalism as just one state in transition pre capitalist society (Willis: 2005: 62) which Marx viewed as ‘ancient’ ‘Asiatic’ or feudal and argued that it would be replaced by capitalism which would be usurped by socialism (Willies, 2005: 62). According to the Marxist theory, under socialism and communism there would be communal ownership rather than private property ownership and people would work according to their abilities and would be provided according to their needs (Willies, 2005: 62).

The political discourse is characterised and dominated by two ideological orientations: the liberals and the socialists (mainly Marxists). The Marxists are arguing that policies of land reform should be rooted in the Marxist principle of collective ownership.

Land and all strategic sources of production should be nationalised by the state with the intention of facilitating redistribution. On the other side the liberals are arguing that individualised tenure systems are more anticipated and effective. Both the Marxist and the liberals are of the view that historical injustices must be addressed but disagree on the fundamentals of policy formulation for land redistribution.

However the study uses the Marxist theory is used a principal theory that reveals the true conditions that the people of South Africa find themselves in. It also helps to critique the role played by neo liberalism in the policy formulation process of the land reform in South Africa.

It is argued in the South African political discourse of the land question, that the property clause in the constitution is the main impediment of large scale land redistribution. The entrenchment of the property clause in the South Africa constitution is an old discussion, which was articulated in the early 1990s CODESA negotiations (Ntsebeza, 2007: 107).

All the community leaders expressed their views on the pace of land reform of South Africa. There was a general consensus amongst them that land reform in South Africa is not occurring fast enough. However there is no agreement on the reasons. The study will discuss and analyse the reasons advanced by the community leaders and contribute to the broader political discourse of the land question in South Africa.

The study reviewed the property clause debate so as to provide the views and perspective of the people in the former homeland of Ciskei in the Eastern Cape. The contribution of community leaders on the land reform programme of South Africa since 1994 is very important to the study. Their views and perspectives must

be added on the political discourse and pace evaluation of land reform in 20 years of democracy in South Africa. The central question that this study seeks to address is whether the inclusion of property clauses in the South African constitution protects private property. It also looks at whether it is possible for South Africa to get on a broad land reform programme while recognizing and entrenching land rights acquired through colonialism and apartheid, as the property clause does. Ntsebeza (2007: 108) argues that there is a fundamental contradiction in the South African Constitutions obligation to ensure land redistribution to dispossessed individuals and societies while at the same time safeguarding existing property rights. He further argued that the two cannot happen at the same time.

In trying to get the views and perspectives of the people regarding the subject matter the following question was posed. The property clause in South Africa constitution protects private property: - How do you think this affects land redistribution?

The following quotations are from the community leaders expressing their views and perspectives regarding the property clause in the constitution:

*“The bulk of our land will still remain in the hands of the minority as expropriation is proving difficult. This clause affects the pace of land redistribution, as it protects minority rights, who at times are willing to sell”* (Respondent G).

*“The clause in the South African constitution protects private property, land is currently owned by few white minority, that affects the process of land distribution generally”* (Respondent D).

*“The clause needs to be amended because it is in favour of white people but we understand it was the political compromise that needed to be done to ensure the minority that blacks didn’t intend to chase them away”* (Respondent E).

*“Development in all respect gets distracted and potentially it can result to indignation that could lead to revolt* (Respondent B).

*“It affects land redistribution especially radical land redistribution because it protects minority rights, who own the land in South Africa by giving them a right to sell or not to sell. The government can’t do anything about that”* (Respondent H).

The respondents are all in agreement that the inclusion of property rights in the constitution protects the existing property rights of land owners, of whom the majority are white who acquired the land through social injustice of dispossessing the black people into the reserves. While the constitution protects private property it also commits itself to social injustice of redistribution of land to the dispossessed individuals and societies. The respondents claims are in agreement with Ntsebeza (2007: 110- 111) who argues that the two cannot take place at the same time.

### **6.2.6 The Neo liberal land reform agenda**

In 1999, after the Nelson Mandela’s term in office as the president of the Republic of South Africa, the ANC won elections. The ANC deployed Thabo Mbeki as the president. In his inaugural speech, he pronounced that the time for long delayed service delivery promises has come. Thabo Mbeki appointed Thoko Didiza as the Minister of Agriculture and land Affairs. The appointment coincided with an instruction to pursue an agrarian reform in line with the government’s neo-liberal policy GEAR (Anseeuw, 2011:19). The policy shift from RDP to GEAR indicated an ideological shift from the promotion of subsistence farming to commercial farming as a priority of government’s policy. Anseeuw (2011) notes that the government policy shift was especially felt in the land tenure and redistribution programmes.

With respect to this argument respondents were asked: how do you think the neo liberal context in South Africa affects land reform? The following quotations are from the community leaders expressing their views about the neo liberal/ market led approach:

*“It affects in the sense that it promotes individual interests instead of communal interests. It promotes privatization of land and all other strategic resources such as mining, forestry etc”* (Respondent A).

*“Those who have land make it difficult for government to buy it”* (Respondent H).

*“Yes, it slackens the pace of reform –in most instances due to inhibitive cost pricing” (Respondent B).*

*“Mentally and meaningfully to their daily existence very adversely hence the ruling party need to engage very seriously with its policy, that need to lean in favour of the poor mostly” (Respondent D).*

There was therefore a common consensus that the current market structure and approach to land reform is impeding meaningful redistribution. These results support Marx. The people of South Africa can see that the market driven policies are not bringing positive results.

What is needed is a fast change in the ownership of the means of production which is land in this case. The poor are still being exploited in farms and they earn little whilst the land owners take much of the profits

### **6.2.7 Structured interviews**

This part of the study reflects a serious and close analysis of the response to the structured interview questions that were distributed to farmers in the former Ciskei homeland. The study was carried out in the former Ciskei Bantustan area which some of its parts falls under Amatole Region, Chris Hani Region and Buffalo City Metro. The study used Buffalo City Metro Municipality area as a case study. In this section, some of the results of the structured interviews will be listed. The data will be analysed in light of the key research questions and it will be discussed in line with the general research objective of the study and the theoretical framework of the research.

The structured interviews were distributed and there was a 100 percent response rate. Eight respondents were approached who were both representative of both genders. However, less females were included than males. As mentioned before this might be a result of the historical background of South Africa which has seen

more men own land than women.. White participants were not included because historically all farmers in this area have been black. The respondents were farm owners in Litha, Bhisho, Dimbaza, Mount Coke and Zwelitsha. Half of the respondents are married and the other fifty is single.

The different questions with the responses to them are presented below.

### **6.3 Results from structured interviews**

Are there any challenges that the South African government is facing when it comes to land redistribution, restitution and land tenure system?

A respondent, a farmer, said: *“Yes, there are challenges hampering the three leg system. The willing buyer willing seller policy, which makes the South African Government depend on the will and discretion of the white farmers to sell their land or farmers at their price”*( Interview A)

Another respondent said *“There are lot of challenges both from the side of government and claimants. On land redistribution I have hardly met anyone around who has ever received land as part of the redistribution processes. I have met several who have been compensated for forced removals. Monetary compensation is major challenge because our own people don’t want to work the land they just want money at that specific moment”* (Interview B).

*“Yes, post settlement support is not sufficient, for example, here in the Eastern Cape there is always money returned back to National government while those who were given farm on lease contracts are in need of that money. People were given farms and thereafter there was no follow up on the side of the Department of Rural Development and Department of rural Development and Agrarian Reform”* (Interview E).

The above findings support what has been echoed in literature. South Africa’s agrarian reform programme has been criticised on a number of fronts: for its overall design, its implementation and the lack of sustained and coherent post-settlement

support (Nhemachena, 2015). Generally speaking, institutional dynamics among beneficiaries and various government institutions have contributed to the large number of dysfunctional agrarian reform projects in the country. The institutional arrangements of land reform in post-apartheid South Africa have been characterised by fragmented service delivery within the national, provincial and district tiers of government (Nhemachena, 2015).

Criticism has been levelled against the various departments for a lack of clear institutional roles and responsibilities in particular. For example, post-settlement support for agrarian reform programmes and projects has been marred by the general lack of co-ordination and communication between key government departments.

### **6.3.1. Does government have enough funds or resources for redistribution and compensation?**

The following are answers from the farmers expressing their views about funds for redistribution and compensation:

*“No! I am saying this because I am observing that I am not the only farmer that is complaining about the lack of financial support from government. Even few weeks back the Minister of Rural development and Land Reform was here with us in a meeting, people there were complaining about lack of support from the side of government (Interview E).*

*“Yes, the challenge is they want to fund millions of Rands for one farmer, instead of dividing a million to five of farmers to ensure that the basics are in place and for example R 200 000 00 can be a start to see how these farmers uses money, then send people to evaluate. After evaluation then government can increase according to the needs and demands of that farm” (Interview D).*

*“Yes, government have funds, but the money is used on unnecessary things” (Interview C).*

*“There are enough funds enough funds for both redistribution and compensation. Each and every end of financial year funds are taken back to national government. Government is wary of radical land redistribution because it doesn’t want to waste the resources on people without necessary skills and education for land redistribution (Interview B).*

The problems cited above have been acknowledged by the government but the government has argued that these problems are caused by some challenges that still needs to be addressed.

Challenges that affected the settlement of claims were:

- Historically, claims on privately owned land and claims for financial compensation had been prioritised as these assisted in spending the budget.
- conflict amongst beneficiaries;
- claims on un-surveyed state land;
- claims on communal land (occupied);
- claims on invaded state land;
- long term leases on state land;
- State owned entities and municipalities demanding market related prices for land. (Sizani, 2012).

Literature has also showed that people in rural areas face much hardship in having their claims settled. While claims covering urban areas can often be settled fairly quickly with cash compensation, rural claims involving hundreds of individual claimants can take years to resolve. As Hall (2015) points out “Processes of acquiring land, planning for people to resettle, and how the land will be used; all of these take enormous amounts of time and expertise and we have a very constrained government institution - the Land Claims Commission - charged with doing all this”

Since the government has taken a capitalist and market approach, the landless and poor workers will continue to be exploited. Marx describes how the worker under a capitalist mode of production becomes estranged from himself, from his work, and from other workers. The poor will remain poor and this has been the trend in South Africa. Poverty rates have been on the rise.

### **6.3.2 Are there political obstacles to land redistribution in South Africa?**

When respondents were asked the above question, they expressed the following views;

*“There are no political obstacles rather than the constitution and the ruling party’s lack of political will to formulate policies for redistribution. Other political parties don’t have the power and influence to change any policy or decision when it comes to land redistribution. The ANC is in charge but it doesn’t want to use the power it has to fast track land redistribution and transformation of the poor”* (Interview H).

*“Yes, there were political promises made by politicians and government, promising to redistribute land to the people especially the poor who are in need of land. However, those promises are not yet fulfilled”* (Interview C).

*“Yes, democracy is not always the best form of government or a best way of solving justice and transformation. I am saying this because we fought for democracy not knowing that it will have its challenges that will affect us in the way that we can’t deal with injustice because we have to protect every one. In the process of protecting everyone using democratic processes, it does not favour everyone”* (Interview M).

*“Yes, everything in life is politics. Everything has its own advantages and disadvantages. I guess land reform is part of our daily life in politics that operates in the same way as life. It has its own obstacles or disadvantages that are part of life.*

*The political obstacles for land redistribution need us to work together with government and private sector to address those obstacles” (Interview G).*

These findings corroborate with what has been found in literature. Although significant progress has been made in South Africa with regard to land reform, the UN (2013) argues that limited progress has been made in:

- Putting in place stronger partnerships specifically with organs of civil society to accelerate the pace of land delivery to the land reform beneficiaries;
- Escalating land prices make it difficult for the beneficiaries of the land redistribution programme to acquire land on the open market. In addition, the willing buyer-willing seller principle is also problematic as the state becomes the only buyer in the market, which affects its bargaining power. The new regulatory measures (policy for land ceilings and land tax) will address this problem by empowering the state to intervene in the land market on behalf of landless and resource less persons;
- Promoting women’s equal access to and full participation in land decision-making; affecting new land rights and access to land and development opportunities;
- The outstanding restitution claims can be categorised as ‘rural’ claims and by implication mostly claims for restoration of rights in land. The nature of these claims are complex due to the number of role players involved, and claims are targeted at highly productive, capital intensive farms. Restoration of rights in land also require that proper consideration of the sustainability of the projects in terms of post settlement support and sustainable development;
- Planning and development of land resources and the development and use of land-use indicators and related monitoring systems.

The pace of land reform in South Africa is undeniably slow. There are some challenges that the South African government is facing in promoting the land reform

programme in South Africa there have been problems and controversies with both policy and implementation of the land reform agenda, which uses redistribution, restitution and tenure reform to make the much-needed changes (Reliefweb, 2015).

From a Marxist perspective, in capitalism, the worker, who is alienated or estranged from the products they create, is also estranged from the process of production, which they regard only as a means of survival.

Estranged from the production process, the worker is therefore also estranged from his or her own humanity, since the transformation of nature into useful objects is one of the fundamental facets of the human condition.

### **6.3.3 Can South Africa learn from the radical approach of land redistribution of Zimbabwe?**

Whenever there's a discussion on land reform and transformation in South Africa, the land reform approach of Zimbabwe is always used as a point of reference. It is often used by the radicals as an alternative while criticised by the conservatives as one of the major factors that collapsed the Z\$imbabwean economy in the early 2000. When a question was posed as to whether can South Africa learn from the radical approach of land redistribution of Zimbabwe? The following were the views of the respondents:

*"I personally, what I like about Zimbabwe land approach, it united the black people of the country. For a period of time in history they spoke the same language which is to develop and change the life of the people of Zimbabwe. The veterans of Zimbabwe are jealous about their country, the guarding and guiding their democracy. So South Africa can learn a lot from Zimbabwe that democracy it's not always about social cohesion and reconciliation"* (Interview R).

*"No! South Africa can't learn anything from the radical approach of Zimbabwe. The white farmers who were there for years left the country. After they have left a country that used to be the bread basket of Africa, it became a basket case of the*

*continent. Black Zimbabweans destroyed the farms, so there nothing that we can learn as a country from that” (Interview T).*

*“Yes, as much as the people of Zimbabwe are hungry and some have left their country of birth going to other countries in and outside the continent. But they own their land. The people have an option to utilise or not to utilise their land. If they don’t utilise their land they continue being poor and blaming others. So South Africa can learn a lot of bad and good things from the Zimbabwe approach” (Interview F).*

*“Zimbabwe was not land redistribution but land grabs by people who were fed up with bottleneck and government slow pace of land redistribution so they chose to take land on their own so government was forced to fast track land reform seeing that majority of the people were fed up with the slow process. It’s a lesson that the South African government can learn, that people will get fed up and will do things on their own. When that happen they won’t have control over them. That might lead to a civil war, that might killing thousands of white farmers and affect the poor (Interview V).*

The above findings showed that the majority of the respondents argued that the Zimbabwean land reform was unsuccessful and as a result, South Africa could not use the Zimbabwean strategy. The South African land reform has been seen to be heading towards the Zimbabwean disaster. Critics on the left argue it also reflects the lack of a coherent strategy to enhance food security, aid poor urban populations living on marginal land, aid the predominantly black rural population, and support emerging black small and commercial farmers (Reliefweb, 2015). Government detractors on the right have called land reform a ticking time bomb that could turn South Africa into Zimbabwe. However the experience of Zimbabwe provides a salutary lesson in the pitfalls of land expropriation. Although the farm expropriations were but the largest component of a wider economic catastrophe, the wholesale removal of skilled farmers and their replacement by those with little or no agricultural background offers the virtual certainty of greatly reduced food security and a correspondingly adverse effect on the broader economy (Leighton, 2015).

What happened in Zimbabwe seems to have defied Marx. The people were given the land by the government but this was not fruitful. However it must be realised that the land reform in Zimbabwe was chaotic and it was not implemented by the government.. It was rather implemented by greedy, violent and corrupt ZANU PF officials. Only a few politicians benefited fully from the land reform in Zimbabwe. The workers who were supposed to gain from the land are still poor and they do not own the means of production in Zimbabwe.

#### **6.3.4 Is it feasible for South Africa to adopt the same approach?**

After expressing their views on the approach of Zimbabwe, a follow up question was posed as to is it feasible for South Africa to adopt the same approach? Respondents expressed the following as their consents and views regarding the Zimbabwean approach;

*“No, South Africans can never take the same route that they saw failing the poor and collapsing the economy. We will be stupid if we were to take that route because we saw how it failed the people of Zimbabwe”* (Interview E).

*“We need to get a shift in policy formulation and fast-track implementation of a new policy. That will help to ensure that South Africans don’t adopt the same approach. A policy shift that will make sure that we don’t hamper with food production and security or else we can never prevent or stop the people when they adopt the approach of Zimbabwe”* (Interview V).

*“Not as drastically but gradually for example the white farmers must be forced to have black having shares on their farms. White farmers must be forced by law to assist emerging black farmers in growing their farms* (Interview F).

The Zimbabwe land reform is the largest land reform in Africa to date. In the biggest land reform in Africa, 6,000 white farmers have been replaced by 245,000 Zimbabwean farmers (Oxfam, 2013). Zimbabwe’s land reform has not been neat, and huge problems remain. But 245,000 new farmers have received land, and most

of them are farming it (Oxfam, 2013). However, there were so many problems in the implementation of the land reform; there human rights abuses, torture and violent farm grabbing. As the primary beneficiaries of the land reform were members of the Government and their families, despite the fact that most had no experience in running a farm. The drop in total farm output has been tremendous and has even produced starvation and famine, according to aid agencies.

While it is tempting to worry that the South African future may offer a repeat of the Zimbabwean past, two important points are worth noting.

First, a key difference between the two countries is that, unlike in Zimbabwe, liberation in South Africa was accomplished, not after a lengthy and brutal war, but ultimately by a process of negotiation and democracy (Leighton, 2015). Although there are many who experienced first-hand the violence meted out during the apartheid era, there are none of the “war veterans” who are present in Zimbabwe. Second, agriculture in South Africa constitutes less than three per cent of GDP (although rural South Africa is home to a disproportionately large landless, unemployed and impoverished population) (Leighton, 2015).

It is worthwhile to take note of the fact that Marx did not really touch on how the means of production should be distributed to the poor. This has been the main thing that has been taking place in the land redistributions in many states. There is no blueprint of how to move the means of production from the minority to the majority. This made the land reform in Zimbabwe to be unsuccessful and this may be the reason why the land reform in South Africa has been slow and unsuccessful.

#### **6.3.4. The property clause in South African constitution protects private property. How do you think this affects land redistribution?**

The property clause is section 26 of RSA’s constitution that deals with land reform in South Africa. Some South Africans, especially land claimants, blame the clause as a stumbling block that influences government’s actions on land reform policies.

In trying to assess the assertion, the study posed the above question. Respondents expressed the following views and opinions;

*“ The property clauses in the South African constitution slows down the redistribution process and it enables the white farmers and property owners a chance not conform with transformation because they feel they are protected by the highest law of the land” (Interview G).*

*“The clause is a stumble block or a closed door to redistribution and transformation in this country. The clauses protect those who own property and the land regardless of how they acquired the land. The clause protects the white land owners. I am not saying that there are no black land owners but they are few. The protection of those who own the land means that they will always have land. Whistle those who do not own the land will continue not owning. The constitution is not in favour of redress, but protection of those who own the land (Interview C).*

*“There is a need for review of this clause. I really don’t understand why we have it in our constitution anyway. However since we already have it, it needs to consider the history of South Africa. The current majority of land owners gave each other land and not consider the black people’s needs aspirations. So when this clause was drafted there was already skewed land ownership in this country. The clause was meant to address that but instead it is used by the white community to protect their selfish interest more than anything. The white community interprets the clause in a manner that it must not serve its purpose” (Interview A).*

*‘The constitution is affecting land redistribution because private land owners and property owners are protected by the constitution. They are not willing to sell what they have to those who don’t have anything. This affects the transformation agenda of government in the sense that if there is no willing seller, obviously won’t be a willing buyer. This form of acquisition advocated by the constitution and land policies in South Africa affects land redistribution pace (Interview F).*

The effect of section 26 of the Constitution has been an area of concern. Section 25 of the constitution seeks to strike a balance between competing interests, historical injustice of dispossession and the reality of the redress and importance in post-apartheid dispensation. As far back as 1988, Judge Dicot warned: "...a Bill of Rights cannot afford to protect private property which such zeal that it entrenches privilege. A major problem which any future South African government is bound to face will be the problem of poverty, of its alleviation and the need for the country's wealth to be shared more equitably.

Should a bill of rights obstruct government of the day when that direction if taken, should it make the urgent task of social or economic reform impossible or difficult to undertake, we shall have on our hands a crisis of the first order, endangering the bill of rights as a whole and the survival of the constitutional government itself..." (Chaskalson 1993).

This shows that section 25 is still a grey area and it might be a stumbling block on land reform. However, some have argued that this depends on how the Constitution would be interpreted. The issue of expropriating land only for public purpose raises the question of how to classify land expropriated for land reform purposes. It can be argued, though, that land expropriated for land reform purposes is not for public purposes given that it is transferred to the historically dispossessed. On this point, Chaskalson correctly argued that given that "any substantial land reform programme is likely to depend on expropriation ... land reform could be rendered 'constitutionally impossible' (1994: 136-7).

By expanding expropriation to public interest, the possibility of expropriating land for land redistribution purposes existed.

In Marx's theory there were no policies and laws that were mentioned in order to regulate the distribution of wealth. According to Marx the workers were supposed to take the means of production on their own. This cannot happen these days where the state has the authority to stop any actions that it deems unlawful. The laws are

supposed to be followed and this has made the transfer of the means of production from the minority to the majority slow.

### **6.3.5 Do you think South Africa is sitting on a time bomb when it comes to the issue of land redistribution?**

It is often argued by some commentators and analysts that South Africa is sitting on a time bomb when it comes to land redistribution. In trying to test this, the above a question was posed.

All respondents were in consensus that South Africa is sitting on a time bomb. All of them responded by saying yes people are getting tired of waiting for government to act. One day the bomb will just explode. The following are comments of the respondents: *“Yes if the state doesn’t address the issue of land. It is possible that those who don’t own the land will revolt against government. However it is possible to prevent and avoid the time bomb by addressing the needs of the people and service delivery”* (Interview E).

*“Yes, the masses will revolt and a civil war will be as a result of that. Black people will fight against each other over land”* (Interview B).

There have been concerns regarding to the high levels of poverty and inequality in South Africa. Service delivery in democratic South Africa has been characterised by mass protests, demonstrations and petitions. Many of the service delivery turn around strategies put in place are yet to produce results. Isaacs (2013) says these costly and difficult responses of communities resorting to protests have become a characteristic feature of ordinary people’s response when municipal governments fail to take action regarding community challenges. This could split to the land issue if the government does not address the needs of the people. Isaacs (2013) says as a result the country has historically been ranked as one of the most unequal societies in the world, and while the country has experienced sustained positive economic growth since 1994, the impact of this growth on poverty and service delivery has been disappointing. It is tempting to note that the mass protests,

demonstrations and violent confrontations that have been taking place since 2005 are a direct result of the culmination of numerous frustrations often building up over a long period of time (Atkinson 2007:58).

The responses support Marx's theory. Marx argued that the poor and those who do not own the means of production will take-over. This may happen in South Africa in the future because people have been protesting against the government. Poverty and inequality have been rising and this has been met with resentment and violent protests.

#### **6.3.6. Is market led land reform the best form for redistribution and transformation in South Africa?**

All respondents said no. The following quotations are from the respondents expressing their views about the market led approach to land reform:

*"No, the market is not always the best form of land reform. The willing buyer willing seller approach allows the white farmers to do as they wish and continue to own while blacks are not owning anything in the own country of birth"* (Interview H).

*"No, the approach still gives the white farmers a right to sell or not to sell. Sometime they mark up their farm land prices so that government must not afford to buy the land. I personally don't understand why we need a market for justice. The land that white farmers own is stolen land. However, I understand the social cohesion and reconciliation of South Africa. But tell me how you reconcile with someone who doesn't want to co-operate. Black people don't hate the white farmers; they have never hated them before. All they want is their land"* (Interview D).

This version of market-led agrarian reform has been influenced by the World Bank but enjoys support from landowners and elements within the ruling African National Congress committed to maintaining the structure of large-scale, capital-intensive farming (Lahiff, 2007). A slow rate of land transfer, however, has led to calls for a

more radical approach that would effect a more rapid redistribution of land from the white minority to the black majority, but has not been backed up by mobilisation of the landless and has yet to deflect the state from its chosen path. The principle on which our land reform is based – “Willing buyer, willing seller” – [is] the key reason for the slow pace of land reform. As the SACP we wish to argue that a market based land reform programme in conditions where such land was forcibly taken away from the majority through brutal and often violent colonial and apartheid dispossession cannot work....” (Nzimande 2005).

Lahiff (2007) argues that while the market led agrarian reform in South Africa has undoubtedly had some success in terms of transferring land and in not antagonising landowners, the complexity of the process, its slow pace and its inability to effectively target the most needy households or the most appropriate land (especially in terms of plot sizes) makes it unlikely that it can ever be a means of large-scale redistribution or poverty alleviation. In practice, the policy of ‘willing buyer, willing seller’ as implemented in South Africa is little more than a programme of assisted purchase, masquerading as agrarian reform, under which the main beneficiaries are likely to be white landowners and a small minority of better-off black entrepreneurs. The government has also claimed that the market led strategies such as willing buyer willing seller have not produced the desired results. Speaking during the Economic Sectors and Employment Cluster media briefing in Cape Town, Rural Development and Land Reform Minister Gugile Nkwinti (2012) stated that “it is government's view that the willing buyer-willing seller has frustrated efforts to fast-track land reform, distorted the market, made land price negotiations excruciatingly prolonged and increasingly making land reform financially untenable for the state”.

The response show that the current policies support the capitalists and this is against Marx’s theory. To Marx, capitalists produce commodities for the exchange market and to stay competitive must extract as much labor from the workers as possible at the lowest possible cost. The economic interest of the capitalist is to pay

the worker as little as possible, in fact just enough to keep him alive and productive. This has been the case in South Africa where workers are paid little and they do not own anything.

#### **6.4. Discussion of Results**

There was general consensus among different communities that the South African land reform approach has not reached its targets. Not reaching intended targets on land reform had a lot to do with liberalism that engulfs government's approach on relevant policies.

The government's mistakes can be attributed to the focus on agriculture and the apartheid period of colonialism at the expense of class and gender struggles. There is general acceptance that South Africa's land reform and redress has been frustratingly low. This is acknowledged by the leaders of the country as it is equally experienced by the communities who live with the legacy of that dispossession.

Although there have policies of land restitution and redistribution when the African National Congress (ANC) government came to power more than 19 years ago, South Africa is still struggling to reverse the Land Act's impact. There have been problems and controversies with both policy and implementation of the land reform agenda, which uses redistribution, restitution and tenure reform to make the much-needed changes. Liberal policies like willing buyer willing seller are seen as one of the problems of land reform by the respondents. It cannot be denied that willing buyer willing seller policy has favoured the historically advantaged white people over black people. Many white farmers were not willing to sell outside what is called 'market prices'. Liberals and the bourgeoisie that was favoured by the policy had what they would regard as a good period since this favoured their interests immensely. It is no wonder the ANC led government decided to change the policy. The change of policy coincided with the change of leadership in the ruling party and government. It is not a secret that the Zuma administration is dominated by the left leaning COSATU and SACP.

According to the respondents, one of the challenges of land reform in South Africa is post settlement support and monetary compensation. The South African government did not only create an expectation of support monetarily but on many fronts, including physical support, and thus the beneficiaries did not rely much on the skills and experience. What is enough money to one person may not be enough to the other person. South Africa cannot ignore the fact that the mostly male white farmers are above the black people in terms of farming skills and experience. It must be remembered that institutions and people with money have great political influence domestically and internationally. Respondents in the study seemed oblivious to international balance of forces that favour the liberals.

Some respondents seem to see the ANC, which is leading government, as the main obstacle. The ANC leadership operates in a liberal democracy that is guided by a liberal constitution. We cannot ignore the dominance of ANC the democratic liberals who have a huge influence on whether the organisation and government go to the left or to the right ideologically.

Democracy is also blamed for its role in South Africa by some respondents. On the other hand, some respondents called for radical policies. However, no explanation was given of what is meant by 'radical policies'. In South Africa, radical policies are generally thought to be on the left and poor people seem to be in love with the phrase. It is not surprising that EFF and some within ANCYL, which is the youth structure of ANC, always call for radical policies when they call for policies that are regarded as left policies and in their debates with those they accuse of liberalism. Within the discourse of land reform, 'radical policies' are perceived to be populist by those who disagree with them ideologically.

Other respondents raised concerns on the perception that RSA and other African countries seem to be too economically dependent on Western countries. There are few lessons that are seen as good to Republic of South Africa in the African continent. Respondents indicated that the Zimbabwean land reform was good but it came up with devastating effects for Zimbabwe and as a result, it cannot be adopted in South Africa.

The Fast Track Land Reform Programme in Zimbabwe has emerged as a highly contested reform process both nationally and internationally. The image of it has all too often been that of the widespread displacement and subsequent replacement of various people, agricultural-related production systems, facets and processes. Land grabs in Zimbabwe should be an example for South Africa. The unanimous agreement of respondents that RSA is seating on the time-bomb is dependable as this view is popular in the South African political discourse. RSA should consider itself lucky to be majorly populated by young people instead of former guerrillas who are called veterans. One of the respondents mentioned that land grabs were led and by veterans in Zimbabwe due to their impatience on land reform in Zimbabwe.

Lack of political will and implementation of liberal policies, which are guided by what many Marxist collectives and activists refer as liberal NDP is a case in point. Marxist and socialist views are the abandonment of the NDR and the freedom charter. The economic struggle, which some political players and commentators claim to be a new struggle that should be waged by the current generation, is actually welcome. It is Marxists who risked to be side-lined in society who realised that the class struggle is primary to all. Hence it is crucial that each struggle, national and gender struggles of the NDR, contribute to the class struggle.

Transformation is for everyone, black and white. The motive force according to liberals should be determined by race. Marxists understand that in RSA, the motive forces should be determined by class and left consciousness. Thus, land policies should be formulated to serve a class of people, not a race. The NDR of Marxists has class as a central pillar instead of race. This is not to deny that race has been central in defining class in South Africa although one that is involved in racial struggle is involved in a temporal struggle. Marxists, understand that class struggle is permanent.

Some respondents echoed the view of many South Africans concerning the property clause. The clause is perceived by some people as a hindrance to land reform policies in RSA.

The government's intentions, whether noble or not, according to some people, are hampered by the clause and the clause favours the previously advantaged white, male farmers. The need for land is huge among black people in South Africa. Respondents who happened to be all black shared this opinion that is consistent with historical facts concerning land.

As stipulated by the Freedom Charter document that was adopted by the then congress movement, which arguably led the broader resistance movement, land ought to be shared among the people who work the land. Under the ANC government that was present at the congress, the farm workers and many employees who work the land are still landless.

Trade unions that are aligned to the ANC have been frustrated by the unending explanations and liberal interpretations of the document that seem to help the ruling party. Close perusal of "ANC infighting" is ideological and liberal blocs seem to be winning in both leadership and policy battles. This explains calls for the so called radical policies by respondents.

The open market that favours the liberals should not determine the price of land and how land reform policies are structured. It is not surprising that the political hegemony of liberal thought in RSA has benefited capitalists and white people than the poor black South Africans. The former Ciskei region was reserved for black tribes, specifically Xhosa speaking people. This unfortunate history had a hand in 100% respondents being black because the sample was taken from 100% black population of leaders. The land for black people was small and unproductive relative to fancy and big land that white people had in South Africa. Traditional laws and powers of kings and chiefs were great when compared to white South Africa that had more overall power through native administration.

## **7. Conclusion**

This chapter presented the study's findings. The findings revealed that there are several factors that influenced the respondents' views. The colonial history of Ciskei that created certain attitudes among respondents is one of the factors. For example, the researcher had to choose a sample of respondents from only black leaders and farmers, thus the racial impact of history had a hand in the choices that were made. The concentration of the government and RSA citizens on race compromised land reform because it deviated from gender and class struggles that are important in any economic struggle. The neoliberal influences of the international institutions and government's lack of political will failed the poor in South Africa in terms of land reform. This may suggest that Marx's theory was right. The capitalists still exploit labour in farms. Those who own farms are very few and those who do not own them are many. The ones who own the farms own the means of production and they pay those who on those farms very little. As a result poverty and inequality has increased in South Africa and this has led to many protests by the citizens.

## **CHAPTER SEVEN**

### **RECOMMENDATIONS, FINDINGS AND CONCLUSIONS**

#### **7 INTRODUCTION**

As this is the final chapter of this study, its purpose is to present some findings, draw some conclusions and suggest ways in which the government of South Africa can overcome the challenges of the Land Reform. The government should move away from liberalism in its central policies which guide land reform in the country. The ruling ANC was pro-nationalisation during the resistance struggle to apartheid which formed homelands like Ciskei. However, the ANC in government is highly influenced by liberal thought that has, to a certain level, compromised the poor people. NDR and the Freedom Charter's liberal and Marxist perspectives have been discussed in many fora in RSA. To the poor, the Marxist 'populist' approach seems to be favoured, judging by the views expressed.

Many lessons have been learnt from the colonial history of the Cape Province, from which the former Ciskei region is from. Racial capitalism did not only influence the Ciskei's rulers but, it also affected the liberal answers from the former resisters of

the system. It is not surprising to Marxists why the ANC had liberal policies like GEAR, ASGISA and NDP. The left in the leading alliance had been coerced by the right to compromise the NDR by dropping the gender and class struggles that are crucial to economic struggle.

### **7.1 The objectives of this study were:**

- To analyse political obstacles to resolving the land question and to evaluate South African land reform policies, the impact and the challenges facing the redistribution of land to the rightful claimants (especially the Black people) of the former Ciskei region in South Africa who were disadvantaged by the Land Act of 1913.
- To measure the success and failure of land reform policies in a neo-liberal democracy of South Africa.
- To scrutinize the Impact of neo-liberalism on the process of the broader transformation agenda of South Africa.

### **7.2 Central theoretical argument**

Marxism was used as a central theoretical approach to guide the study. Marxist perspective was used to counter the neo-liberal policies that the RSA government tends to use. Land Reform's political discourse was analysed through the Marxist lens to scrutinise the land reform policy impact. Marxism was defined as S. Sean defines it. According to him, Marxism is defined as system of thought that was formulated by Karl Marx, which created the central theoretical basis for socialism (Sean, 2010: 1-2).

### **7.3 Achieving the objectives of research**

All objectives of the study were achieved by the author. Political obstacles brought by RSA government's liberal approach were evaluated through the use of Marxist

tools of analysis. Land Reform's successes and failures were measured and examined to gauge the impact of neo-liberal policies.

#### **7.4 Findings and Conclusions**

This research set out at the beginning the broader research aims and questions of this study that seek to determine how to address the challenges emanating from the land question and additionally explore how the state can overcome those challenges. Before we recap the findings of this research let me remind there of the original problems. The major research was based on the problem that the country is encounter with increasing number of it citizens who are becoming impatient with the slow pace of land redistribution .

This research was approached within the Marxist framework analysing the policy formulation such as the RDP and GEAR and critic on the part of liberal tendencies that both of these policies played on the subject matter of distribution.

As chapter four of this study indicated, there's a lot that needs to be done by the South African government and its citizens in order to overcome the challenges of the Land Question. Throughout the process of this research the reader came across that the real issue of land reform in South Africa lies within the liberal constitution which is an impediment to land redistribution generally in South Africa. The principles of private property which are protecting the rights of the minority of land owners that benefited from colonialism and imperialism are also a major problem of land redistribution.

Another major issue that was mentioned by some respondents was that the state of the of the tripartite alliance which has divergent views on how to address the issue of land reform, some arguing that this different views are reflexion of the character and nature of the alliance.

The Last issue that was mentioned by respondents was that the Republic of South Africa is seating on a time bomb regarding to the issue of the subject matter and

that one day the poor will revolt and the state will be forced to opt for the Zimbabwean radical approach of land reform.

## **7.5 Recommendations**

Based on the study's findings, the recommendation for land reform is that South Africa should follow the radical Zimbabwean approach but with amendments. The government of South Africa needs to ensure that the poor and those who need the land are given the land. The issue of pursuing a market led approach has proved to be slow and unfruitful. This, therefore, means (land) that the government needs to follow a Marx approach where the means of production is owned by the poor.

A clear finding relates to the recommended inclusion of natural resources in the form minerals to be included as "land" in land reform policies. Most respondents believe that there should be no conceptual separation between minerals and land.

Another aspect that needs further research is the possible amendment to the property clause in the South African constitution.

Once again, most respondents believe that this would be the first step towards meaningful land redistribution. The clause has been blamed for curtailing progress of land reform policies and implementation. The clause gives much power to those who have the land. It expects the government to compensate the land owners using the prevailing market value. This is expensive for the government because it does not have funds. However, people cannot suffer (the landless) because the minority wants to be paid in order to hand over land. The land should not be treated as a private property but it should be seen as government property.

Land reform should be made an apex priority in by government to avoid negative consequences that may result from a slow reform as many respondents suggested that they were not satisfied with progress made.

Land reform process should be accelerated by making resolving claims quickly. This can be achieved, among other things, by strengthening institutions responsible

with land reform. Investigative capacity of these institutions should be increased and they also should be empowered to take action against fraudulent claims and other land related offences. Therefore, security cluster departments should assist in this regard.

The purchase of redistributed land to private individuals or institutions within a certain period of years should be restricted. This ought to be done to avoid the reversal of the progress made on land reform. People may take land that they do not want to use and sell it afterwards. This should be avoided as it will lead to the same problems that South Africa is currently facing. The government departments should work together to help individuals and communities who get land through land reform with any relevant help they may need.

Civil society should put more pressure on the government to accelerate land reform.

The Marxist approach should replace the failed neo-liberal land reform policies in South Africa. The Marxist approach would ensure that the majority own the means of production, which is land in this case. When the majority owns the land, pressing problems such as poverty and inequality would be reduced.

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