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**COMMENTS ON THE PACE OF LAND REFORM IN SOUTH AFRICA,
SUBMITTED TO THE PORTFOLIO COMMITTEE ON AGRICULTURE
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Introduction

I am currently employed as a Chief Research Specialist in the Integrated Rural and Regional Development research programme of the Human Sciences Research Council, where I coordinate a research sub-programme on land and agrarian reform. Researchers in this sub-programme are involved in a range of projects encompassing various aspects of land reform policy (in particular, LRAD, restitution, and communal tenure), as well as related social and economic issues, including food security, land prices, the gender policy of the Department of Land Affairs (DLA), and the impact of HIV/AIDS on tenure rights. From 1995 to 2000 I served as Regional Land Claims Commissioner for the province of KwaZulu Natal.

The following comments draw on my experience in land reform over the past ten years. They are made in my individual capacity and do not necessarily reflect the views of my colleagues, nor of the HSRC.

Summary

Given the constraints of time, I have confined myself to just four points, which I regard as important moderating considerations in assessing what is generally accepted to be the slow pace of land reform:

1. The pace of land reform should not be regarded as the primary indicator of success.

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2. Official attempts to meet unrealistic national targets, in particular the deadline for settling all restitution claims by the end of 2005, are compromising the quality and long-term sustainability of many land reform projects.
3. Poor rural women are particularly disadvantaged when the speed at which overall targets are met takes precedence over attention to quality in project implementation and project outcomes.
4. The quality of national land reform data and monitoring and evaluation systems is generally poor; hence the available statistics are unreliable for measuring both progress towards national targets and the contribution that land reform is making to poverty reduction and sustainable development.

Discussion

1. *The pace of land reform should not be regarded as the primary indicator of success.*

The pace at which land reform is proceeding is not an insignificant concern, given South Africa's history and the potential contribution of land reform to both rural and urban development. However, it is misguided for both the government and the public to regard the speed at which land is being transferred and land claims settled as the primary measure of our success or failure in meeting the broad goals for land reform that are enshrined in the Constitution.

More important is whether land reform is making a meaningful contribution towards sustainable development over the longer term, and here there are grounds for serious concern. State support for land reform projects once land has been transferred is generally weak to non-existent, as the Department of Land Affairs (DLA) is anxious to exit projects as soon as possible once land has been transferred; the new communal property institutions that have been set up to hold and manage land on behalf of land reform beneficiaries are also struggling to cope with their new demands and responsibilities. Business plans for post-settlement development are often not aligned to beneficiary priorities and expertise and many projects are failing to meet ambitious objectives.

More broadly, it is not clear where land reform fits in the overall national development strategy and how its contribution should be evaluated. In this regard, the impact of HIV/AIDS on land reform is as yet poorly understood but it is clearly a threat to established patterns of land use and livelihoods at both household and community levels; this is something that is demanding a careful and considered reappraisal of policy goals and project design as a matter of priority. What this points to is the need to move the debate on national targets for land reform down to the provincial and district level, where it can be properly integrated with regional (and varied) demographic, economic and ecological considerations.

2. *The attempt to meet unrealistic national targets, in particular the deadline for settling all restitution claims by the end of 2005, is compromising the quality and long-term sustainability of many land reform projects.*

Of concern here is that the pressure of unrealistic expectations of what land reform can achieve within a limited period is pushing state officials to focus on quantity rather than quality in their work at project level. A related concern is that expenditure on the acquisition of land or the financial settlement of claims may become more reckless and less considered.

Official performance is assessed in terms of “delivery” and delivery is measured primarily in terms of how many hectares are transferred, and/or how many projects or claims are “settled” in a given project and budget planning cycle. Yet all the evidence points to the complexity of land reform projects on the ground, and the importance of sustained attention over time not only to the technical aspects of land acquisition and transfer, but also to the social, economic and political dynamics surrounding projects.

With regard to land claims, the national data on land claims by which progress towards the 2005 deadline is being measured is not reliable (as noted below). Nevertheless, it is clear that large numbers of rural claims are still to be settled. At this point it is difficult to see how the deadline can be met without corners being cut and a large residue of messy, unresolved and still time-consuming and capacity-absorbing issues remaining, that will continue to require attention after the process has been declared formally over.

3. *Poor rural women are particularly disadvantaged when the speed at which overall targets are met takes precedence over attention to quality in project implementation and project outcomes.*

National and departmental policy identifies poor rural women as a major category of the disadvantaged people who are to be targeted as beneficiaries of land reform. There is also general recognition that most women are inhibited from participating equally with men in land reform projects and institutions, because of a combination of factors, including the operation of patriarchal customs and values and the gendered division of labour in rural communities. Thus to include disadvantaged women in land reform projects in a meaningful way requires not only a level of political commitment on the part of implementing agents, but also the allocation of additional time and resources beyond what is provided for in the project cycle minimum (for instance, for extra meetings and training programmes). This is not compatible with a narrow focus on speeding up the pace of land reform. By way of illustration - one middle level official interviewed explained his lack of attention to gender training for his team of project officers by referring to the overwhelming pressure he was under to move projects as rapidly as possible.

4. *The quality of national land reform data and monitoring and evaluation systems is generally poor; hence the available statistics are unreliable for measuring both progress towards national targets and the contribution that land reform is making to poverty reduction and sustainable development.*

Anyone who has tracked the progress of land reform over the past ten years or tried to set up or maintain durable information management systems will confirm that the quality of the official data on which assessments of progress are being made is generally inconsistent and poor. For instance, there are not consistent definitions of beneficiaries and milestones (e.g. when is a claim settled?). There are also serious discrepancies between national and provincial data sets and between project records and conditions on the ground, and major gaps in the information that is available, including basic information (for instance, property descriptions) and more qualitative information, e.g. on project take-up and land use over time.

This should be of major concern to legislators and policy makers. My specific concern here is that the poor quality of the information undermines the state's ability to assess the progress that has been made – to judge just how slow or fast the pace of land reform actually has been - and to plan effectively. It may well result in poor policy and political choices being made – for instance, to determine that it will be possible to divert staff capacity from the restitution programme to the implementation of the Communal Land Rights Act in 2006, on the shaky premise that the restitution programme will have been successfully wound up by then.

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