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Annexure C – Cover Page

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First Steps in ensuring Progression in Land Reform Policy in the context of Post-Apartheid South Africa

Many countries face difficulties in attempting to manage land reform as a means of development and ensuring national food security. In South Africa, not only is this a question for progressing the country economically, but is also an intensely political topic which ought to be dealt with accurately in order to right the wrong-doings of the country's apartheid history. Due to this, finding a solution is difficult to say the least as previous plans and programmes since the first 1994 democratic election have proven to be ineffective. When analysing possible solutions, it is important to prioritize the poor, agricultural stimulation, job creation specifically for the poor and unemployed as well as appropriate and improved accommodation for the poor. In doing this, land and income equity as well as agricultural and economic efficiency should be improved. This will be done via a focused analysis on the importance of tenure over land in any form for civilians in terms of both urban living as well as potential communities living in rural areas away from the employment opportunity of the cities, the solution of communal tenure over a piece of land and the potential for small 'eco-villages', the possible destruction of or role of large white commercial farms and other corporations as well as the role and efficiency of administrative bodies be they the state, local authorities or modes of registry.

Land reform strategies, when initiated effectively, should benefit a country as a whole (Cousins, 2016). However, in South Africa's case, it is important to keep in mind the specific poor black majority as the demographic and primary “beneficiaries” of land reform as they are the ones who suffer the cost of history's, and the rest of society's, negative externalities (Cousins, 2016.:2-3). There is evidence of recurring lack of legitimate rights, title deeds or tenure to land in the informal settlements and “peri-urban” areas which most often occur around the edges of South Africa's major cities (Urban Landmark, n.d.:5). This is a major issue and shall be proven to be the foremost institutional aspect which should be tackled. The reason for there being peri-urban areas at all is due to the perception that the likelihood of employment is higher in the cities than anywhere else (Cousins, n.d.:11). Therefore, the poor take their chances in trying to find accommodation as close to the city as possible, however, they are often faced with inept housing and large transport costs (Urban Landmark, n.d.:7). Residents in these informal settlements more often than not are unable to

gain legitimate access into the formal land market (Urban Landmark, n.d.:5). This is either because they have insufficient funds to do so or are indirectly kept out through prejudices such as “Not In My Backyard Syndrome” (Urban Landmark, n.d.:3). Additionally, the lack of any legitimate title or deed to the land which they may already 'own' makes it difficult to purchase land in the formal market (Urban Landmark, n.d.:5). Due to this, informal land markets occur which are based more on relationships, networking and word-of-mouth than legal paperwork (Urban Landmark, n.d.:5). While many residents believe their informal rights to their piece of land in these areas to be steadfast, and it is interesting to note how long these rights seem to hold in particular and specific cases, this is a false feeling of security as these rights do not hold up in accordance with the law (Urban Landmark, n.d.:6). Residents thus can be evicted, relocated or force-ably removed very easily against their will (Cousins, n.d.:8). Also, these informal markets, in a South African context, often leave residents still living in a state of poverty in one form or another (Urban Landmark, n.d.:1). Therefore the most obvious strategy in bettering this environment is to ensure that residents are given the opportunity to achieve some form of legal tenure over the land they already inhabit. This would provide them with more stability and the chance to be somewhat legally represented (Urban Landmark, n.d.:10). Private tenure is less likely to be achieved than any other tenure so it would be more beneficial for residents to opt for “communal tenure” among a handful of households which reside close together (and would thus habitually act as a community anyway) in these informal settlements (Cousins, n.d.:8). Either this or an entirely new definition of tenure or property rights would need to be drawn up. Though the registration process for tenure may be cumbersome in general, it would be most beneficial to South Africa if administrative offices can get through claims as fast and efficiently as possible (Cousins, n.d.:12). This may require hard work but is necessary and unlikely to be shortcut. With this form of tenure, there is the potential for residents to take other steps in furthering themselves economically, for example through opening small business prospects in the settlements themselves or being granted bank loans (and with this comes the prospect to forms of dignity, an important goal for post-apartheid land reform) (Cousins, 2007:14). In this specific case where civilians are not interested in claiming and residing on land distant from cities, gaps must be closed between informal and formal land markets and poor and non-poor opportunities for land use (Urban Landmark, n.d.:10). The most immediate method of doing this is thus for poor residents to be given the chance at attaining some form of tenure (preferably communal) (this as well as monetary compensation from the state when not claiming “restitution farms” but claiming nonetheless) (Anseeuw & Mathebula, 2008:6). Thus an institutional response which can best address the land question in South Africa in terms of equity

and efficiency is to ensure that poor residents are given the opportunity to attain some form of tenure in the 'peri-urban' informal settlements.

Methods in achieving equity and efficiency goals in an urban context, and assuming that residents who claim for 'restitution' do not desire physical land, have been analysed. Now, assuming that residents do in fact desire to live on land rightfully returned to them when considering colonial history, for the sake of efficiency and the development of South Africa's economy, productive land cannot simply be purchased by civilians without being subject to agriculture in one form or another (Land Reform Policy Discussion Document, 2012:7). This is because, there is already an issue of “national food security” in South Africa and there would be a great opportunity cost if land had the potential for agricultural development or utilization but was not being used in this way (Land Reform Policy Discussion Document, 2012:6). The land needs to be used optimally, therefore purchases and allocations of land must be directed to poor black civilians who are either already trained in agricultural development, have some degree of experience in farming or livestock husbandry or are willing to be trained in these fields (Land Reform Policy Discussion Document, 2012:17). Thus “agrarian reform” can take place in a more conducive environment for South Africa (Cousins, n.d.:9). As mentioned in the previous paragraph, it would be more effective to attain 'communal tenure' for these pieces of land in order for a small group to work together rather than one individual trying to achieve private ownership which is a cumbersome process as well as inefficient when thinking about the opportunities the land can bring to a group of many (Cousins, n.d.:8). This has been attempted in communities such as Ethembalethu, though as Ethembalethu proved, the process to purchasing land is still lengthy and surrounded by prejudice (Urban Landmark, n.d.:1). In order to prevent this, restrictions could be placed on efforts which try to prevent small black 'eco-villages' from making headway in their planning and initiatives with the land they aim to purchase (though this may be a heavily law-intensive and timely process) (Urban Landmark, n.d.:10). All this while keeping in mind that not all the of the country's land is appropriate for habitation or agriculture. Though these pieces of land, which are habitable, may be far from the cities where all the monetary gain is seen to be, there is still great potential for civilians to earn an income which they would not be earning otherwise using these 'eco-villages' (Land Reform Policy Discussion Document, 2012:4-5). Small communities could cooperate in cultivating agriculture, livestock and other crafts or occupations (for example teaching or healing) with the community keeping a portion of what is cultivated for itself and selling a portion to large retailers which should invest in supporting these communities (as form of 'tax' for the negative externality

that these large commercial outlets inflict on a large portion of the population simply by existing) (Urban Landmark, n.d.:4). “White commercial farming” could also be incentivized to deconstruct how they farm by either replacing machinery for human-capital (though this may seem like a step backwards in terms of the progress of the world, it is necessary for job stimulation in South Africa), forgoing sections of their land to be cultivated by 'eco-villages' or paying a heavy tax for the negative externality they incur by existing without supporting these initiatives (Land Reform Discussion Document, 2012:15). Again, people who replace machinery on these farms, should be permitted to take a portion of whatever they've cultivated home as well as an income (Land Reform Policy Discussion Document, 2012:4-5). This may seem radical but the economic benefits to the country will hopefully accumulate in the long run. A lot of what is produced is exported, perhaps if more strategic investment is placed within the country and its people, the economy will be strengthened (Cousins, n.d.:15). Lastly, these suggested tactics at job creation will ensure a reclaiming of human dignity after the injustices of apartheid and poverty. Therefore, an institutional response that can ensure both equity in land ownership and efficiency is to grant communal tenure to 'eco-villages' on rural land where agricultural production must be made a priority as well as hold commercial white farms and institutions accountable for investment in such projects.

While what has been suggested thus far may seem straightforward, an intense amount of monetary strategy as well as monitoring would be necessary (Cousins, n.d.:12). Much of the failure which South Africa has been subject to in terms of land reform can be blamed on lazy administration, lack of leadership or improper training in being able to navigate and overlook the transitive or registry processes which would be necessary (Cousins, n.d.:4). In terms of achieving tenure in informal settlements, notaries and other registration officers need to be adequately trained and incentivized to support poor black residents (Cousins, n.d.:17). This as well as “Valuer-General[s]” to audit and ensure productivity of 'eco-villages' need to be trained and dispensed in constantly evaluating the effects of this land reform (Land Reform Policy Discussion Document, 2012:2). In terms of these 'eco-villages', a more local authority or municipality should be enacted instead of relying on provincial or state government (this assuming that people are not corrupt) (Land Reform Policy discussion, 2012:11). This will allow for quicker evaluation of issues and action within the villages (Urban Landmark, n.d.:9). Lastly, as already alluded to, support and investment of privately-owned, foreign or commercial retailers and corporations as well as government is necessary in allowing for grants and funding of these strategies and the infrastructure which will be required (Urban Landmark, n.d.:8). Either this or institutions must be heavily taxed for their negative externalities.

Another potential solution is that the poor are allowed tax relief during the process of planning and initiative only to be taxed later on with taxation and support of institutions filling in what is unpaid for (Urban Landmark, n.d.:8). Thus it is proven and suggested that incentive be provided for more effective administration and government in all forms, bureaucracy, municipality, locally (in villages) and in terms of government itself will provide progressive implications. Also the potential heavy taxation of corporations and commercial institutions for their negative externalities could do the same.

In conclusion the land question South Africa continues to face is not easily solved but certain institutional responses have been suggested which can potentially in the long run have progressive implications for development, equity in terms of land ownership and efficiency in terms of land distribution and agricultural production and stimulation. These are, firstly, enabling poor residents in informal settlements to attain tenure rights, preferably communal, in an attempt to shorten the opportunity gap between the informal and formal land and career markets. Secondly, implement and effectively plan small communal villages on rural land with agricultural priorities in order to create jobs and stimulate human dignity. This is coupled with destructing the control and power of large white commercial farms in terms of land owned and capital employed by ensuring that more human capital is utilized than machinery. Lastly, incentives for more effective administration and administrative training need to be implemented in terms of regulatory municipalities, local governments and government itself. The possibility of imposing heavy taxes on institutions, corporations and commercial retail to ensure investment in these responses has also been suggested.

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