It is 2016 and land reform continues at snail’s pace. There is widespread dissatisfaction amongst beneficiaries – mainly about the poor governance of land that has been restored or redistributed, as well as about the limited support for its development. Some critics blame a lack of resources and systems; others refer to limited capacity in government and inadequate accountability mechanisms. They point to failures of large-scale commercial farming enterprises on transferred land, conflicts between communal property institutions and traditional authorities, and mining deals that fail to benefit ordinary members of rural communities. Tough economic conditions add to despondency about the future of land reform.

The 2016 municipal elections sharpen competition for local power. Lively debates sometimes turn violent as they challenge the role of traditional leaders, communal property institution leaders and local councillors. Top of mind is who benefits from land in communal areas, how it is managed and how it is used. Ambiguous institutional arrangements for the ownership and management of land combine with weak accountability mechanisms to create ripe conditions for diverse elites to capture the benefits of land reform.

Shortly after the elections, allegations surface that a communal property association (CPA) chairperson’s successful campaign for a municipal seat was funded with proceeds from the sale of a portion of restored land. Ordinary people are very concerned about the potential for dirty deals between those who have control over land – traditional authorities, office bearers in communal property institutions and property developers and mining companies that sometimes enlist the support of politicians.

The Recapitalisation and Development Programme is criticised for awarding extremely large grants to a small number of players who are often politically connected.

2017

The ruling party prepares for the 2019 national elections with concerns about falling levels of support. Facing a very low economic growth rate of approximately 1 per cent, continuing drought and rising food prices, it seeks to shore up support on several fronts. During its 2017 national conference there are rumours that the party will open up restitution claims to land dispossessed before
1913, and transfer title to traditional councils in return for traditional leaders agreeing to mobilise voters’ support.

In the same year the state increases the powers of traditional leaders through two pieces of legislation introduced in rapid succession. The first allows traditional councils to acquire title over the land they currently administer. The second provides powers to traditional leaders over judicial processes governed by customary law. In Parliament these bills are framed as steps towards fast-tracking land reform and giving proper recognition of African values and traditions.

Consistent with this new legislation the government reaffirms that there will be no individual titling of land in ‘urbanised’ settlements in the former homelands. The traditional authorities retain ownership rights and are responsible for regulating access to all land in these areas.

2018

By 2018 the deadline for lodging restitution claims is fast approaching and it is clear that the Commission on Restitution of Land Rights faces a daunting task. With a few months still to go, the number of new claims exceeds the anticipated number of 400 000, including several large pre-1913 claims lodged by royal families and Khoisan communities. Many of these claims overlap, which increases the complexity of adjudication and amplifies the potential for local conflict. Allegations surface that several government officials have registered their own companies to conduct the research involved in vetting claims and to broker post-settlement mentorship agreements. The indicated cost of R240 billion for restitution is especially stark in light of the diminishing prospects for increased budget allocations to land reform as economic growth remains very low.

Commentators note a ‘disturbing’ trend in the increase of claims lodged purely on the basis of reconstructed ethnic identity within pre-colonial boundaries and not on history of displacement from land. There is intense jockeying to be first in line to have claims finalised. Discontent in relation to these issues is becoming a major vote-catching strategy amongst opposition parties that begin to make headway in some rural areas.

2022

The ANC has survived the challenge it faced in the 2019 elections, thanks in part to support from traditional leaders. A major focus of land reform becomes rural development in communal areas, home to nearly a third of South Africa’s population. It becomes apparent that the leadership style and accountability of traditional leaders to their communities has a significant bearing on what happens and who benefits. A few traditional councils invert the current ‘transformation’ requirement so that 60 per cent of members are elected by their community and 40 per cent by the senior traditional leader, and their accountability improves noticeably.

In many cases, however, strong government support for the traditional leader lobby enables leaders and their networks to derive material gains for themselves. For example, there is a marked increase in the number of plots on communal land being sold to outsiders, often for considerable amounts of cash. This leads to
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loss of productive land and impacts negatively on tenure security and livelihoods. There is also a sharp upward trend in land deals between traditional leaders and private individuals and companies, especially for mining, the development of shopping malls and renewable energy plants. Sometimes ordinary community members who live on this land are consulted in decision-making processes and benefit appreciably from dividends and rental income that is ploughed back into development and invested in supporting rural livelihoods. But more frequently, such land deals enrich traditional leaders, politicians and corporate executives at the expense of ordinary people.

In some areas there is a conscious return to past cultural practices. They focus on restoring a sense of dignity and pride related to customary identities, and reconnecting people with the land through more sustainable use of resources, meaningful rituals and recognition of sacred sites. While this appears to enhance social cohesion in some areas under the control of traditional authorities, it also increases conflict over disputed boundaries.

Regardless of whether traditional leaders seek to restore cultural dignity or not, women’s rights to land in communal areas continue to be subordinate to men’s. Discontent among women in some areas produces large-scale support for the Rural Women’s Movement.

While the older generation of traditional leaders favours cultural practices to promote a sense of belonging, younger traditional leaders want to do deals with powerful business people: “Why can’t I enjoy the fruits of my wealth? I can bring my people into the 21st century. You expect me to watch my people suffer when we have all of this?”

Self-interested behaviour takes different forms. In 2022 an audit of the 50:50 farmworker equity scheme reveals that a higher number of commercial farmers than expected have opted into the scheme. These are mostly individual farmers who see the opportunity for a financial injection and sharing of risk. This has proved to be an expensive policy for the state. The mood towards these commercial farmers shifts from hailing them as pioneers of agricultural land reform, to labelling them as greedy and opportunistic, cashing in to rescue marginal farming enterprises. In the process, they have hollowed out the state fund for farmworker equity without conferring real benefits to farm workers. The next few years see paid-out farmers paying off their debts and trying to escape what some call a ‘forced marriage’ with their workers. The fiscus takes a knock, as do the banks that provided loans.

Poor governance creates loopholes for exploitation by powerful interests on restored commercial farmland. Some leaders of communal property institutions take the lion’s share of the income generated by rural enterprises on the farms. Tensions between independent communal property institutions and traditional councils are endemic in some areas. In some cases, traditional leaders capture communal property institutions by replacing elected trustees with members of their councils. In other cases, communal property institutions act as ‘mini tribes’, appealing to constructs of African identity to justify their unaccountable governance practices.

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Self-interest is also evident in urban areas where 65 per cent of the population now live. Intense competition for limited land and housing creates opportunities for ruthless property developers. Many are politically connected and develop flimsy, over-priced rental housing for the urban poor, sometimes on farmland adjacent to expanding towns.

Food prices are pushed up by recurring droughts, floods and export demand, and are exacerbated by the lack of certainty about land policies, which curtails investment. Only the very largest of commercial farming operations prosper, and concentration of land holdings increases. Wealthier enterprises produce more for export, while production for local markets stagnates. Around this time, many maize farmers in Mpumalanga move their operations out of the province, or quit farming altogether, due to the negative impact of mining operations. The subsequent drop in maize production is a further trigger to food price increases.

On redistributed land, the business elites who have received the bulk of the 15 per cent of farmland transferred to date, continue to struggle to make their farms profitable. Emerging farmers who are restricted to lease arrangements on farmland owned by the state suffer from the inept advice and support offered by government officials. Still others experience interference in their farming operations by traditional leaders.

Previously successful small- and medium-scale black farmers, some of whom have received farms via the redistribution programme, start to fail. Without effective state support they cannot achieve the necessary economies of scale. Others cannot access supply chains because they are squeezed out by entrenched social networks or new forms of patronage.

**2024-2029**

South Africa is becoming increasingly polarised along lines of ethnicity. The ruling party’s ‘demon of tribalism’ rises as competition for party leadership is increasingly contested along such lines. Ethnic and inter-community conflict increases in rural areas due to challenges to the boundaries of tribal communities as defined in the apartheid era.

The state tries to usher as many land claimants as possible into ‘tribal’ claims under traditional leaders and then to transfer the land to traditional councils or pay out cash compensation to the institutions involved. Meanwhile, the Commission on Restitution of Land Rights has not yet directly addressed the pre-1913 claims, and traditional leaders continue to lobby for a constitutional amendment to make this possible.

Many people get used to the daily abuses of power, but there are particular issues that cause outrage and produce an organised response. When titanium mining finally goes ahead in Xolobeni on the Wild Coast, it precipitates a powerful reaction from local communities as well as from people across South Africa and beyond its borders. The protests are violently quelled, resulting in 20 deaths.

The anti-corruption movement grows and corruption becomes the key issue in both the 2024 and 2029
national elections. Networks of patronage ensure that enough people either live in hope of benefiting from corruption, or live in fear of exposing it, and so the anti-corruption lobby does not have much effect on election outcomes. The courts are clogged with cases against various forms of corruption and a major constitutional challenge to the power of traditional authorities takes a long time to be heard. In 2029, a landmark Constitutional Court ruling declares legislation that grants land titles to traditional councils to be unconstitutional.

The situation in 2030

South Africa’s towns and cities are densely populated, in stark contrast to rural areas. Mpumalanga resembles an open cast mine while Limpopo, the North West Province and the Wild Coast of the Eastern Cape are lined with mining operations. Across the countryside there is contestation over scarce water resources, and the concentration of industrialised commercial agriculture is increasing.

There are disjointed parcels of productive land owned by communal property institutions and by traditional councils. In communal areas, fields previously used for crops are now used as communal grazing to support large herds of livestock. Over 80 per cent of these animals are owned by rural and urban elites, including civil servants who have invested in large residences in communal areas and receive free services intended for the poor. There is very little tenure security for rural households, and women remain particularly disadvantaged.

The clamour for more accountable and democratic governance of land grows louder in urban and rural areas.