REFLECTIONS ON 25 YEARS OF ENGAGEMENT WITH THE LAND QUESTION IN SOUTH AFRICA

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Reflections on 25 years of engagement with the land question in South Africa

INTRODUCTION

This address provides a chronological and thematic account of my engagement with the land reform process in South African agriculture. It describes my initial engagement with the debates on a future land reform programme and also illustrates my views on how redistributed land reform should be tackled to ensure a transformed, diverse, representative and productive agricultural sector. My position, and that of many of my colleagues, was to consistently argue for a rapid but non-disruptive land reform process that should be simple and quick. This address provides a useful tour through the land reform experience of South Africa since 1994 and ends with some academic commentary on the more recent land reform proposals. Throughout my career, my focus has been on agricultural land and how to redistribute this critical natural asset to ensure a fair, equitable and just rural landscape with the main purpose of ensuring food security for all the citizens in South Africa.

THE YEARS OF NEGOTIATION AND DESIGN

The conversation about the need for a post-apartheid land reform programme in South Africa has been around since FW de Klerk announced the unbanning of the ANC and the release of Nelson Mandela in February 1990. At that time, I was still based in the South African Embassy in London as the agricultural attaché and witnessed the amazing celebrations on Trafalgar Square.

Close colleagues of mine initiated the early discussions among agricultural economists through a number of provocative papers. Nick Christodoulou and Nick Vink presented the first of these papers at a conference on agriculture and land reform at the Newick Park Initiative in mid-1990.[1] The paper, titled "The potential for black smallholders' participation in the South African agricultural economy" (Christodoulou & Vink, 1990), was a radical break with the past discourse on agriculture and land in South Africa among agricultural economists and the commercial agricultural establishment. It essentially presented a vision of South African agriculture within which black smallholder farmers would play a major role. Points of key importance were the following:

- Agriculture in South Africa had to be restructured.
- Black smallholder farmers could be as efficient as white commercial farmers.
- Nearly 8 million hectares of land could be made available for black smallholder farmers, including controversial categories such as 'indebted land' currently held by white farmers.
- At least 500 000 smallholder farmers could be accommodated on this basis.

The Development Bank of Southern Africa (DBSA) researchers Simon Brand, Nick Christodoulou, Johan van Rooyen and Nick Vink completed another thought-provoking paper (Brand, Christodoulou, Van Rooyen & Vink, 1992), which shaped the debate and discourse in the agricultural economics profession for at least the next decade.

My first written piece on land reform – perhaps naive and rather limited – was prepared in 1991 while still in London. This review paper was prepared for my seniors at the Department of Agriculture in Pretoria, in order to explain the current debate and the various positions on land reform from different groups across the political and academic spectrum. Obviously, I included some of the points raised in the papers by the DBSA researchers as well as views from ANC policy papers. This was my first real engagement with the land reform debate and I enjoyed the controversy, the various debates and the elements of secrecy and conflict. The paper was not really appreciated by the top

[1] Nick Christodoulou stayed with us in London when he came to present the paper, but I was not allowed to attend the conference because it was a closed and rather secretive affair. The proposals of the paper were considered to be so radical that the paper was a secret document for almost three years after the conference. It did, however, make the headlines of the *Sunday Times* in late 1990. In hindsight, it was only sensitive to the existing elite, but nowadays it is central to most of the policy initiatives.

management of the Department of Agriculture in Pretoria, as land reform was not even considered to be a policy of the Department of Agriculture in those final years of the National Party government. They were actually concerned that I was acting outside my mandate as the agricultural attaché in London.

I returned to South Africa in February 1992 and resigned from the civil service to take up an academic position at the University of Pretoria in April 1992. This re-connected me with my master's thesis supervisor, Johan van Zyl, and for the rest of the 1990s our collective research effort focused on farmer support to small-scale farms, food security, agricultural policy and land reform. Together we prepared various background papers to inform the process of agricultural restructuring and land redistribution. These background papers assisted the agricultural policy discourse in those years and also played an important role in the World Bank Options for Land Reform and Rural Restructuring in South Africa conference hosted by the Land and Agricultural Policy Centre in Johannesburg in October 1993.

Our main argument at the time was that the distortions in agricultural markets brought about by the Marketing Act needed to be eliminated by means of deregulation of the control boards, that trade in agricultural products needed to be liberalised, and that most of the subsidies that supported white commercial farmers should be refocused to favour new entrants under the land reform programme. This, we had hoped, would reduce the artificially high returns on commercial farms and, as a result, the artificially high land prices. High land prices are not good when you want to make use of the market to redistribute land. In other words, you cannot expect people who have been disenfranchised and disempowered and are poor to buy land through the market when you have unusually high land prices. Removing the policy distortions that inflated farmland prices was therefore an important factor in paving the way for a redistributive land reform where the state would assist beneficiaries to buy land. We, however, never argued for the total dismantling of policy support to farmers, as these measures were supposed to assist land reform beneficiaries. Unfortunately, the South African state destroyed most of the institutions and policy tools that were needed to provide farmer support services to the beneficiaries of land reform.

The World Bank 'Options' document made provision for groups willing to commit some of their own resources to part- or full-time farming to gain access to land using a combination of own resources, loans and a matching grant. For those who would 'use land in a productive manner', an additional grant could be provided, to match the beneficiaries' own contribution, and augmented by a loan. A rural public works programme was also proposed that would create economic infrastructure and provide rural employment.

The year 1994 was indeed a landmark year for South Africa. The first democratic elections took place on 27 April 1994 and Nelson Mandela was inaugurated as the first president of democratic South Africa on 10 May 1994. Later that year, I travelled to the University of Wisconsin-Madison for a two-month study leave period with the Department of Agricultural Economics and the Land Tenure Centre. In late November, I joined Johan van Zyl at the World Bank to initiate the process of writing a book on the land reform process in South Africa. We deemed it important to document the global lessons regarding land reform programmes and to present the key principles for a successful land reform programme in South Africa. The design and conceptualisation of the book took place during December 1994 and January 1995 in Washington, DC. The editing process continued after my return to Pretoria in January 1995. Later in 1995, Oxford University Press eventually accepted the manuscript for publication and in 1996, *Agricultural land reform in South Africa: Policies, markets and mechanisms* was published (Van Zyl, Kirsten & Binswanger, 1996).

In essence, the book supports the notion of substantial land reform and advocates a market-assisted approach to achieve this goal. In this respect, the book provides the theoretical underpinnings of a major land reform initiative in South Africa by providing lessons based on international experience, analysing the South African policy and legal environment, and basing proposals on these realities. We strongly argued for the market-assisted approach, as the international experience has clearly shown that the state is very good at acquiring land for land reform but very bad in redistributing land to the rightful beneficiaries. It is for this reason that we argued that if the state assisted the beneficiaries through a grant and allowed them to conclude the land purchase transaction themselves, land reform would be fast and effective in providing real empowerment to many people who never had access to secure land rights.

In addition to this overarching argument, we also presented five salient lessons of international experience with land reform. These lessons are (Christiansen, 1996: 367-368):

- In the absence of fast-paced programmes, a combination of excessive bureaucracy, centralisation of the process and legal challenges is likely to render the programme ineffective.
- Before a reform programme is implemented, there must be careful assessment of the models or livelihood options available to rural households. Further, in computing the costs and benefits, other assistance and infrastructure necessary to generate the income should be planned.
- There must be a consensus across the spectrum of political opinion that the programme is both necessary and the most acceptable way of achieving the stated goals. Land reform programmes are not irreversible, particularly where this consensus has not been achieved.
- The role that the public sector can and will play should be clearly defined. Programmes that have relied entirely on the public sector in the belief that only the state is capable of maintaining integrity, delivering services, determining needs and managing the process have generally failed.
- Land reform is only one part of a comprehensive programme of economic reconstruction. The redistribution of land is necessary, but not sufficient to guarantee the success of a development programme. Additional services, including infrastructure, markets, incentives, social services, etc., have to be provided as part of a comprehensive rural development programme. This is necessary to both sustain higher productivity consequent on reform and include others who may not benefit from the direct provision of land.

The conclusion from these lessons is that market-assisted land redistribution programmes tend to perform better than those administered by the public sector.

This argument stems from the observed weakness of non-market-oriented programmes that typically vest too much control in public sector bureaucracies, which tend to develop their own set of interests that are often in conflict with the rapid redistribution of land. Nonetheless, a well-functioning land market is not a sufficient condition for the subdivision of large, mechanised and relatively inefficient farms into smaller family farms, specifically where economic and institutional distortions favour large farms. Therefore, non-market interventions in the form of grants and post-settlement support are necessary. Executing land reform through grants or vouchers to beneficiary groups who buy from willing sellers also obviates the need for a land reform/settlement agency, and thereby reduces the opportunities for bureaucratic rent seeking. The cost and delays of expropriation proceedings are also avoided.

Many land reform activists and academics, especially those from non-economic backgrounds, were very critical of this market-assisted approach, as they believed that it would lead to elite capture and would entrench the existing property rights of the minority.

At the same time, our view of land as a productive asset and critical in 'economic empowerment' and entrepreneurial growth was countered by academics from the rural sociology and rural livelihoods perspective. They viewed land differently – as a sense of belonging and valuable to a livelihood as opposed to an asset/input into the production of food and fibre for 'viable commercial farming'. They remain very critical of our notion of 'viable farms'.

In essence, the design years of the South African land reform programme were entangled in different ideological positions and the consensus view from the many academic debates and position papers framed the first land reform pilot programmes. In some respects, our team of South African agricultural economists had substantive influence in those years. It was largely due to the trust earned by people such as Johan van Zyl, Nick Vink and Johan van Rooyen that some of the key positions about agricultural restructuring and land reform became stuck in the policy discourse and implementation process in the years after 1994.

THE IMPLEMENTATION YEARS AND THE SUCCESSION OF DIFFERENT LAND REFORM PROGRAMMES

A pilot land reform programme was designed in 1995, more or less in accordance with the guidelines of the market-assisted approach. This was eventually followed by the formal introduction of the Settlement/Land Acquisition Grant (SLAG) in 1996. The land acquisition grant (R16 000), which was built on the experience of the housing subsidy, was not sufficient to buy farmland as an individual. This led to communities forming Common Property Associations (CPAs) to pool the grants and thereby secure enough funds to acquire a whole farm. The inability of state institutions to subdivide farms rapidly (due to, among other things, the Subdivision of Agricultural Land Act [Act No. 70 of 1970]) and the move by the Department of Land Affairs to assist communities to form these CPAs, contributed to this strange development.

The Department's own research showed that, in most cases, farms financed with land grants and settled by groups of households were too small to support all of the beneficiaries as full-time farmers. Within 12 months of land transfer, many of these communities were plagued by internal strife and financial ruin.

Our group of South African agricultural economists that were involved in the land reform design were perceived to be too close to the World Bank team and were also considered to support their 'neo-liberal views'. The contrary was, however, true – many of the World Bank team members viewed us as having a bias to secure tenure rights and viable commercial farms. In essence, we disagreed to a great extent with the World Bank advisers who based their advice and positions on their experiences in different farming and agricultural systems in the world, such as Southeast Asia and Central Africa, where farm sizes of less than four hectares were dominant. Our task was to remind these advisors of the agricultural reality in South Africa, emphasising that there are only 17,3 million hectares of arable land (where small farm sizes could work) in the total surface area of 122 million hectares in South Africa. The models of small, labour-intensive farms on highly productive soil with high rainfall and water availability are just not possible in all regions of South Africa. Our understanding of small family farms was also different and not only based on land size. A homogenous concept of small-scale farms could become impractical given the large diversity in land potential and agro-ecological zones. So, guarding against the introduction of small non-viable farming was one of our missions.[2]

The Department of Land Affairs anticipated that the more entrepreneurial farmers would use the grant to leverage loan finance for additional land. However, the most creditworthy farmers did not qualify for a land grant, as the means test applied to potential beneficiaries precluded individuals with a monthly household income greater than R1 500.

In essence, the vision of market-assisted land reform was poorly implemented and the grant system to 'assist beneficiaries' did not work out as anticipated and actually failed. This contributed to the design and implementation of several land reform programmes in succession. There were five programmes in total between 1996 and 2016 that tried to deliver on the land redistribution imperative (in addition to the other two main programmes of restitution and tenure reform):

1. The SLAG
2. Land Redistribution for Agricultural Development (LRAD)
3. The Comprehensive Agricultural Support Programme (CASP), which was created as a response to the growing crisis in post-settlement support, and is administered by the Department of Agriculture, Forestry and Fisheries (DAFF)
4. The Proactive Land Acquisition Strategy (PLAS), where government acquires land into its ownership and beneficiaries are provided with initial short-term leases to test their ability to manage the farms, and, upon success, with renewable long-term leases
5. The Recapitalisation and Development Programme (RADP), which was created to recapitalise failed or poorly performing land reform projects, and is administered by the Department of Rural

[2] There was little appreciation for concern about environmental sustainability and the fragile agro-ecological system in South Africa. There was also no understanding of the reality of 'poor grazing capacity' and extensive livestock farming. Most discussions focused on intensive grain and horticulture farming as if that is the dominant farming system.

Development and Land Reform (DRDLR). It provides whole-farm support to beneficiaries and requires the beneficiaries to work with a strategic partner or a mentor.

Most of these programme were considered by some to have focused only on the creation of viable commercial farms and large-scale operations which were often preferred by technicians who rarely are familiar with small scale farming (Hall, 2015).

It is true that the agricultural technical people (as opposed to the agricultural economists) generally favoured the large-scale farm idea, as it talks to the scale needed for the economic utilisation of modern agricultural technology. The position of the agricultural economists was generally more pragmatic in that we believed in a variety of options that are dependent on enterprise choice and mix, agro-ecological and market realities, and entrepreneurial ability and livelihood choice. We continuously warned against one-size–fits-all solutions and emphasised that practical and site-specific realities need to be taken into account in any solution.

Thoko Didiza turned to the agricultural economists in Pretoria

Ruth Hall documents the story of how the new Minister of Agriculture and Land Affairs in the Mbeki Cabinet, Thoko Didiza, suspended the SLAG programme and then asked the agricultural economists at the University of Pretoria to help her design a new programme (see Hall, 2010). This is partly true, but the argument behind all of this was a bit more complicated.

Despite the sound intentions to take international lessons on board, the land reform programme (SLAG) as implemented repeated many of the mistakes it was designed to avoid. The result was that progress with the land redistribution programme in the initial years was clearly not as expected. So, why did the process fail to deliver?

There were a range of features of the administration of the land reform programme that violated the design criteria set out initially. The large bureaucracy that emerged and the length of time that was required to get an application for a land reform grant approved were astonishing. From the time an individual or a group of households showed interest in acquiring a specific piece of land, a lengthy process of consultation and planning took place, draining a tremendous amount of departmental resources. An application for accessing the land redistribution grant needed to go through a number of phases.

Throughout the planning phase of the land reform programme, it was continuously stated that government should stay out of the process as far as possible, as the bureaucracy is not geared for a process of rapid land reform. Government should only provide the framework (legislative and otherwise) within which the process should take place and should not become a player in the process. Unfortunately, in the South African case, government has become the major player. In the initial design of the land reform programme, it was envisaged that government would empower and enable farmers in financial difficulty to sell off parts of their farms to individual black farmers. Due to various legal impediments, this was not possible.

Against this background, it is not surprising that the South African land reform programme has not lived up to expectations and was doomed to fail in obtaining the redistribution targets. More importantly, the objectives of increased efficiency and equity, increased growth and poverty reduction looked unlikely to be achieved. It became increasingly obvious that the programme, as implemented via the SLAG approach, was not able to create the class of independent and viable small-scale family farms initially envisaged. It also seems that the vision of South African agriculture of a more diversified farm structure centred on competitive commercial, owner-operated, family farms had only a very remote chance of being realised. The challenge from our perspective was therefore to find ways and means to put the programme of redistributing farmland back on track.

It is in this context, and to prevent total failure, that a new approach to implementing land reform was launched. The LRAD programme was launched during 1999/2000 and provided for an extended scale of grants, dependent on an increasing own contribution. This new programme was designed to bring the land reform programme back on track and fitted directly with the new vision of the Ministry of Agriculture and Land Affairs to establish a class of commercial black farmers. There was also now a much stronger commitment from established commercial farmers and agribusinesses to ensure success with land reform (Kirsten, 2001).

Despite our engagement in the initial design phases of this new initiative, it also provided unsatisfactory outcomes. Many blamed the grant-based market-assisted approach and the willing-buyer, willing-seller approach. However, the real reason was that implementation was not well planned, and not properly coordinated with those support services to farmers that are necessary to provide a conducive environment to a vibrant and successful agricultural sector. At the same time, the problem of bureaucratic centralisation had not been addressed and land purchase transactions took as much as three years to complete, frustrating willing buyers and willing sellers and contributing to the slow progress towards the land reform target. It happened quite often that willing buyers identified a farm to purchase, secured own finance and a commercial loan to leverage the grant on the sliding scale, just to be delayed due to the department officials not releasing the grant in time to conclude the transaction.

However, continuing restrictions on the subdivision of agricultural land or the inability of the government system to deal speedily with applications for the sub-division of farms for land reform purposes meant that group-based projects remained the norm. This reality and the critique against the willing-buyer willing-seller process as well as the concern about the slow progress towards the land reform targets prompted a shift away from grant-based purchase altogether and towards state purchase through the PLAS, which was introduced in 2009.

In this instance, our prediction that the state would hold on to land for the sake of advancing political patronage came true. Farmers wanting to buy the land from the state were never given the opportunity to do so and now had to farm on land with short-term rental contracts, making access to finance and other business contracts very difficult, if not impossible.

DISILLUSIONMENT AND A SHIFT FROM 'DESIGN' TO 'MONITORING AND EVALUATION'

Despite our recommendations for a fast and efficient process for the transfer of land to beneficiaries, the contrary happened. Delayed processes, political influence and corruption with land prices were the order of the day. There has unfortunately been very little appreciation from various ministers, politicians and land reform activists of the real costs of these bureaucratic delays and the incompetence of the state system to deliver rapid land reform. As a result, the agricultural community and landowners were blamed for constraining land reform efforts, which resulted in questions about the relevance of the willing-buyer willing-seller principle that was core to the market-based reform process.

By early 2001, I was rather disillusioned with the poor implementation of land reform and the many execution and structural problems with land redistribution. Increasingly – especially after 2007 – the Department of Land Affairs (or later DRDLR) was also not interested in the views of (South African) academics on land reform. As a result, the academics, especially those at the University of Pretoria and at PLAAS (the Institute for Poverty, Land and Agrarian Studies at the University of the Western Cape), have been largely isolated from government discussions and decisions on land reform.

Fortunately, my academic career and my engagement with the politics of agriculture provided alternative activities and temporarily took me out of the depressing land reform stories. First, in 2001, I was involved in drafting the Strategic Plan for South African Agriculture, which presented the outcome from negotiations within the Presidential Working Group on Agriculture. Between 2003 and 2004 I was thrown into the deep end of the food price crisis of those years when Minister Thoko Didiza asked me to chair the Food Price Committee. My 2005 sabbatical with CIRAD, the French Agricultural Research Centre for International Development in Montpellier, brought me in contact with a team of French researchers working on the economics of origin-based foods and we successfully landed a three-year contract with the French government to investigate the nature and existence of origin-based foods in South Africa. This was the start of my decade-long crusade related to the certification and protection of Karoo lamb and provided some 'light entertainment' for my academic career.

However, these ventures did not imply that I had totally abandoned South Africa's land reform challenge. My research efforts later on shifted more to the monitoring and evaluation of the land reform programme. Some of these aspects continued from some earlier work on the progress with land reform, while some other studies specifically evaluated the successes and failures of land reform projects.

Monitoring the progress with land reform

In order to confirm our view that market-based land redistribution can actually work, I was involved in a number of studies documenting the progress with land acquisition by black individuals through the state-driven programmes or through private transactions where no grant support from the redistribution programme was present.

As early as 1996, my own research (Kirsten, Van Rooyen & Ngqangweni, 1996) on deed transfers of farmland in Limpopo province and that of Mike Lyne in KwaZulu-Natal (Lyne, 1996) revealed interesting statistics indicating the extent of private land acquisition by black farmers. Later studies, such as those by Van Zyl, & Kirsten, (1999) Lyne and Darroch (2003) and Lyne and Ferrer (2006), showed a rapid increase in the number of private transactions by black individuals and in some provinces the number of hectares bought by black individuals in private transactions was equal to (and in some cases exceeded) the hectares transferred via the SLAG and LRAD programmes (see tables 1 and 2).

Table 2 shows that close to 50% of the land bought by black farmers took place through formal land reform programme transactions, and 40% through private purchase (either cash or with a mortgage loan). The rest was made up of non-market transactions.

The notion that land redistribution has been slow has in a way been obfuscated by these earlier studies as well as more recent data that we have acquired through various land audits (e.g. KwaZulu-Natal and Free State). All of these results showed the real progress with land reform inclusive of private transactions, state purchases and government-supported redistribution transactions. In KwaZulu-Natal, the KWANALU land audit of 2014 estimates, for example, that privately owned land makes up only 48.8% of the province and of the 2.4 million hectares of privately owned land for which ownership has already been verified and cross-checked, a total of 957 000 hectares or 39.8% is in the hands of black individuals or communities.

Most of the official statistics on the progress towards the redistribution targets reported by government (and politicians) have ignored all private transactions where black individuals have bought farmland from white farmers without assistance from the state. The claims that land reform is disappointingly slow and that farmers are not willing to sell their land are therefore not surprising. This continues to

Table 1: Annual rates of farmland redistribution in KwaZulu-Natal, 1997–2003

	1997	1998	1999	2000	2001	2002	2003
Land transacted ('000 ha)	373	604	306	301	267	311	222
Acquired by previously disadvantaged	22 934	17 772	36 109	17 345	27 324	56 316	21 808
As % of total transactions	6.15	1.29	11.80	5.76	10.23	18.10	9.82
Net annual rate of redistribution (%)	0.56	0.43	0.87	0.42	0.66	1.36	0.53
Net cumulative share redistributed (%)	0.56	0.99	1.86	2.28	2.94	4.30	4.83

Source: Adapted from Lyne and Darroch (2003) and Lyne and Ferrer (2006)

Table 2: A comparison between land reform and private transactions, 1997–2003

	Land reform programme	Private purchase	Non-market[1]	Total
Number of transactions	209	579	481	1269
Total area of land (ha)	101 502	82 296	19 502	203 300
% of total	49.9	40.5	9.6	100
Mean area (ha)	486	142	41	160

Note: [1] Bequests, etc.
Source: Adapted from Lyne and Ferrer (2006)

provide the political pressure for alternative and more radical land reform programmes, as discussed later.

In order to obtain a full picture of the extent of land redistribution in South Africa, one needs access to data on every deed transfer. This is not only a massive undertaking, but also very tricky, as the deeds register does not classify the owner of the title deed according to his or her race. The only way this can be done is through a complex process of verification of actual ownership and the registered title deed and by using the last names as the race indicator. It is further complicated by the fact that many transactions involve companies or trusts for which the race dimension cannot easily be verified. Such a process is very costly, but with the earlier results I always maintained that for every hectare transferred via the official land redistribution programme, at least one hectare has been bought by a black individual. Armed with this rule of thumb, I estimated that by early 2017 almost 18% of white-owned farmland would already have been transferred to the state (for land reform purposes) and to black South Africans. See my calculations in the table below.

The absence of an official land audit and the questions about the accuracy of the official land reform statistics fortunately led to a three-year project (2014–2017) supported by *Landbouweekblad* and Agri SA (Bornman, 2017) to establish the true state of ownership of farmland in South Africa. They obtained the full database of all farmland transactions between 1994 and the end of 2016 and through a meticulous process established the profile of the owners of farmland in South Africa. This could provide some welcome verification of my back-of-the-envelope calculations in Table 3.

With access to the latest satellite and GIS technology (GEOTERRAIMAGE, 2015) the team was also able to establish that at least 4 million hectares has been taken out of agriculture due to urban sprawl, land purchases for national parks, state forests, industrial growth and construction of roads, etc. since 1994. The new GIS estimates suggest that the area of farmland in South Africa is now 93,25 million hectares (inclusive of the former homelands) compared to the 97,3 million hectares reported in the 1993 Agricultural Census. If one also account for redistributed land, land bought by the state and land restored under the restitution programme, the total farmland owned by white farmers is now down to 66 million hectares. This is equivalent to 80% of all freehold land in 1993, suggesting that white commercial farmers 'lost' a total of 20% of farmland to non-agricultural activities, state purchases and through the land reform programme.

The numbers from this initiative presented in Table 4 are very useful, but remain incomplete and probably still provide an underestimation. The transfer of land to companies and trusts could still not be verified in terms of their racial classification. It also excludes the black shareholding on existing farms where equity sharing schemes were implemented. So, the number of 19% of land rights restored remains a conservative estimate, with the real number closer to 25% of all farmland previously owned by white people now owned by the state, CPAs, black individuals or black shareholders in companies, farm companies or trusts.

Table 3: Estimates of freehold land transferred from white South Africans since 1994

Farmland in freehold (private land tenure – 1993)	**82 759 302**	Agricultural Census, 1993
Agricultural land bought by the state since 1994	*4 027 051*	*Source: State Land Audit 2015 (underestimate)*
Redistribution	*4 850 100*	*Source: Nkwinti, SONA 2017*
Restitution (ha's restored)	*3 389 727*	*Source: Nkwinti, SONA 2017*
Guestimate on private transactions (black willing buyers buying from white willing sellers)	*2 500 000*	*Own estimates based on previous research*
Land owned by white farmers (end 2016)	**67 992 424** **82%** (i.e. 18% redistributed)	
Restitution through financial compensation	*2 772 457*	*Source: Nkwinti, SONA 2017*
Total area of land rights potentially restored since 1994	**17 539 335 (21%)**	

Source: Own calculations based on DRDLR statistics in February 2017 and own estimates

Table 4: Another assessment of land ownership in South Africa

Land item	Hectares
South Africa total	**122 518 143**
a. State-owned land	**10 566 215**
Nature conservation, national parks, etc.	7 448 764
State forests	1 812 478
Department of Water Affairs	575 723
Department of Defence	688 127
Correctional Services	41 123
b. Other	**11 357 935**
Residential, villages, towns – former homelands	1 596 566
Urban centres, regional centres, towns, roads, etc.	9 761 369
c. Former 'homelands'	**18 036 773**
TBVC states and self-governing territories	16 843 009
SADT land	1 193 764
Total farmland as per 1993 census (including former homelands and excluding mountains, rivers, etc.)	97 393 993
d. Farmland under freehold tenure (as at 1993) *[SA total – a-b-c]*	**82 557 220**
e. Land use change due to urban sprawl, mining, expansion of parks and forests since 1994	**4 143 993 (5% of 1993 total)**
f. Redistribution	**8 931 201**
Government land purchases 1994–2016 (mainly PLAS)	2 208 031
Government land purchased for non-agricultural purposes (municipalities and provinces, etc.)	641 267
Private purchases by black South Africans (1994–2016) (including those assisted through LRAD and SLAG)	6 081 903
g. Restitution (land transferred to communities)	**3 389 727**
Total freehold farmland owned by white people in 2016 *[d-e-f-g]*	**66 092 299 (80%)**
h. Restitution via **financial compensation** and land sales (388 575 ha) by black people back to white people	3 161 027
Total area of land rights in freehold areas potentially restored since 1994 *[f+g+h]*	**15 481 500 (18,75% of 1993 total)**

Source: Agricultural Census, 1993, Bornman (2017) (survey of deed transactions) and GEOTERRAIMAGE (2015) – spatial land data in 2015

This achievement is much higher than the 8 or 9% quoted by politicians and land reform officials in recent times and therefore closer to the 30% target. However, the target is not really the issue – all we are trying to argue here (based on the data from two separate studies) is that the market-assisted programme (as we predicted in our 1996 book) has delivered much quicker than generally believed and should therefore be supported and streamlined. Had it not been for the bureaucratic delays, the programme would have achieved much more.

Evaluating the performance of land reform programmes

I was fortunate to be involved in three contract research projects that provided an interesting shift to the monitoring and evaluation of land reform.

Anecdotal evidence as well as selected studies on the performance and progress of South Africa's land reform programme generally presents mixed to rather negative results. Few detailed empirical and longitudinal studies exist on the progress and agricultural performance of redistributed farms, resulting in an incomplete picture of the performance of land reform projects.

Our 2005 evaluation of land reform projects in the North West province (see Kirsten, Machethe & Fischer, 2005) provided a useful baseline study for a second round of interviews completed in 2010, when we revisited the same land reform projects sampled in the earlier study. In a paper extracted from these two studies (Kirsten, Machethe, Ndlovu & Lubambo, 2016), we report on the performance of these land reform projects over the 2005–2010 period. The results indicate that the production status (and therefore performance) of land reform projects deteriorated over time. Only 11% (four projects) of the 37 projects showed increased production, compared with 23% of projects in 2005. The proportion of projects with decreased production increased to 42% in 2010 compared with 23% in 2005. There was no production on 27% of the projects in 2010 (21% in 2005). Overall, the projects that had previously experienced increasing or stable production failed to maintain or increase their levels of production since 2005.

Although it was difficult to isolate the dominant reasons for the deterioration or failure of some of the land reform projects, much can be attributed to the so-called group farming approach. Our survey found a number of examples of projects where group farming was a major problem. Conflict among members, absenteeism and greed were all factors that contributed to the poor functioning of these group farms.

The large number of media reports, the anecdotal evidence and our 2005 report brought home the point of mass failures of land reform projects. This – we would like to believe – prompted the DRDLR to implement the RADP in 2010. The programme was designed to focus on struggling land reform farms acquired since 1994 that received little or no support, but had the potential to become successful, if assisted. These distressed farms were supposed to receive both technical and financial support from government (the DRDLR). Two strategic interventions, namely strategic partnership and mentorship, were adopted under the programme to ensure sustainability of assisted projects/farms.

Between November 2012 and July 2013, I was part of the University of Pretoria team who carried out the evaluation of the RADP in the Eastern Cape, the Free State, Gauteng, KwaZulu-Natal, Limpopo and the North West (see BE@UP, 2013).

In this report, we expressed our concern about the fact that the RADP was in fact a duplication of other state programmes and in essence meant that the state is paying twice for land reform. We highlighted several problems with the programme. For example, the lack of clarity on the selection criteria for beneficiaries/projects had resulted in the inclusion of beneficiaries/farms that did not really need to be assisted. There were instances where it was difficult to understand how some farms came to be included in the RADP because the owners seemed to be financially strong and could afford to invest their own funds to support production on the farm. There were a number of cases where beneficiaries benefitted from RADP funds when their own net asset position seemed to be much more than the value of the farms. This suggested a considerable wastage of public funds.

Of greater concern, from a national policy perspective, was the fact that the programme had basically been introduced to deal with the lack of formal agricultural support to land reform beneficiaries, which should have been provided by provincial departments of agriculture. None of these support systems kicked in, in a timely fashion at the time of transfer of the land to beneficiaries. As a result, the RADP was duplicating failed efforts of agriculture departments, resulting in an extra drain on the fiscus. In some way the RADP was transgressing into the agricultural and agricultural support mandate of the DAFF.

It is for this reason that our report made a critical recommendation (BE@UP, 2013: 94):

> In our view, the best and lasting solution would entail a redesign and overhaul of all public agricultural support programmes and doing away with existing silos of funding agricultural support services, including post-settlement support. This would entail the

establishment of an all-inclusive fund to support land acquisition, extension and mentorship, agricultural finance and market access. Implementing our proposed 'best solution' would render RADP and similar programmes unnecessary as they would be subsumed under a single programme for agricultural support.

Not only does this recommendation talk to one of the lessons mentioned in our 1996 book, but it also ties in with the second evaluation report we completed on the CASP and illustrates the general concern with agricultural support programmes. This is discussed next.

The CASP was launched in 2004 to provide post-settlement support to targeted beneficiaries of land redistribution and reform and other previously disadvantaged producers who acquired land through private means and engaged in value-adding enterprises. Our evaluation report (BE@UP, 2014) shows that the CASP has made some progress towards achieving its intended objectives, but has not succeeded in achieving the set objectives of promoting commercialisation, market access, food security and employment. The majority of farmers have not found it easier to access formal markets or finance and some of them believe that their market access actually declined since their participation in the CASP. In almost all the provinces, the indicators of food security suggest that the food security situation of the farmers has not improved since their participation in the CASP. The only exception is the Western Cape. Many of the supported projects are not likely to survive without the continued support of the CASP, as demonstrated by the collapse of some of the projects after support was terminated. We also established that the scope and coverage of the CASP are too wide, resulting in resources being thinly spread. This limits the effectiveness of the programme in achieving its objectives. There is limited coordination of the programme within the DAFF (including provincial government departments) and with other government departments (e.g. DRDLR, Water Affairs, etc.).

Reading the two reports together, we clearly point to the fact that the success of the land reform effort is constrained by poor agricultural support systems. This is a damning finding and again highlights the points we made in the design phase.

ENGAGING WITH A NEW SEASON OF LAND REFORM POLICY PROPOSALS

The poor performance of the land reform programme from a quantitative as well as a qualitative perspective can easily be addressed if all the efforts of the DRDLR, and the state in broader terms, could be focused on the points raised earlier. Despite this logic, the DRDLR and many of its advisors and policy designers saw the solution for slow progress in new and more radical proposals – commonly referred to as the 'fourth policy cycle' of land reform in South Africa. This includes, among others, proposals related to the following:

- Expropriation without compensation
- Strengthening the relative rights of people who work the land (the so-called 50/50 policy)
- The Regulation of Agricultural Land Holdings Bill (land ceilings and foreign ownership).

I comment on some of these proposals in the final section of the address below. These are extracted from some opinion pieces and from inputs we provided to various commodity organisations and to the DRDLR.

Land expropriation without compensation is a bad idea[3]

The various calls that agricultural land should be taken away from commercial farmers without compensation are made despite the fact that land reform has actually made more progress, as I have shown earlier. Unfortunately, we also know that land already in the hands of the state is not used productively – evident in the 5 000-odd farms that have been acquired but not allocated, and the hundreds of thousands of hectares of land that have already been redistributed but that now lie fallow because of weak state support and management. There is, therefore, little practical evidence that land expropriation without compensation will combat poverty and create jobs. The main arguments against this idea are the following:

1. Even in the most radical form of discussion on land expropriation, the investment of the current owner (farmer) will be compensated; just the land will be expropriated without compensation. This reality is based on the fact that a farmer basically has three types of investment in land:
    - Investment in the land itself

[3] Thanks to Nick Vink and Cobus Venter for providing additional arguments.

- Investment in fixed improvements: buildings, contours for conservation purposes, dams and other irrigation works, fences, roads, drinking places for animals, wine cellars, packing sheds, shearing sheds, silos, etc.
- Operating (or 'loose') capital in the form of machinery, crops on the land, etc.; these are mobile and can easily be removed from the farm.

  In the current expropriation proposal, only the land itself is expropriated without compensation. The problem is that the raw land generally represents little more than 10% of the total value of a farming operation, so that the disruption that has been caused (see the next point) comes with a price to the fiscus that is probably unaffordable.

2. A programme of mass expropriation will result in a protracted period where there is no new investment in agriculture, which means no new growth in agricultural output as well as no growth in the agribusiness sector.

3. One of the biggest risks in any form of expropriation without compensation is the effect it has on general prices in the economy. All prices are the result of countless and unknown interactions between economic agents, which result in the ever-changing prices that are attached to everything. Land is simply one form of property and it is not practical to differentiate. Property rights are inherently required to establish capital investment across the entire economy. If one set of property rights is to be affected, the expectation will be that others might also be affected in future. This will be very unfortunate for many of the first-time home and land owners who, after many years of struggle, now have the first opportunity to legally own land or a home.

4. In agriculture, the underlying value of the land supports the entire food and farming industry, but is also central to much of the financial sector, as the financial sector requires capital to function. Expropriating land without paying for it effectively reduces the asset value to zero. Balance sheets, either from the banks that hold the assets as security or the actual owners of the land, immediately need to rebalance, which leads to forced selling of other assets, thereby reducing their values again and further affecting balance sheets, which in turn lead to even more liquidations, and so the cycle continues and spreads. Massive wealth destruction initiated by expropriation leads to massive contractions in other spheres of activity as the market adjusts.

Another bad idea: The Regulation of Agricultural Land Holdings Bill

The tabling of the Regulation of Agricultural Land Holdings Bill is one other dimension of the new cycle of land reform initiatives. The Bill includes proposals to restrict foreign ownership of farmland as well as impose land ceilings in farm ownership. Behind the idea of land ceilings is an assumption that most commercial farms are too large, and that by limiting the land size, more land will be available to subsistence, smallholder or emerging farmers.

Along with a few colleagues, we became involved in the Strategic Economic Impact Assessment process for this Bill. Our engagement was done in the hope of helping officials and politicians see the problematic nature of the Bill and the rather naive and poor understanding of agricultural realities. Our engagement, however, did not stop the process of tabling the latest version of the Bill in March 2017.

Most people in the agricultural fraternity agreed that the Bill as it stands is badly written and riddled with contradictory clauses, poorly formulated objectives, grandiose bureaucratic schemes and obscure plans, of which the eventual impacts are unknowable. In-depth analysis of the Bill has revealed a number of areas of serious concern with regard to the (1) affordability and (2) practicability of the Bill.

Chapter 7 of the Bill makes provision for categories of ceilings for agricultural land holdings. Previous versions of the Bill tried to establish fixed categories of maximum farm sizes, such as 1 000 hectares, 2 500 hectares and 5 000 hectares. Fortunately, this rigidity has been abandoned, but what is left is vague, and serves only to increase the uncertainty in an already uncertain policy environment. The key problem is the infinite variety of environmental, soil quality and climate conditions that are found throughout South Africa.

While the new version of the Bill provides for a set of ostensibly sensible criteria to determine the categories of ceilings for agricultural land holdings in each district, it is still going to be very difficult and impractical to translate these into concrete yet sensible categories. The policy mechanism explained in the Bill ignores the realities of agricultural systems and makes implicit assumptions about the nature of land quality, which in essence renders implementation of the ceilings impractical.

Based on a poor understanding of the realities of agriculture in South Africa and the totally unrealistic assumptions reflected in the Bill, we find it difficult to understand how and under what conditions and where it can work. It is clear that there are many dimensions that need to be taken into account to develop the relevant ceilings for each district. Ultimately, this will have a huge fiscal impact in terms of staffing, bureaucracy and public participation. These scarce resources could have benefitted many land reform beneficiaries and many more hectares could have been transferred instead.

Making some sense from the obsession with small-scale farmers

Behind many of the policy proposals for land redistribution in the most recent round seems to be a continued obsession with the establishment of 'small-scale farms'. This obsession arises from the perception that most commercial farms in South Africa are large-scale and perceived to be inefficient compared to their smaller counterparts, implying therefore that these large-scale farms should be capped and subdivided. What these policy makers quite often forget is that small-scale family farms have been the dominant form of farming in South African commercial agriculture since the early years among all racial groups. The general wisdom in South Africa regarding farm sizes is that most large-scale commercial farmers are white and most small-scale farmers are black – as if there are no white small-scale commercial farmers.

The data in Table 5 tell us that for most of the 20th century, around 70% of the so-called large-scale white commercial farmers operated on farm holdings smaller than 850 hectares. Most of these small family farms only survived through massive government support programmes in the form of various subsidies, exploitative labour legislation and practices and controlled marketing, but also, and very critically, expansive and well-staffed agricultural technical service centres in each farming district. The extension service and other government programmes supported these farmers and helped them to eke out a simple, but decent, livelihood. It was enough to sustain families and to send children to the local schools and universities. Afrikaner empowerment through the apartheid system also helped these poor rural families to climb the social ladder to eventually move to non-agricultural jobs and sell their family farm to the more successful neighbour. This led to consolidation, increases in the size of farming units, concentration of farm ownership and eventually an increasing depopulation of the former 'white' rural areas. Banks, businesses and schools closed down as more and more families urbanised.

The Agricultural Census reports since 1993 have not presented any details on farm size and therefore it is not possible to track farm numbers and farm sizes. The situation is further complicated by the fact that Stats SA has included only farmers registered to pay VAT in their more recent census reports: the most recent, for example, only reporting 39 900 farms. When one accounts for non-VAT-registered farms (VAT registration is only compulsory if the business turnover exceeds R1 million), the total number of commercial farmers is closer to 69 000, as shown in Table 6.

Table 5: Changing farm structure and farm size in South Africa (1926–1993)

Size category (hectares)	**Census years**			
	1926	**1959**	**1981**	**1993**
<4.9	2 457	4 374	2 175	912
5 – 9.9	0	5 950	2 209	1 360
10 – 19.9	5 661	5 764	2 388	1 668
20 – 85.6	7 329	14 529	9 557	8 318
85.6 – 256.9	27 307	17 543	9 734	9 202
257 – 428	0	13 648	6 921	6 570
429 – 856.5	18 540	18 009	10 846	10 094
857 – 2 140	13 096	15 892	8 995	8 775
2 141 – 4 282	8 279	6 141	7 785	7 445
4 283 – 8 565	2 193	3 127	3 820	2 553
>8 565	888	1 202	0	1 083
Other	2 624	41	0	0
Total # farm units	**88 374**	**106 220**	**64 430**	**57 980**
< 857 ha	*69%*	*75%*	*68%*	*66%*
> 857 ha	*31%*	*25%*	*32%*	*34%*

Source: Liebenberg (2013) estimated from various Census reports

Table 6: Structure of South African agriculture (estimates from the 2007 Agricultural Census and the 2011 population census)

Category (gross farm income)	Number of farming units	Share of commercial farming units
R5 million and more	2 927	4.1%
R3 million to R5 million	2 172	3.1%
R500 000 to R3 million	12 290	17.57%
Less than R500 000	22 577	32.27%
Total (only VAT registered farmers)	39 966	57.12%
Other commercial farmers (not registered for VAT) (Census 2011)	30 000*	42.88%
Total # of commercial farmers	69 966	100%
Small farmers (Census 2011)	280 000*	
Subsistence farmers (Census 2011)	700 000*	

**Rough estimates based on various surveys and census report*

Classifying the scale of farming operations (small-scale versus large-scale) merely based on the size of the farmland also does not really make sense due to the variation of land quality and the productive potential of different pieces of land. For that reason, the assessment of turnover provides a much better indication of the scale of the farm operation. Fortunately, all the agricultural censuses and surveys in recent years have used gross farm income (or turnover) to classify commercial farms. If we apply the Department of Trade and Industry's official definition of small, medium and micro-sized enterprises – i.e. a turnover of R5 million and below – then 96% of all commercial farmers can officially be classified as small and medium-sized enterprises. This confirms again the fact that South Africa is a nation of small family farms, many of them not providing full-time livelihoods to their owners.

CONCLUDING REMARKS

Having presented the account of my engagement with the programme for the redistribution of agricultural land, it is clear that the programme as implemented through all its different phases has ignored all the lessons and recommendations we made in our 1996 book. More than 20 years after that research and write-up it is quite frightening to see how every possible thing that we argued could go wrong, did. It is almost as if the design features we presented and motivated were completely ignored. Mistakes were made from beneficiary selection, to farm support, to bureaucratic delays and in addition overdependence on the state was the order of the day.

We have continuously argued for a very simple process whereby state contributions, farmer contributions and loans could be merged into a one-stop shop. A loan facility including the grant component, and perhaps subsidised or deferred interest, could have been combined via the financial systems of the Land Bank. In a sense, this would have made much of the DRDLR redundant, apart from the Land Claims Commission, Deeds Office and the Spatial Planning and Cadastral divisions. This could imply that the land reform programme will operate under the auspices of the DAFF in close collaboration with the Land Bank. The regional Land Bank offices could, with the assistance of local expertise, be in a much better position to screen and select beneficiaries and thereby bring about a rapid and successful redistribution of land.

One critical lesson in any land reform process is that there must be consensus across the spectrum of political opinion that the programme is necessary. This has been achieved to a large extent. The majority of commercial farmers have now accepted the important imperative of a more equal distribution of commercial farmland in South Africa and have already offered useful ideas on how to implement successful and workable land reform. This is a considerable change from the 1991–1996 period, when we completed our initial papers and books and mooted the need and importance of land reform.

Considerable time and effort were (and still are today) wasted on design and redesign without any appreciation of the productive value of farmland and the realities of farming in South Africa. It has also not been understood that the dominant form of South African commercial farming is family farms – single-owner operations with family and hired labour. The large corporate-style farms make up only a small component of agriculture in South Africa – only approximately 700 farm businesses.

These farms have the capacity and are in a financial position to contribute to the land reform process. The majority of the other commercial farms are family trusts, private companies and mostly single proprietors. There are no shares, no share values and no business net worth that can be shared 50/50. Often, most of these farming operations will have large debt – anything between 30 and 50% of the asset (land) value. Any 50/50 arrangement will have to take farm debt into account as well.

It is our anticipation that most farming units with a turnover in excess of R3 million could make a reasonable contribution to land reform. Therefore, we are only talking of around 5 000 farms. These farms should be reasonably well-represented in each district and can assist in reaching any redistribution target in each district. If farmers in a district work together and land reform is implemented through a flexible and well-planned financial mechanism, then land ceilings and other punitive measures will not have to be implemented. There is much goodwill and considerable expertise that the state could leverage from the commercial farming sector to deliver land to the majority. All that is needed is a solid commitment, honest engagement and some smart incentives.

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