

# Government-driven land and Agrarian Reform Programmes in Post-Apartheid South Africa – a Brief History (1994-2021).

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## **Abstract.**

*South Africa is one of the most unequal countries in the world, a reality created by colonial and apartheid-era race-based property laws which transferred 80% of the land to whites who make up only 10% of the population, while blacks had to make do with the remaining 20% (Presidential Advisory Panel, 2019). After winning the country's first democratic elections in 1994, the African National Congress vowed to use land and agrarian reform to help reduce poverty, inequality and unemployment and roll back apartheid geography. Since 1997, a plethora of programmes have been implemented to advance this transformation agenda with little success. We review the major government-driven programmes implemented thus far and argue that the slow pace of reform is due mainly to underinvestment, constant chopping and changing of programmes between presidential terms and an overly-narrow focus on creating a class of black large-scale commercial farmers while neglecting millions of food-insecure blacks – especially women, many of whom already farm for subsistence – and as long as this persists, the clamour for land by blacks will only grow louder.*

**Keywords:** *Land reform, agrarian reform, apartheid, transformation, large-scale commercial farmers, smallholders.*

## **Résumé**

*L'Afrique du Sud est l'un des pays les plus inégalitaires au monde, une réalité créée par les lois de propriété raciales de l'ère coloniale et de l'apartheid qui ont transféré 80 % des terres aux Blancs qui ne représentent que 10 % de la population, tandis que les Noirs devaient contenter-vous des 20 % restants (Présidential Advisory Panel, 2019). Après avoir remporté les premières élections démocratiques du pays en 1994, le Congrès national africain s'est engagé à utiliser la terre et la réforme agraire pour aider à réduire la pauvreté, les inégalités et le chômage et faire reculer la géographie de l'apartheid. Depuis 1997, une pléthore de programmes ont été mis en œuvre pour faire avancer ce programme de transformation avec peu de succès. Nous passons en revue les principaux programmes gouvernementaux mis en œuvre jusqu'à présent et affirmons que la lenteur des réformes*

*est principalement due au sous-investissement, au découpage et au changement constants des programmes entre les mandats présidentiels et à une focalisation trop étroite sur la création d'une classe de commerçants noirs à grande échelle. agriculteurs tout en négligeant des millions de Noirs en situation d'insécurité alimentaire – en particulier les femmes, dont beaucoup cultivent déjà pour leur subsistance – et tant que cela persistera, la clameur pour la terre par les Noirs ne fera que s'intensifier.*

**Mots-clés:** *Réforme agraire, réforme agraire, apartheid, transformation, grands exploitants commerciaux, petits exploitants.*

## 1. Introduction: A legacy of race-based laws.

According to South Africa's Department of Rural Development and Land Reform (DRDLR), the country's total land surface is 122 million hectares, of which 82 million hectares is prime agricultural land (DRDLR, 2019). Prior to the arrival of Europeans, land was held under customary tenure by a number of tribes, notably the Khoi, San, Xhosa, Sotho, Zulu, Venda and Tsonga among others. Land dispossession began when a disparate assortment of settler colony interests including the Dutch East India Company and what were decidedly the nuclei of future white republics established their presence in various parts of the country. The first piece of land confiscated from Africans was taken by Johan Anthoniszoon van Reinbeck's Dutch East India Company in 1652 to establish a trading post in the Cape territory (Presidential Advisory Panel, 2019: 23). This signalled his and other settler groups' intention to establish a long-term presence in the territory.

Over the next three centuries, deliberate race-based dispossession policies were enacted to replace African commonage customary tenure arrangements with European-style freehold tenure. Following the consolidation of settler South Africa into one republic, i.e. the Union of South Africa, in 1910, the *Natives Land Act Number 27 of 1913* was passed to push five million Africans onto only 7% of the territory. Following the release of the Beaumont Commission's report in 1916 which showed that blacks could not survive on just 7% of the land, a second Land Act, the *Native Trust and Land Act Number 18 of 1936* expanded the so-called 'black areas' from 8% to 13% in 1936 and placed them under a management organ known as the Southern African Development Trust. Race-based laws intensified after 1948 when Prime Minister Daniel Francois Malan's *Herenigde Nasionalie Party* won power on a platform of separate development (known as *apartness* or *apartheid* in Afrikaans). Over the next four decades, laws such as the *Group Areas Act* (1950), *Population Registration Act* (1950), *Prohibition of Mixed Marriages Act* (1949) and the *Black Homeland Citizenship Act* (1970) would compartmentalise the races (whites, blacks, Indians and coloured, i.e. mixed-race individuals) into separate communities around the country. The cumulative effect of these policies was to ultimately limit opportunities for Africans in general and African smallholders in particular, while white communities prospered (Amoateng & Richter, 2007: 3).

Apartheid era agriculture was dualistic. In white South Africa, there was a sophisticated base of more than 100,000 white commercial farmers working sprawling large-scale farms averaging about 1000 hectares each or more, i.e. 86% of the prime agricultural land or 68% of the country's total surface area (Lahiff, 2007). Their operations were highly mechanised, well-funded, had proper irrigation schemes, cheap black labour and supply contracts with major local and international buyers (Kassier & Groenewald, 1992; DRDLR, 2015). In the African homelands, farmers worked small plots with rudimentary tools, often only with own capital, own inputs, own financing and little or no connection with any commercial off-takers of note (STATSSA, 2007). Production was almost always destined for household consumption. Despite being confined to only 13% of the land, some black farmers still managed to create thriving farming operations in Bantustans (Presidential Advisory Panel, 2019: 15). Statistics South Africa (STATSSA, 2007) reports that by the end of the apartheid era, there were 943,000 farming operations in the overcrowded Bantustans. However, Apartheid policies had wiped out the class of prosperous black farmers and industrialists everywhere else.

## **2. Preparing for land and agrarian reform.**

Land reform is “the redistribution of property rights in agricultural land” (Bernstein, 2010: 27). When President Nelson Mandela took his oath of office on May 10<sup>th</sup> 1994 to become the first democratically elected president of South Africa, he inherited a country where black property ownership was mainly concentrated in former Bantustan areas. Land reform was absolutely imperative for a number of reasons. Firstly, Apartheid-era laws had transferred the entire economy to whites and transformed Bantustans and reserves into pools of cheap labour. These laws “implied the strangulation of the commercial farming activities of black populations and their increasing exodus towards reserves and Bantustans” (Anseeuw, 2006: 78). Confined to tiny plots, they could not do much farming or business activities either and so, ironically and by design, they were forced to go back to South Africa as labourers. Many households were headed by single parents (i.e. women) because the men spent the majority of their time in mines, factories and farms in South Africa. They only travelled home at Easter, Christmas or on other special circumstances. There therefore existed in the first instance, a legal imperative to correct the consequences of these discriminatory practices.

Secondly, Apartheid-era exclusionary laws had explicitly prevented blacks from owning landed property or businesses in south Africa. Black presence was only allowed in South Africa for the purposes of selling labour or exchanging it for accommodation. For long-term right of residence, one required a pass which could only be issued following approval by a white property or business owner. If the job was terminated, the worker could suddenly be labelled a squatter and face fairly quick eviction. Following

the advent of democracy in 1994, white property owners fearful of attacks by black people were prepared to release their workers in order to protect their land. The threat of eviction therefore hung over the heads of more than one million black workers and their dependents and so the ANC had to move swiftly.

Importantly too, the constitution now gave blacks the right to finally own their own land anywhere in South Africa or to use the courts to go after the white individuals and concerns that had pushed them off their land after 19 June 1913. Land is not just a locus of residence and a means of production. It is also an anchor for families and a place where present generations meet and commune with departed ones. For too many black families, this opportunity for bonding and communion was missing and the government had to help fill that void. Promoting equity and restorative justice was important to help the country heal. Without this agenda, too many wounds would be allowed to fester with the potential to explode into open conflict down the road.

The African National Congress (ANC) had participated in the 1955 Congress of the People which adopted the Freedom Charter calling for land to be shared among all those who worked it, regardless of race and gender, but it was really in the 1994 *Reconstruction and Development* (RDP) programme document and the 1997 *White Paper on Land Reform* that it articulated just how it was going to roll out land reform in a democratic South Africa. The RDP policy was a comprehensive all-encompassing programme targeting reforms in all aspects of South African society with a view to creating a more financially, racially and gender-balanced country while growing an economy crumbling under the weight of sanctions and Apartheid policies. Its five key priorities were: meeting basic needs, developing human resources, building the economy, democratising the state and society and implementing RDP (Parliament of South Africa, 1994: 9). RDP identified land as a basic need and demanded more access to blacks for both *residential and production* purposes (DLA, 1997). It further called for the elimination of apartheid geography, the phenomenon of black rural Bantustans and urban shantytowns existing on the outskirts of major cities or adjacent to affluent white farming communities (Ntsebeza, 2013: 62). Within its mandate of transforming rural economies and the agriculture sector, RDP invested R282.7 million (1994-1997) to revamp rural water boards, R315.7 million (1994-1997) for land reform pilots (one pilot district per province), R62.4 million (1994-1997) for land restitution, R32.85 million for redistribution and R4 million for small-scale farmer development (Parliament of South Africa, 1994: 45). These were meant to be pilot projects in the build-up to more comprehensive, nationwide land and agrarian reform programmes.

In 1996, the Constitution of the new democratic republic repealed most race-based laws. Section 25, i.e. the property clause, called on the Government to ensure equitable access to land for all, including for people and communities with insecure tenure and people or communities dispossessed of their land after 19 June 1913. The first paragraph of Section 25 of the Constitution also stated that “[N]o one may be deprived of property

*except in terms of law of general application, and no law may permit arbitrary deprivation of property*". In other words, white-owned land could not simply be expropriated without compensation for the purposes of transformation. It had to be done within the confines of the law. The property clause only permitted expropriation "for a public purpose", "in the public interest" and "subject to compensation". A land/agrarian reform policy therefore had to be crafted either with all those criteria or something amending the constitution to craft a bolder plan.

The following year, in 1997, President Nelson Mandela's government adopted a three-pronged approach to land reform, i.e. *restitution*, *redistribution* and *tenure reform*, and set itself the ambition of transferring 30% of the land (i.e. 24.6 million hectares) to blacks by 2001 (DLA, 1997). These three pillars of land reform reflected the three categories outlined in Sections 5-7 of the property clause of the Constitution: restitution would restore land which had been seized from title holders back to their rightful owners; redistribution would acquire land from whites and transfer it to blacks for residential and/or agricultural production; and tenure reform was meant to review South Africa's land ownership policy, administration and legislation in order to expand security to diverse groups of people, notably longstanding farm dwellers as well as previously-disadvantaged people living in areas where customary tenure was still the norm.

The Government also started developing specific programmes to operationalise restitution, redistribution and tenure reform. The next sections present the main policies implemented over the past two decades, showing their content and implementation, as well as highlighting the key political agenda underpinning them. It should be noted that although they are presented as a neat periodisation of separate programmes, implementation is sometimes fluid at provincial level, with programmes often funded and managed either by the Department of Agriculture or the Department of Rural Development and Land Reform based on availability of money, personnel and resources (Hall, 2014: 30-35). Also, a small section has been added on agrarian reform simply because the South African government has tended to couple land and agrarian reform after 2000.

### **3. Government-driven land reform programmes.**

#### **3.1. The Settlement and Land Acquisition Grant (SLAG)**

The first major land reform programme was the Settlement and Land Acquisition Grant (SLAG) which was launched by President Nelson Mandela's government in 1997 and administered at national level by the Department of Land Affairs (DLA) in Pretoria. SLAG was built around a R15,000 grant which *households* could use to purchase land both for residential and agricultural purposes. Land was acquired from

whites on a market-based ‘willing buyer–willing seller’ arrangement. The SLAG grant package was offered on the following terms and conditions:

- A R15,000 capital grant to acquire land;
- The capital grant could also be spent on fencing, livestock and machinery; or home and infrastructure improvements;
- To qualify for the grant, households were required to submit a feasibility study with their applications.

The R15,000 amount was insufficient even for the economy of the 90s. For this reason, a majority of SLAG beneficiaries were likely to spend all their money on land acquisition and cautioned them against taking loans from financial institutions which could ultimately lead to default and the loss of their land (DLA, 1997). Soon after the SLAG launch, research by the Department of Agriculture revealed that after acquiring land, the average black South African household could not afford extra money beyond their initial contribution for any agricultural activity or home improvement projects. The grant amount was later raised to R16,000, but increase had little effect on post-settlement support.

SLAG was beset with challenges including a shortage of funds, payment of inflated prices for land of poor quality as well as an overreliance on the ‘willing buyer-willing seller’ approach to land acquisitions, which made acquiring land a protracted, arduous affair (Jacobs, Lahiff and Hall, 2003: 4). *The White Paper on Land Reform* noted that the budgetary allocation for land reform around this time was “less than one half of 1% of the national budget” (DLA, 1997: 11). The programme had very little impact on job creation or improvement of predominantly-black communities. Shortly after coming to power, President Thabo Mbeki decided to replace it with a more ambitious programme in 2001.

### **3.2. Land Redistribution for Agricultural Development (LRAD)**

The Land Redistribution for Agricultural Development (LRAD) programme was introduced in 2001 under President Mbeki to replace the faltering SLAG. It was a major departure from SLAG in a couple of ways. Firstly, LRAD focused on acquiring land specifically for production purposes. Land for settlement was managed under a different component known as the Land Redistribution for Settlement Grant (Bannister, 2003: 3). The Mbeki government also launched an aggressive social housing programme through which five million houses were built and transferred to blacks by 2010.

Secondly, there was a significant increase in the financial support package and further changes to the beneficiary profile. Whereas SLAG had gone to households, LRAD was offered to households as well as individuals (Jacobs et al, 2003: 4). This meant that several members of the same household could apply individually for the program and

then pool their grant amount. To qualify for land, beneficiaries were required to meet the following standards:

- Prove that they possessed the requisite skills to manage a farm operation.
- Make own contributions on a sliding scale according to objectives (e.g. the minimum grant of R20,000 could be accessed with own funds of R5000 and the maximum grant of R100,000 required own funds of R400,000 in cash or kind).
- Commit to using their land for agriculture including grazing, production for household consumption, production for markets, etc.

Thirdly, the Department of Land Affairs and the Department of Agriculture Forestry and Fisheries worked at national, provincial and local level to identify beneficiaries and support them. Just like SLAG, LRAD was run under a market-based ‘willing buyer–willing seller’ arrangement. Beneficiaries were not required to front their share of the investment in cash only. Groups of people, including farm workers could also pool their labour in order to apply for the grant for the purposes of developing the plot as a single unit or subdividing it into smaller production units, although this was discouraged. The programme was further used to advance some RDP priorities such as women’s empowerment with a concerted effort made to settle more women on farms.

LRAD as a whole was not funded to the scale of its ambitions. In fact, less than half a percentage point of GDP was allocated for this priority. By 2005, just under four million hectares had been transferred to blacks. The underinvestment characteristic of the SLAG years continued, although demand for land was high. A shortage of government capitalisation and proactiveness caused the goalpost of transferring 30% of South Africa’s farmland to blacks by 1999 to be shifted to 2015. The clamour for land grew louder towards the end of Mbeki’s first term in 2004. It dominated the entire campaign season and the African National Congress promised to be more ambitious if it was re-elected into office.

### **3.3. The Proactive Land Acquisition Strategy (PLAS)**

Thabo Mbeki was re-elected on April 27<sup>th</sup> 2004 and in 2005, a major *Land Conference* was held at the Nasrec Conference centre in Soweto from the 27<sup>th</sup> to the 31<sup>st</sup> of July to brainstorm on how to accelerate land reform. Delegates identified the market-led ‘willing buyer–willing seller’ approach as a major impediment to accelerated reform and called on Mbeki’s government to ditch it in favour of a more proactive solution with reluctant sellers.

The government’s answer to these calls was the Proactive Land Acquisition Strategy (PLAS), developed between 2005 and 2006 and launched in 2007 to acquire “strategically located and well-resourced land” in ‘nodal areas’ and agricultural corridors (DRDLR, 2015: 2). The main priorities of PLAS were to:

- Fast-track land redistribution, especially in nodal areas and agricultural corridors.
- Improve identification, screening and selection of land reform beneficiaries in order to ensure maximum productive use of land acquired.
- Hedge against escalating land prices through proactive acquisition
- Acquire land for agricultural production and not for residential purposes.
- Lease acquired land to an emerging black farmer for a three-year period at a fixed rate of 6% of the value of the arable land, after which period the land could be sold to the same beneficiary.

(DRDLR, 2015: 2).

Although it was not explicitly stated, PLAS land was specifically purchased for agricultural purposes. PLAS used a five-step approach to support, as follows: 1) land acquisition; 2) project planning, i.e. identifying beneficiary and assessing project needs and financing; 3) trial lease period; 4) disposal of land (ideally, it would be sold to the beneficiary who had worked it during the 3-year trial period); and 5) continuing post-settlement support in the form of a completion report, ongoing monitoring and evaluation as well as extension services.

Within PLAS, the government no longer needed to wait to identify beneficiaries before acquiring land. Land was purchased proactively while a simultaneous process identified beneficiaries. Beneficiaries were required to sign a lease agreement with option to purchase before the plot of land was handed over to them. They could register businesses such as co-operatives, close corporation, sole proprietorships and management companies to run the operation. The government only turned over the land title to them once it had satisfied itself that they were willing and able to run the farm successfully. For the first time, capitalisation of land reform exceeded 0.5% of the national budget in 2005/2006 when R2.7 billion was allocated for restitution and R770 million for 'land reform' (Hall, 2007: 100). All the signs showed that land reform was finally getting the priority and investment it deserved.

However, Mbeki lost the ANC presidency at the December 2007 Polokwane elective conference. The attention given to PLAS dropped during Motlanthe's interim presidency (September 2008 to May 2009). Jacob Zuma became president in 2009 and the following year, his government suspended other grant-based programmes in order to focus exclusively on PLAS. The office of the Land Valuer General was created soon after to manage land valuations and help eliminate the phenomenon of reluctant landowners stalling land acquisitions. Ironically, land acquisitions stalled instead due to undercapitalisation of land reform by the tough-talking President Zuma. Although the government made the right statements in the public sphere advocating for land reform, budgetary allocations for land acquisitions showed that the government was not treating land reform as a priority (Aliber, 2013: 5). Over the next four years, Zuma's government invested a paltry R5.2 billion on 1348 PLAS projects spread across just one million hectares of land (DRDLR, 2015).



## **The NDP and the CRDP.**

After a year of PLAS, two important initiatives were launched to rethink economic development in South Africa. The first one, the National Development Plan (NDP) called for a new rural development strategy which ensured that land and agrarian reform initiatives were creating more jobs in rural areas. This focus was necessary to eliminate rural poverty where the majority of the country's black people live. Some of the solutions it offered included linking small farmers to viable value chains, promoting more irrigated-agriculture in rural areas, making more specialised training more available, increasing irrigated land by at least 500,000 hectares, and putting communal lands to better use. Two priorities of the NDP included broadening of "ownership of assets to historically disadvantaged groups" and realising a "food trade surplus, with one-third produced by small-scale farmers or households" (National Planning Commission, 2008). The need to prioritise and invest more in supporting women, female-headed households and the girl-child was also highlighted, and for this the plan advocated for boosting smallholder agriculture in at least 300,000 households, creating 145,000 agriculture-sector jobs and improving living standards for 660,000 farm workers as part of the solutions.

Shortly after, and in response to the NDP, a Comprehensive Rural Development Programme (CRDP) was developed within the Medium-Term Strategic Framework (2009-2014) to help make rural households more resilient and food secure. Noting that between 10 and 15 million south Africans lived in conditions of extreme poverty and underdevelopment, the CRDP called for the fast-tracking of participatory land reform initiatives as well as more robust post-settlement support to land beneficiaries to advancing integrated development and social cohesion (DRDLR, 2009). It further called for massive investment in rural infrastructure, including roads, dams, post offices, fences and warehouses. The DRDLR was empowered to develop and roll out empowerment initiatives on its own, without the need for support from other government departments. It was within this mindset that the government started developing much smaller packages such as the Settlement and Production Land Acquisition Grant (SPLAG) and Land Acquisition for Sustainable Settlements (LASS) to increase the number of beneficiaries for greater impact.

### **3.4. The Settlement and Production Land Acquisition Grant (SPLAG) and Land Acquisition for Sustainable Settlements (LASS)**

SPLAG was developed to make land available to rural people, farm workers and dwellers and help them start agricultural production (DRDLR, 2009). Concurrently with SPLAG, the Land Acquisition for Sustainable Settlements (LASS) instrument was developed to provide similar support to previously disadvantaged people living in urban areas and

commonages. SPLAG and LASS received very little government attention and cash investments, especially after the government decided to prioritise the Agri-Parks initiative shortly after, which we present in the next section. SPLAG and LASS have never had any meaningful visibility and it is fair to say that their impact has been minimal.

### 3.5. Summary

In 2019, the DRDLR (2019: 3) acknowledged that all land reform programmes had transferred just over 8.3 million hectares to blacks, i.e. 4.8 million through land distribution and 3.5 million through restitution. In other words, the government still has a lot more to do in order to transfer 16 million hectares of the initial target to black beneficiaries. The painfully slow process of land reform prompted Lungisile Ntsebeza (2013) to write that “the more things change, the more they remain the same”. Apartheid continues to cast its long shadow over the country’s present socioeconomic reality. This explains why land is still an emotive subject in the country and why political parties like the Economic Freedom Fighters (EFF) and Black First Land First are able to ratchet up public anxiety with slogans such as *‘expropriation without compensation from white monopoly capital’* around election time.

The first major impediment to accelerated land reform on the scope and scale that the ANC dreamed of when it took office in 1994 is the market-led “willing buyer-willing seller” approach. The decision to adopt this approach shelved the more radical state-led approach which some members of the party, notably the ANC Youth League, were calling for. State-led land reform gives national or state governments the power to expropriate land with or without compensation in the national interest. Market led approaches necessarily mean that land transactions are contingent on the owner of the land accepting to sell it and the buyer having the wherewithal to acquire it. If these two conditions do not align, the process cannot go on.

Secondly, political will has often been lacking because the ANC has pursued a neoliberal trickle-down agenda for much of the last quarter century. Progress in land reform programmes have generally coincided with changes at the helm of the ruling African National Congress party or as a prelude to national elections campaigns. Under President Mandela, investments in land reform within RDP were insignificant because the ANC simply did not have the financial resources to move with any urgency on this priority due to the collapsing economy that the ANC had inherited. International partners were not eager to invest in this agenda either.

However, post-2000, with GDP growth averaging 4.2% for 32 consecutive quarters, the ANC chose to prioritise jobs and RDP houses over land transfers. As Thabo Mbeki described it in his *Two Economies* speech in 2003, sustained reforms and investments in South Africa’s ‘third economy’ would eventually lift it to ‘first economy’ levels. Unfortunately,

the 2008 global recession and corruption during the Zuma presidency wiped out many of the economic gains recorded under President Mbeki. As unemployment had skyrocketed from 23% to 33% in the Covid-19 era, anger over the slow pace of land reform has again become the number one talking point for all political parties.

The private sector has also been very unhelpful since the advent of democracy. Vested interests view land reform as a threat (de Villiers 2003). Agriculture South Africa (Agri-SA), the major farmers' lobby group in the country, argued in 1994 that any attempts at land reform would be unconstitutional. After the Constitution was amended to give the government powers to reform property rights, it switched the argument to say that giving land to blacks could lead to food insecurity in the country, even as the number of white-owned large-scale commercial farms dropped with an uptick in consolidation within the farming sector. Agri-SA often points to failed government-sponsored projects on black-owned land as proof that land reform has to move even slower.

The government's zeal to use land reform as a vehicle to create a class of successful black-owned large-scale commercial farms gives Agri-SA the fodder it needs for its negative messaging. Large-scale agriculture requires many skills such as managing farm mechanisation, accounting, irrigation and marketing which new black landowners often lack. Retail supply chains are still dominated by members of Agri-SA, further making it virtually impossible for a sudden big influx of black commercial farmers to replace white ones. Provincial governments have so far showed themselves incapable of providing the kind of support that is required to help black project owners stand on their own feet or connect with markets and so the national government needs to think seriously about reopening land reform for more purposes than just agriculture.

Two important events that occurred in 2017 will probably have a major impact on land reform going forward. In the build-up to the 54<sup>th</sup> ANC elective conference, the EFF political party announced that it would adopt land expropriation without compensation if elected into office. This announcement forced the ANC's hand on the subject (Ntsebeza, 2018) and not to be outdone, it officially adopted a policy backing expropriation without compensation at the conference.

When Cyril Ramaphosa became acting president in 2018, he appointed a Presidential Advisory Panel to brainstorm new ideas on how to accelerate land reform. The panel submitted its report in May 2019. The report made clear that the ANC government needed to prioritise land and agrarian reform. Noting that 41.6% of rural South Africans have inadequate access to food, the panel (2019) suggested the following solutions:

1. Women should constitute 50% of all land reform beneficiaries.
2. The "willing buyer-willing seller" approach to land acquisition should be abandoned for a more "proactive and targeted commodity and area-based" approach.
3. Section 25 of the Constitution (the property clause) should be amended to offer expropriation with zero compensation in some cases.

4. Spaces should be identified in urban areas to resettle landless people.
5. Land reform beneficiaries should participate intensively in the financing, planning, and implementation of their projects.
6. Joint ventures between emerging black farmers and experienced white ones should be encouraged. Subsidised capital should be made available to such partnerships and the experienced partner should be awarded a certificate.
7. The Government of South Africa should compile a data portal for all land in the country and who it belongs to. This platform will then build into the e-cadastre.
8. The Government should adopt best practices for a consolidated approach to planning, funding and rolling out land reform programmes.
9. Different tenure systems should be approved and restitution claims should be fast-tracked.
10. A full range of financial and technical support should be offered to beneficiaries of land.
11. There should be a structural transformation and diversification of household and commercial food production in the country
12. Smallholder farmers need to receive greater support and rural-urban commodity chain linkages need to be strengthened.

The Presidential Advisory Panel's recommendations highlight the importance of greater investments, more attention to women and prioritising of already food-insecure smallholders in urban and rural areas as a pathway to better reform. Without these fixes, it is impossible to eradicate the sources of poverty, inequality and unemployment. This makes it all the more urgent to focus land reform on smallholders and poorer communities rather than on wealthy blacks who can manage large farms.

#### **4. Post-settlement support programmes and policies for agricultural production.**

The next section is important because as explained in the section on LRAD, the national government has tendentiously coupled land and agrarian reform programmes post-2000. After this date, land transfers have been made with the understanding that plots are not going to be used for residential purposes but rather for farms specifically. For residential accommodation, the government relies on RDP and other local government projects.

##### **4.1. The Comprehensive Agriculture Support Programme (CASP)**

The CASP was developed under President Mbeki in 2004 within the framework of the Integrated Sustainable Rural Development Strategy (ISRDS) and the Integrated Food

Security Strategy (IFSS) to help land reform beneficiaries acquire agricultural production skills, inputs and finance as well as reduce the number of food-insecure households in South Africa by 50% before 2015 (DoA, 2004). The Department of Agriculture identified four categories of people it wanted to support: 1) the hungry and vulnerable; 2) subsistence farmers and household producers; 3) land reform farmers; and 4) the agricultural macro-system to provide a conducive environment for agricultural development and food safety. A support package was developed based on six pillars as follows:

1. Information and Knowledge Management;
2. Technical and Advisory Assistance, and Regulatory Services;
3. Training and Capacity building;
4. Marketing and Business Development;
5. On-Farm and off-farm Infrastructure and Production inputs;
6. Financial assistance.

Financial support came in the form of a “sunrise package” to be spent on a variety of needs such as irrigation systems, farm drainage, fencing, stock-water systems, drought assistance, marketing infrastructure. The technical component offered extension support, training and mentorship. An initiative known as Ilima/Letsema was built into the CASP programme in 2009/2010 to boost agricultural production for food security. Priority was given to women, youth, self-help groups and cooperatives, farm workers, land reform beneficiaries who can use their grant for mechanisation, livestock, irrigation schemes and inputs, i.e. anything that could help them boost agricultural production on their plot of land. The Ilima/Letsema initiative was funded to the tune of R1.8 billion in the 2004-2009 medium term expenditure framework period (MTEF) to support 145,000 subsistence, smallholder and commercial producers. The terms Ilima and Letsema refer more or less to the same concepts. Ilima is an isiZulu word which refers to a period when households in the village would come together to till each other’s fields while Letsema is a Sotho/Pedi word for the same cooperation arrangement. A financial institution known as MAFISA was also set up to offer small loans to land reform beneficiaries to invest in different things on their plot. MERECAS offered support for irrigation schemes and mechanisation equipment.

Although it started off with bold ambition, CASP has been plagued by coordination challenges and confusion. Coordination at provincial level has been a perennial problem. A study conducted in Limpopo Province between 2011-2012 revealed that many farmers went years without ever receiving any kind of support from the Provincial Department of agriculture or even visits from an extension officer (Ngam, 2012). Provincial Department of Agriculture staff themselves were confused about the status of the programme. Whereas the provincial CASP lead was adamant that CASP had been completely phased out in favour of the RADP programme, CASP was still in existence by 2018 when the programme was awarded R1,646 billion to be spent on extension services, infrastructure, inputs, training and capacity building, strengthening of colleges of agriculture and disaster relief (DAFF, 2019).

## 4.2. The Land and Agrarian Reform Project (LARP)

The Land and Agrarian Reform Project was conceptualised in 2007 as a response to disparate land and agrarian reform initiatives acting in silo, especially in rural areas. The intention was to create a faster, more collaborative, more responsive, better streamlined, coordinated and more impactful support scheme for land reform beneficiaries (DoA, 2008). LARP set itself the ambition of creating 65,000 new commercial farmers by 2014, although it was not made clear whether this would be large-scale commercial farmers, small-scale commercial farmers or smallholder farmers (DRDLR, 2009).

Projects were selected according to viability and the connection between land redistribution and agri-business development on the transferred plot was emphasized (DoA, 2008). LARP had a short-term deadline of March 2009 to achieve its goals, but the project life-cycle was built to last five years in order for beneficiaries to continue receiving support after the end of the execution phase. The Department of Agriculture also billed it as a trailblazer for a future faster, more proactive approach to be known as *Operation Gijima* (Gijima means run in isiZulu). The ambition of transferring five million hectares of land to ten thousand new agricultural producers within a short period of time required heavy investments. Unfortunately, when Mbeki was replaced by Jacob Zuma shortly after the programme's launch, the latter decided to go in a different direction, opting instead to focus on the Recapitalisation and Development Programme (RADP).

## 4.3. The Recapitalisation and Development Programme (RADP).

In 2009, the Department of Rural Development and Land Reform undertook a major study to assess the performance of land reform beneficiaries who had set up agricultural projects on their plots. The study revealed that most LRAD projects had completely collapsed and some were about to be auctioned off to the public (DRDLR, 2013: 12). This was a major blow as it would mean that failed projects could end up right back in previous owner's hands, probably bought back by the same white farmer who had sold the plot in the first place, reversing the meagre gains of transformation. This realisation mobilised the DRDLR staff to come up with what they believed was a more fail-proof programme. The result was the RADP.

The RADP's mission statement indicated that its ambition was to rescue "distressed farms" and graduate them into thriving large commercial farms (especially SLAG, SPLAG, LRAD, PLAS beneficiaries who had not received any help from the government after acquiring reform land post-1994); increase food production; increase food security and create employment in the agriculture sector; as well as stem the flow of people and resources from rural areas to urban areas (DRDLR, 2013: 12). Beyond the lofty ambition of rekindling "the class of Black commercial farmers destroyed by the 1913 and 1936 Land Acts", RADP

made clear that its projects were going to be run like business entities, and that they were neither welfare programmes nor a replacement for other land/agrarian reform initiatives (DRDLR, 2013: 11). Beneficiaries had to develop a business plan in order to prove project viability. Successful applicants were then paired with a mentor in one of four types of chosen relationships (mentorship, co-management relationship, share equity partnership or contract farming and concessions). The first set of beneficiaries were chosen from the 23 poorest districts in the country, informed by the Spatial Development Framework. The maximum amount per enterprise was set at R500,000, although this cap was lifted shortly after.

Although the RADP has been in existence for less than a decade, it is plagued by the same problems that have affected other land and agrarian reform programmes, especially CASP. It is chronically underfunded and connected beneficiaries seem to be getting all the funding at the expense of poorer but equally deserving people (Hall, 2014). Some view the programme as an attempt by the national government to correct mistakes of provincial departments of agriculture (Hall, 2014: 33). The government has admitted that many business plans chosen for RADP support so far do not meet expected minimum requirements expected from applicants or have not been vetted at all (DPME, 2015: 4). In January 2020, DRDLR minister Thoko Didiza further admitted in parliament that 78% of land reform farms in Limpopo province were lying dormant. This reflects a wider requirement nationwide for a new definition of and structure to land reform.

#### 4.4. Agri-Parks

The South African government defines an ‘Agri-Park’ as a “networked innovation system of agro-production, processing, logistics, marketing, training and extension located in district municipalities” (DAFF, 2019: 3). The Agri-Park initiative falls within the government’s NDP 2030 priorities of accelerating transformation of rural economies and land ownership (DRDLR, 2015). Agri-Parks are almost a second shot at LARP, but this time with more investment in creating viable value chains from farm to fork. Agri-Parks are villagisation communes and unified cooperative models rolled into one. The basic idea is to have a thriving ecosystem of integrated farms within a close radius grouped into primary cooperatives, which then join with others to form secondary cooperatives that manage common agro-processing units with processing, bulk handling and storage infrastructure, plus water, energy and transportation logistics to take commodities to the final consumers in an efficient manner (DRDLR, 2015). Thus, the Agri-Park have backwards linkages to farms and forward supply linkages to own retail outlets controlled by the Agri-Park (i.e. fresh produce markets, supermarkets, etc.) as well as other retail outlets managed by private or public stakeholders (DRDLR 2015).

At the time of conceptualisation, the government determined that it would be ideal to have one Agri-Park per district, nationwide, funded by the government (who also offer

technical support) for a period of 10 years. In terms of transforming rural economies, the NDP and related priorities identified by the DRDLR (2015) set the following targets:

1. To create 1 million new jobs in the agriculture sector by 2030;
2. To increase the area under production by 1 million hectares;
3. To create 145,000 new jobs in agro-processing and set up 300,000 smallholders by 2020 within the medium-term;

The programme aimed to move very quickly from conceptualisation to setting up of beneficiaries. Consequently, it earmarked land that was already under government control for the initial phase, including state land, PLAS land, labourers' and farmworkers' lands and land obtained through restitution as well as commonage and communal lands. To provide scale, beneficiaries were to be drawn from rural communities and were required to register with a primary cooperative. The primary cooperative's role was to group produce and then transfer it to secondary cooperatives at district level, set up within a dense agricultural production zone where an Agri-Park would have been set up. The secondary cooperatives own 70% shares in the Agri-Parks. At a higher level, the secondary cooperatives are then required to create tertiary cooperatives to provide industry linkages and find big buyers for commodities.

The first Agri-Parks to be set up were West Rand (Gauteng), Springbokpan (North West), Witzenberg (Western Cape), Ncura (Eastern Cape) and Enkangala (Mpumalanga). It is still too early to determine if President Ramaphosa will continue with the Agri-Parks initiative and what their impact will be. The growth of this initiative is contingent on the setting up of thousands of smallholder producers to populate the ecosystem that Agri-Parks require for its growth and the One Household One Hectare programme answers part of that question.

#### **4.5. One Household One Hectare programme (1HH1HA) in 2015.**

Agri-Parks need to be populated with thousands of producers in order to get the kind of scale that makes them viable. An immediate solution to getting this critical scale is the One Household One Hectare programme. Thirteen million South Africans are vulnerable to hunger (inadequate access to food). Many black families still farm to provide some of their household needs but the number of active agricultural households has declined from 2.9 million in 2013 to 2.3 million in 2016 following an extended period of drought (DAFF, 2019). It is in this context that the DRDLR launched the One Household One Hectare programme (1HH1HA) in 2015. Beyond wanting to restore "the social capital and beauty of uBuntu as the glue that holds black communities together" and "the sanctity and dignity of life", the programme sought to:

1. Create viable rural small to medium agricultural enterprises and revive a group of highly productive Black Smallholder Farmers and food producers;



2. Build competencies and broaden the skills base for targeted households and communities;
3. Contribute to the reduction of poverty in rural areas;
4. Build a sense of security of tenure; access to land, increase the involvement of individual households in production activities and minimize controversies on CPI-led land projects;
5. Create sustainable employment in rural households;

The government set up each beneficiary household with inputs (Fertilizers, seeds, feed, trading stock, medication, pesticides), irrigation infrastructure, farm infrastructure such as fencing and sheds as well as operational costs (12 months' wages for participating in the programme). A second component known as the One Household 2 Dairy Cows was later added included in the 1HH1HA initiative. In 2015/2016 up to 5734 households across the country received programme starter packs (DRDLR 2017). Additionally, 6 new sites covering were awarded a total of R30.4 million as follows: Eastern Cape (3), KwaZulu-Natal (1) and Mpumalanga (2) with 689 households distributed as follows: Gorah (14), Krugerpost (221), Mantisini (373), Westwood (18), Kwa-Mashabalane (41) and Libhaba CPA (22). (DRDLR 2017). The One Household 2 Dairy cows also planned to award starter packs worth R268.9 million to 384 households in 2017/2018 with most of the beneficiaries being in the Northern Cape (62), KwaZulu Natal (24) and Limpopo (25). After just three years of implementation, it is still too early to gauge how successful the programme will be in creating a critical mass of self-reliant smallholder producers or whether President Ramaphosa will even continue with the programme.

## **Bringing in the private sector: Agri BEE.**

The South African government cannot transform the entire apartheid socio-economic architecture all on its own and concurrently with public-sector initiatives, efforts were made to involve the private sector in land and agrarian reform. The Black Economic Empowerment (BEE) is an affirmative action law adopted to make sure that every entity in the country is playing a role in advancing the transformation agenda. It was voted into law through the *Broad-Based Black Economic Empowerment Act No 53 of 2003* which called for the deracialisation of all sectors of South African society and for equitable participation of all the races, especially previously-disadvantaged people women and people with disabilities in all sectors of society. The BEE law has been adapted for the structural transformation of all areas of South African society.

The scope of AgriBEE includes inputs, production farms, beneficiation facilities, storage centres and transportation logistics and concerns mainly entities that generate above R5 million per year. Conformity is ensured through a complicated system of scorecards (every

organisation in the agriculture value chain is expected to register and get itself audited) as well as through procurement. Non-compliant companies are scored a low 0% while the very top contributors receive a 100 % compliance rating. The government (which is the number one purchaser of goods and services in the country), municipalities, hotels, universities and other major consumers are all expected to ensure participation in the system by purchasing goods and services only from organisations that can demonstrate their Agri-BEE compliance. That said, it is difficult to monitor BEE in general and AgriBEE in particular, if a company does not do business with the government. This highlights the importance of the government's role: it has to be the main driver of the reform process.

## **5. Way forward: rethinking government-led land reform.**

To employ the words of Professor Sam Moyo (2007: 3), "land reform is a fundamental dimension of the agrarian question, and the agrarian question is a fundamental dimension of the national question". South Africa's socio-economic reality highlights the fact that leaving apartheid-era property ownership arrangements unchanged is untenable (Presidential Advisory Panel, 2019: 15). Ntsebeza (2018) has cautioned that "the unresolved land question in South Africa is a time bomb". Property rights must be transformed at a quicker pace if South Africa is to achieve its objective of building a non-racial, non-sexist society.

Bernstein (2007: 33) has noted that 'land to the tiller' type reforms seldom lead to comprehensive redistribution of land, except in dramatic cases of social revolution. However, a just and fairer distribution of resources can catalyse change and the creation of a more equal society. A number of countries, including China, Costa Rica, Indonesia, Malaysia, Taiwan and Thailand have undertaken land reforms fairly quickly and efficiently, lifting previously-disadvantaged communities out of poverty, creating jobs, imbuing beneficiaries with a sense of dignity and making these more resilient (Van den Brink et al, 2007: 158). The idea ultimately, is for redistributive initiatives to improve livelihoods, employment and incomes (Bernstein, 2007: 51).

White farmers, who represent a strong political lobby, are strongly opposed to any major restructuring of property rights in South Africa's farm sector (van den Brink et al, 2006: 42). However, postponing reforms can become more expensive for the country down the road, especially if drought conditions continue to expand the number of families that suffer from severe acute food vulnerability. The spate of looting that occurred within level four Covid-19 lockdown restrictions following President Zuma's imprisonment for contempt of court in July 2021 revealed the underlying poverty issues that remain unresolved in the country.

The structure and implementation of South Africa's current land reform programmes are geared towards creating commercial farmers. This approach excludes the vast majority of blacks who need land and who still bear a disproportionate burden of unemployment, inequality and underdevelopment. Cousins posits that "[F]or land reform to fulfil a redistributive function at an economic, political and social level, an alternative vision and programme for agrarian reform in South Africa is urgently needed" (2007: 205). Such a new approach would have to fundamentally change property rights and agricultural production structures in rural areas especially – because that is where the majority of South Africa's poor live (Cousins, 2007: 206). It is in this respect that he advocates for a new approach that is deliberately pro-poor and participates alongside other production methods in helping the country achieve its self-sufficiency objectives (Cousins, 2007: 213). Significantly more mileage would be gained by supporting smallholders who already depend on the land, and practice mixed cropping. That is why it is so important that the Agri-Parks and 1HH1H initiatives get the kind of investments that they need. The single-minded and narrow objective of developing a class of large-scale commercial farmers, i.e. what Sam Moyo (2004: 3) refers to as "efforts to "buy out" black elites into large-scale farming through affirmative action programmes" has failed.

Land and agrarian reform efforts need stability and the chopping and changing that occurs whenever one president leaves office and another one comes in need to be managed in order to avoid disruptions. Reform programs also need to be streamlined into very clear, easily implementable plans. There is no reason for example why all land reform cannot be managed within the framework of PLAS while all post-settlement support is driven by CASP - one flexible programme for each side, with different components that can be collapsed or expanded according to beneficiaries' requirements. This would ensure that workers at the three levels of government have to deal with only one handbook for everybody. Instead of chopping and changing, what the programmes need is funding, and trained civil servants who know how to implement decisions on the ground.

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