CHAPTER ONE

INTRODUCTION

1.1. BACKGROUND AND JUSTIFICATION

Throughout this dissertation, the concept of land tenure is described with special focus on some trends associated with the communal land tenure system in the Ditsobotla area of the North West province. ‘International studies on land tenure reveal that there are different forms of land tenure in different countries of the world and that this difference is influenced by various factors ranging from the country’s …, culture and the political system’ (Pohoryles & Szeskin, 1973: 61).

The aim of this chapter is to introduce the concept of land tenure prevalent in African countries. It begins by exploring the various forms of land tenure that exists in these countries. Furthermore, and in line with the broader objectives of this study, this chapter reviews some economic welfare trends associated with the communal land tenure system based on researches conducted around Africa¹. It also presents the motivating factors behind the undertaking of this study and outlines the problem statement on which the study is built. Lastly, it clarifies the methodology adopted for the study, as well as its associated successes and problems as experienced during the undertaking of the appraisal sessions.

¹ Africa is a classical example of a continent where the communal land tenure system is more prevalent.
The communal land tenure system is a form of land tenure where land is held by a group of people through shared rules, and where their land administration systems are informed by and practised in terms of shared values and customary systems (Anim, 1996: 225). According to Depaah, Hai, Hanh, Kanakanga & Than (2001: 4), studies on communal land tenure systems in developing countries such as South Africa suggest that, currently, communal land supports the majority of the rural population. In most instances, livestock and crop farming contribute substantially to people's socio-economic and cultural values. It is, however, stated that due to a number of unregulated practices, land and other natural resources in communal areas are under threat of degradation. This subject will be discussed in detail in the later section dealing with some trends on land tenure in the Sub-Saharan region.

This study was premised on the viewpoint that a secure form of land tenure, easy access to farming inputs, availability of research by specialised institutions, mechanisms to regulate farming and extension support are the main factors which promote economic stability, thereby bringing about an improvement in people’s economic welfare (Van der Merwe, 1990: 772 and Van den Brink, 1994:3 34). Through the application of participatory methods and techniques an attempt is made to show how the communal land tenure system impacts on people’s daily farming practices. At the end of the study, suggestions are made relating to how policy, research and developmental interventions should be formulated to match the developmental needs of the people in the Ditsobotla area with the aim of enhancing their economic welfare.
The findings of this study are based on three major sources, these being: literature review, personal observations of the researcher and information obtained through interactions with the informants during specific participatory rural appraisal (PRA) sessions in the selected villages of Springbokpan and Mooifontein, as explained later.

The ensuing section presents background information about land tenure systems and specifically examines the existing academic debates on the trends associated with the communal land tenure system and its implications for rural economic welfare.

1.2. BACKGROUND INFORMATION ABOUT LAND TENURE SYSTEMS

Arokooyo & Chikwendu (1993: 28) state that land is a major productive resource, and lack of control over it is a major limiting factor for productivity. For centuries, traditional land tenure systems in Africa have made many black people little more than temporary custodians of their land: existing legal systems pertaining to access and use restrict them from exercising full authority over their land, as the state still holds the land in trust for the people. Migot-Adholla (1991: 156), as well as Potgieter & Heunis (1995: 34), add that, until recently, indigenous African land rights systems have been incorrectly presented by most foreign anthropologists, colonial administrators and nationalist idealists as static polar contrasts to western property rights systems. These authors believe that since the indigenous land tenure systems assign land rights to the entire community, long-term investment and land improvements are discouraged as the system
is susceptible to all forms of malpractice such as corruption and nepotism. On the other hand, based on experiences in Ghana, Kenya and Rwanda, Morgan (1969: 45), Hill (1963: 51), Jones (1980: 38) and Bates (1986: 15), as quoted in Migot-Adholla (1991: 157), state that indigenous land tenure systems had demonstrated remarkable flexibility in adapting to new farming technology or methods of exchange long before the colonial period. They assert that what has led to this situation is the fact that there has been large emphasis upon research and extension in order to boost farming in communal areas under the communal land tenure system. This subject will be discussed in detail in the chapter examining experiences with land tenure in some selected African countries.

1.2.1. Land ownership within the mainstream development debate

According to Arokoyo and Chikwendu (1993: 1) and Wadie & Appah (1981: 17), land ownership is defined as the land tenure system that determines the ability of individuals to gain full access to land as well as to security over its use. Ownership of land is different from ownership of other property in the sense that it involves legal rights and obligations relating to the use of the land. Although the individual may hold some of these rights, some may be held by groups that include political bodies. In the communal land tenure system, no single individual holds land in an exclusive sense. According to Ega (1991) (as quoted in Arokoyo & Chikwedu, 1993: 1), there are three forms of land rights: these being: rights to use, rights to transfer and rights to exclude others from the land.
Based on the above definition, the land tenure debate has become a major source of debate. Depending on different schools of thought, some people argue strongly for communal ownership (Bromley & Cochrane, 1994: 57 and Van den Brink, 1994: 44), others for individual ownership (Feder & Noronha, 1987: 71; Feder & Onchan, 1987: 55), while others contend that land tenure has limited impact on productivity and investment (Place & Hazell, 1993, as quoted in Moor & Nieuwoudt, 1995: 52). It is, however, significant that disputes on land tenure pose a threat to national security and prosperity (Xiao-Yuan Dong, 1996: 915). Those who argue for private land holding and private property resource management maintain that individuals are more likely to apply their best efforts under private ownership and use of natural resources, thereby maximizing efficiency and productivity in their farming practices. This would not be the case within the context of communal ownership and use arrangement which often results in the abuse of the resources due to the "commons syndrome" (de Villiers, 1996: 14; Ling, 1993: 441 and Migot-Adholla et al, 1991: 41). Despite the foregoing assertion, the individual freehold system is not necessarily the solution. The problems outlined above prevail in the communal land holding system because it is difficult in individual freehold systems to instill institutional practices that will promote public interest such as proper land management and erosion control due to legal restrictions deriving from the property rights status.

Through its land tenure reform programme, the South African government aims to upgrade the existing communal land tenure system into a secure and registrable form of land tenure in order to ensure a proper land administration system and attract investments in previously neglected
communal areas (South Africa, The draft Communal Land Rights Bill, 2002: 24). It is therefore important for government to gain an insight into the existing livelihood and coping strategies of people in communal areas prior to the implementation of the communal land tenure reform programme. In the next section, the concept of land tenure will be discussed.

1.2.2. The concept of land tenure

This section presents the definitions of the concept of land tenure as published by researchers on the subject.

According to Adams, Sibanda & Turner (1999: 2), the word “tenure” derives from the Latin word “tenere” meaning “holding or possessing”. Land tenure is therefore defined as the terms and conditions on which land is held, used and transacted. Wadie & Appah (1981: 32) and Moor & Nieuwoudt (1995: 290) add that land tenure systems refer to customary or legal rights which regulate ownership and control relating to land use. The land tenure system therefore involves a bundle of rights which covers both the obligations and entitlements of the holder, i.e. what to do and what not to do with the land. It is therefore clear that one may have tenure or a right to the land, but may not have taken possession of it (Bruce, 1988: 11). In support of Bruce's view, de Villiers (1996: 14) and Kishindo (1995: 103), define land tenure as the type of access, use or occupation arrangement one has on land and the conditions attached thereto. Based on the above definitions, there is widespread agreement (Moor & Nieuwoudt, 1995: 288) that land tenure is defined in terms of the functioning of three elements, these being: breadth, duration and assurance of property rights with regard to their legal
and economic dimensions. Land tenure is accompanied by a set of value systems attached to culture and these affect the way land is used. It is therefore logical to conclude that land tenure is a context-bound issue and is accompanied by a set of values that are often also culture-bound. This particular issue often leads to conflicts between particular interest groups, particularly where land is a scarce resource. In the following section, forms of land tenure will be described as part of the broader land tenure debate. Throughout this dissertation, reference to the words “land tenure” is based on the definitions given in this section.

1.2.3. Land tenure: “the bundle of rights”

This section is based on a combined analysis of the individualized freehold land tenure system on the one hand, and the communal land tenure system on the other. The rights and obligations emanating from the land tenure system may include the rights to the following:

1.2.3.1. The right to occupy a homestead, to use the land for annual and perennial crops, to make permanent improvements, to bury the dead, to have access to gathering fuel, poles, wild fruit, thatching grass, minerals, etc. This category of rights is called “use rights” since it concerns itself with the daily practices relating to these rights (Bundy, 1988: 28). These types of land rights frequently apply in communal land tenure systems.

1.2.3.2. The right to transact, give, mortgage, lease, rent and bequeath areas of land for exclusive use. These forms of rights are called “alienation rights” since they are concerned with the rights-holders handing over their
properties to the other person/s or entities (Adams et al., 1999: 4 and Adebayo, 1990: 17). These rights are applicable in an individualised freehold tenure / ownership system but are lacking in the communal land tenure system. Following the implementation of the envisaged communal land tenure reform programme in South Africa, it is hoped that this category of right will also be applicable in communal areas.

1.2.3.3. The right to exclude others from the above-listed rights, at community and/or individual levels (Adams et al., 1999: 4, as well as Arokoyo & Chikwendu, 1993: 7).

The land rights listed in item "a" apply in communal and individualised land holding systems, whilst those listed in item "b" apply in individualised land tenure systems and are lacking in a communal land holding system. For instance, legal mechanisms exist in freehold systems enabling the right-holder to evict non-members. This right is, however, dependant on the political will of government. Zimbabwe is a classic example where this right does not apply effectively, as we see land being taken from owners with freehold title without their consent and with no legal recourse nor compensation for the owners of the land.

d. The right to enforcement of legal and administrative provisions in order to protect the rights-holder (Adams et al., 1999: 4). This right exists in order to give effect to the categories of rights listed above.
The following tables illustrate the difference between individualized and communal land tenure systems with regard to the exercising of rights.

1.2.3.1. Use rights

This category of land rights includes consumptive and non-consumptive uses such as the right to occupy, visit for spiritual or cultural purposes, plant annual and perennial crops, make permanent improvements, bury the dead and gather fuel, poles, fruits, grass and minerals (Adams et al., 1999: 4 and de Villiers, 1996: 14).

Table 1

<table>
<thead>
<tr>
<th>INDIVIDUALIZED LAND TENURE SYSTEM</th>
<th>COMMUNAL LAND TENURE SYSTEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land owners are in a position to exercise this category of land rights freely, subject to regulations imposed in terms of applicable pieces of legislation such as those pertaining to environmental conservation, e.g. Environmental Impact Assessment (EIA). It is, however, difficult for the state and other relevant institutions to ensure that the land owner complies with these regulations due to the property rights’ status (Lahiff, 2000: 33).</td>
<td>People in communal areas are also able to exercise the land rights in this category. The disadvantages associated with this category of rights in communal areas ranges from the inability of local people to comply with environmental regulations due to lack of rules governing land administration in these areas. This often leads to environmental degradation and the depletion of natural resources (South Africa: The Communal Land Rights Bill, 2002: 12).</td>
</tr>
</tbody>
</table>
1.2.3.2. Alienation rights

Alienation rights include the right of the owner of the land to transact, mortgage, let, bequeath and donate property (Adams et al., 1999: 5).

Table 2

<table>
<thead>
<tr>
<th>INDIVIDUALIZED LAND TENURE SYSTEM</th>
<th>COMMUNAL LAND TENURE SYSTEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>This category of land rights has until now been practised freely in the individualized land tenure system in the majority of African countries (Adebayo, 1990: 18). There are, however, major problems with this system including the inability of the state and other relevant institutions to enforce compliance with environmental rules to ensure environmental sustainability alongside the use of land.</td>
<td>Legal restrictions imposed by the colonial system in African countries made it impossible for black people in communal areas to exercise this category of land rights (Adebayo, 1990: 18). In South Africa, following the promulgation of a piece of legislation in 1996 geared towards protecting the informal land rights of people in communal areas, black South Africans could enter into lease agreements with developers on their land (South Africa: Interim Protection of Informal Land Rights Act, 1996: 2)</td>
</tr>
</tbody>
</table>
Linked to the discussion on the bundle of rights associated with the individualized and communal land tenure systems, the following discussion presents some trends with regard to land tenure in the Sub-Saharan region.

1.2.4. Summary of some trends on land tenure systems in the Sub-Saharan Region

In most developing countries, the different systems of property rights pertaining to private and communal land are a related problem. This pertains to the rights and obligations associated with each land-holding system. The dual-racially based system of land rights introduced by colonial regimes continues to prevail in the Sub-Saharan region (Chaudhub & Allen, 1997: 375). This has not only alienated indigenous people from local resources and the means of production: it has also promoted the loss of indigenous knowledge, since people have been systematically alienated from the local resource that is linked to a particular knowledge and system.

According to the Food and Agricultural Organisation (2000: 11) and Lahiff (2000: 34), laws involving arbitrary racial distinctions in the South African context have been repealed, but land in the former reserves or communal areas continues to be registered in the name of the State. This implies that the local inhabitants have limited access to and control over their land. They believe that an “across-the-board” conversion of subservient statutory rights (e.g. permits to occupy) into more secure property rights will now not be possible due to policy gaps and land-holding and administration complications reminiscent of the past situation. In the South African context, legislation pertaining to the reform of land tenure in communal
areas is being developed. It is clear, given the situation on the ground, that overlapping land rights and boundary disputes have to be resolved before land rights can be confirmed in terms of the envisaged piece of legislation\textsuperscript{2}.

In the South African context, Adams et al., (1999: 15) and Moor & Nieuwoudt (1998: 617), note that the previous apartheid regime effectively created two legal system, which operated side by side. Various commissioners controlled land tenure in the so-called “black” areas. Those commissioners, acting in terms of the powers vested in them, controlled

a. the right of individuals to occupy land; and

b. the terms and conditions of their occupation.

The Black Areas Land Regulations ("the Regulations"), made by Proclamation R188 of 1969 in terms of the Provisions of section 25 (1) of the Black / Bantu Land Administration Act, 1927 provided for the fact that, in respect of residential land, a commissioner could grant to any individual in respect of any particular piece of land, either a right of quit-rent tenure, or a permission to occupy the land it called a permission to occupy (PTO) certificate.

On the other hand, a freehold tenure system confers full ownership of the land. It also has some advantages relating to decision-making concerning

\textsuperscript{2} The Department of Land Affairs is currently working on a Bill called the Communal Land Rights Bill aimed at \textit{inter alia} to giving effect to section 25 (5), (6) (8) and (9) of the Constitution of the Republic of South Africa providing for the registration of land tenure rights, including the transfer
transactions with regard to the land, as well as disadvantages relating to contravention of conservation practices due to limited control. The following section offers a detailed description of forms of land tenure prevalent in the Sub-Saharan Region.

1.2.5. Forms of land tenure prevalent in the Sub-Saharan region

There are different forms of land tenure in different countries of the world. The forms of land tenure prevalent in the Sub-Saharan region include, but are not limited to, the following:

1.2.5.1. Communal / customary land tenure

This is a form of land tenure where land is held by a group through shared rules, and where their land administration systems are informed by and practised in terms of shared values and customary systems. The management group (the co-owners) has the right to exclude non-members, and non-members have a duty to abide by such exclusion (Anim & van Sckalkwyk, 1996: 225). Individual members of the management group have both rights and duties with respect to use rates and maintenance. This form of land tenure is characterised by a number of norms and conventions that regulate the use of the resource and are importantly characterised by restricted access (Anim & Lyne, 1994: 462). Baer (1990: 40) adds that an individual’s right to benefit from this jointly held resource is dependent upon the membership of, or acceptance by, the group or land owners. Three of communal land to communities, individual households, individual families and individual persons in terms of the Deeds Registries Act, 1937 (Act 47 of 1937).
different categories of land are allocated: residential, ploughing and grazing land. Lahiff (2000: 46) adds that all members of the community (including tenants) have a right to a stand of residential land. This often includes enough land for homesteading, i.e. keeping small livestock and growing vegetables. Ploughing land is mostly reserved for the influential members of the community. By contrast, grazing land is used communally. This shows that there is no equity in land use and access in communal areas. This elitist practice does not promote development. Problems with this system range from corruption, maladministration, nepotism and the inability to attract new farming skills due to the consideration of one's standing in the community. A classical example is Goedgevonden in the Vendersdorp area in the North West province, where access to ploughing fields is reserved for some residents who are close to individuals commanding authority in the area. The North West office of the Department of Land Affairs is working towards resolving this issue through the land rights’ enquiry process (Tau, 2001: 3).

Wadie & Appah (1981: 70) add that, in some cases, members observe specified principles of land use to ensure fair distribution, proper working rules and husbandry practices or restrictions of taboos, religion and superstitions as may be imposed by the local chiefs / headmen. In this form of land tenure, no single individual has the right to a particular piece of land which enables him / her to sell it or give it away outright and forever. In view of this, a widespread feeling is held that some principles associated with the communal land tenure system are so complicated that they discourage agricultural investment in land and, as such, hinder rural
economic development (Potgieter, 1995: 34). This view is, however, debatable.

Contrary to the foregoing assertion, TRAC\(^3\) (1992: 32) asserts that the communal system of black farming communities, particularly in South Africa, has never been the major factor constraining production. Instead, they see it as having used far more labour-intensive modes of production than commercial white agriculture thereby creating job opportunities for local people. According to TRAC (1990: 32) agricultural production is, instead, constrained by limited access to farmer support services such as credit, farming inputs, infrastructure, marketing services, extension support, research and training and effective lobbying in the political market by the apartheid government. South African black agricultural producers were systematically pushed out of the market through the apartheid government’s policies. According to TRAC, the promulgation of the 1913 and 1936 Land Acts which denied Africans the right to own land in most of South Africa left Africans with no option but to eke out an existence as share-croppers or labour tenants, increasingly at the mercy of white farmers.

TRAC’s assertion is justified by the information obtained through this study with regard to the current trends associated with the communal land tenure system and their implications for rural economic welfare in the Ditsobotla area. This findings of this study suggest that the communal land tenure system, though sometimes seen as a deterrent for productive use of the land, is not primarily responsible for the failure of the agricultural system and

\(^3\) TRAC stands for The Rural Action Committee which is an NGO responsible for land reform and rural development issues
hence the declining rural economic welfare. Rather, other factors such as lack of realistic land administration policies, extension support, infrastructure to aid farming, existence of agricultural markets, research services and training are implicated in such a decline.

1.2.5.2. Leasehold tenure system

The leasehold system is a form of land tenure under which someone other than the registered owner holds land under a contractual obligation for a specified period only and for a specified rent (Bruce, 1981: 24). This form of land tenure is, however, of less interest to this study. The leasehold tenure system often promotes over-exploitation of resources, because the leaseholder often tends to strive to maximize profit at the expense of the land.

1.2.5.3. Freehold / modernized tenure

Bruce (1981: 27) and Chaudhub et al., (1997: 11) describe freehold as a form of land tenure under which land is held by individual/s free of obligations to the monarchy or state. It is commonly referred to as a private form of land ownership. In this form of land tenure, the working rules and sanctions are defined in the Acts of parliament adopted by the state (Wadie & Appah, 1981: 23). While the working rules of customary tenures vary from one place to the other, those of the freehold tenure system are somewhat more uniform. The freehold land tenure system has some advantageous aspects in the sense that it promotes productive use of the land due to fewer restrictions about the use of land. However, it however has
some disadvantages emanating from the possibility of non-compliance with environmental laws by the rights-holders. This form of tenure only benefited the minority groupings, particularly whites in South Africa. The following section presents the motivating factors behind the undertaking of this study.

1.3. MOTIVATION FOR THE STUDY

Studies of this nature are not frequently available to guide policy-making processes in developing countries. This is because land tenure systems are influenced by political and cultural as well as social factors, thus made to attract less research interest, as some deem such systems to be too complicated. The outcomes of this study will therefore enable government officials, policy-makers, as well as ordinary citizens, to structure their policy intervention strategies in line with the situation in the Ditsobotla area. In the medium to long term, the findings will stimulate research interest by uncovering issues that require the development of new technologies, or the testing of such technologies under new situations. As a result, this should stimulate research interest in policy formulation and development strategies by the state towards upgrading the communal land tenure system. It should also stimulate interest from researchers wishing to pursue studies in this field.
1.4. Choice of the study area

The villages of Springbokpan and Mooifontein in the Ditsobotla's South African Development Trust farm were chosen for this study due to two major reasons, viz:

1.4.1. The Ditsobotla area was subjected to the betterment and rehabilitation planning programme of the apartheid South African government in the 1960s, which resettled black people into allocated and demarcated residential, arable, and grazing areas in terms of the Black Land Regulation, 1969 (Proclamation R188 of 1969) as required in terms of the provisions of the Development Trust and Land Act, 1936 (Act 18 of 1936). In terms of this arrangement, grazing land was used under the village commonage arrangement, and ploughing fields were allocated to individual households. This planning exercise was undertaken based on the then government’s belief that land use, conservation and land productivity would be enhanced;

1.4.2. Despite the fact that land administration in terms of the proclamation R188 of 1969 is no longer in place, the community still demonstrates their commitment to effective land administration and productive use of their allocated plots. This study aims to establish whether the lack of a land administration system impacts on agricultural production in the area.
1.4.3. During past interactions between officials from the Department of Land Affairs and the local people, the latter expressed a keen desire for government to intervene by way of policy direction in respect of their land tenure security needs and the enhancement of rural economic welfare through agricultural support mechanisms.

The following sections present the problem statement underlying this study, as well as the methodology adopted to carry out the study.

1.5. STATEMENT OF THE PROBLEM

The primary focus of the study is to analyse some trends associated with the communal land tenure system in the Ditsobotla area in the central region of the Northwest Province, focusing on their implications for rural economic welfare.

The research question to be studied is that the communal land tenure system can do a lot to improve the livelihood of the local people. Key issues that arise in this context are whether the communal land tenure system restricts or promotes local economic development in the area in question.

1.6. RESEARCH METHODOLOGY

In order to investigate this particular theme thoroughly, the following research methods were applied. At first, literature was reviewed to obtain the necessary research information about the research topic. Secondly, qualitative research methods related to participatory learning and action
methods and techniques were employed. The methodology for this research is described in detail in the ensuing discussions.

1.6.1. Literature review

A review of existing publications relating to the broader concept of land tenure, narrowed down to the concept of a communal land tenure system, was undertaken from international, national and local perspectives in order to gain a better understanding of issues pertaining to land tenure and to eventually narrow them down for purposes of arriving at a sound and informed position in line with the problem statement for this study.

The review of literature provided valuable information about the different forms of land tenure and, in line with the objectives of the study, clarified the trends associated with the communal land tenure system from the international perspective, exploring how these are adapted to local economic activities and circumstances. Their impact in respect of rural economic welfare in terms of the enhancement of the livelihood of the rural people was also investigated. In addition, other factors impacting on rural economic welfare in the communal land tenure system were examined, based on the findings of other authors. An important finding is contained in the publication by Depaah et al. (2001: 3) that, currently, communal lands of Ganyesa-Kudumane districts in the North West Province support the majority of the rural population. Unlike in the Ditsobotla area, livestock (in the Ganyesa-Kudumane districts) has been found to provide the major occupation of the people, contributing substantially to their socio-economic
and cultural values with the incomes augmented with earnings (remittances) from migrant labour, old age pensions and various other means.

1.6.2. Participatory Learning and Action (PLA)

In the past, research tended to be extractive and further alienated local inhabitants from the research process (Chambers, 1993: 14). Social science researchers were regarded as professionals who were merely expected to obtain specific information without really involving the local inhabitants and their knowledge systems in the research process (Mukherjee, 1995: 163).

However, since the 1980s, as more professionals became aware of errors, myths and the misfit between the reality they construct and the reality others experience, some have sought and developed new approaches and methods such as Rapid Rural Appraisal (RRA), Participatory Action Research (PAR) and Participatory Rural Appraisal (PRA) which later came to be known as Participatory Learning and Action (PLA) in their work to address a very specific need in development theory and practice. Insights and developments in action have contributed to the evolution of these participatory approaches to learning and action in order to enable local people to share, enhance and analyze their knowledge of life and conditions, and to plan, act, monitor and evaluate. It entails groups of local people analyzing their own conditions and choosing their own means of improving them (Chambers, 1992a: 90; 1997b: 102). PLA values the indigenous knowledge of local inhabitants. It places the locals at the centre of the development process (Hill, 2001: 1).
In addition to the review of existing literature, the research implemented the Participatory Learning in Action (PLA) methods and techniques with the aim of realizing the central objective of the study, this being to analyze some trends associated with the communal land tenure system and how it impacts on rural economic welfare in the Ditsobotla area of the central region of the Northwest Province. The study involved a wide range of community members in carefully selected areas of Springbokpan and Mooifontein. A combination of participatory research techniques was employed with the aim of obtaining as much detailed information as possible on the underlying research statement. Experience through this study suggests that PLA approaches and methods present alternatives to questionnaire surveys in appraisal and research, and generate insights of policy relevance. Because they use local people's knowledge, PLA methods have an element of empowerment (Chambers, 1993: 97). Authors such as Treurnicht & Botha (1999: 59) add that participatory learning and action have proved that local people can conduct very valid research on their own areas and use this information immediately for development action. The research was therefore in a position to obtain first-hand information and experiences on this subject. It was more concerned with the local people, their experiences, personal values, meanings, beliefs, thoughts and feelings.

The choice of the PLA method took into account the following factors:

a. Ethics, which implies that, in relation to interactions with communities, the researcher should always strive to achieve the following: mutual respect, including a commitment to a long-term partnership; honesty with regard to everyone involved about the
research objectives, and openness, honesty and transparency in relation to all sections of the community about the research objectives (Chambers, 1997: 1; 1997: 102 and Stadler, 1995: 41).

b. Equity, with a recognition that different groups, as defined locally by age, gender, well-being, ethnicity, religion, taste and language, all have different perspectives. There should therefore be a commitment by the researcher to understand the different needs and multiple perspectives within communities, since responding to the needs of the vulnerable involves respect for all groups (Robinson-Pant, 1996: 532).

c. A precondition for engagement was that the researcher needed to be honest with the community about the value of the research for them. It is the researcher's view that PLA activities could lead to direct improvements in the community through operational development on the ground, as well as changes in higher level institutions, which have an impact at a fundamental level (Chambers, 1994: 3 and Robinson-Pant, 1996: 532).

d. The fact that the process with the community should always begin with explanations and seeking of their permission. Timing and pace should therefore be governed by the local context. There should also be an acknowledgement of the fact that information is generated by local people implying therefore that their permission should be sought (Chambers, 1994a: 43; 1999b: 3).
Throughout the research process, PLA sessions afforded local people the opportunity to share their experiences, demonstrate their problems and opportunities, and even propose strategies to ameliorate their circumstances. As expected, the PLA method proved to be effective as it generated insights of policy relevance in dealing with the communal land tenure system in the Ditsobotla area. The researcher only had to facilitate, sit down and listen as local people express themselves, demonstrated their realities and presented strategies for the improvement of their situation.

1.6.2.1. How participatory learning and action techniques were implemented

Experiences with PLA in South Asia, East and West Africa and elsewhere in the world have shown that local people are more competent at performing activities such as presentations, mapping, wealth ranking and analysis than expected. There has been a discovery of previously unknown capabilities, and little suspected by outsider professionals in the past, and often not known even by rural people themselves (Chambers, 1993: 97). For this study, PLA application was divided into two phases - namely, the preparatory and appraisal phases. Consultation with stakeholders such as meetings with officials from the Department of Agriculture was also undertaken during the research process.

1.6.2.1.1. The preparatory phase

The preparatory phase refers to the time when the research issues and the proposed methodology for the study were first presented to the local people
(community members and their leadership) to enable them to apply their minds and prepare themselves for future participation in the PLA sessions to clarify the research issues. Some authors of PLA and PRA materials suggest that PLA/PRA facilitators need to ensure that the visual activities of the process help to extend people's visual literacy by building on the skills they already have and making the most of the existing local visual literacy and numeracy systems (Robinson-Pant, 1996: 532). Prior to the facilitation of this process at Springbokpan and Mooifontein villages, local people were requested to prepare themselves to share information related to the identified research issues in a more creative and participatory way during the follow-up interactive participatory sessions.

At first, two village meetings consisting of more than fifty local people were undertaken in the respective villages of Springbokpan and Mooifontein. Categories of participants that took part in these meetings comprised the majority of local people from Springbokpan and Mooifontein, both men and women (plot owners included), the Kopano traditional leadership and the officials of the Department of Agriculture from Mooifontein and Shiela offices. This was based on the belief that the PLA scenario should involve groups rather than individuals, visual representations (maps, diagrams) rather than solely verbal communication, comparing rather than measuring and, above all, a shift from dominance of local people by outsiders to facilitation and empowerment of the local populace (Chambers 1994a:1; 1999b: 12). This is the reason why, at first, a community meeting was convened where the researcher presented issues central to the research to prepare the people to react to those issues at a later stage. In these meetings, a flip chart was provided for people to tabulate their land tenure
arrangements and farming processes, experiences, farming strategies, their livelihood status and proposals to address their situation. Those who could not write or read were allowed to give an oral account of their issues, their experiences and present proposals. Research matters such as economic welfare status in terms of family food security, the ability to invest with the income derived from the use of land and access to credit were presented for the community to consider for future PLA sessions.

The Springbokpan village consists of people who settled in the area when the farm was acquired by the then development trust. They are mainly farm workers who were then constituted into a community. On the other hand, Mooifontein is comprised mostly of people who settled in the area recently from the neighboring farms due to farm evictions and the need for permanent land on which to reside. There are fewer people who own ploughing fields in Mooifontein compared to those in Springbokpan due to the fact that new arrivals in Mooifontein found the fields already allocated to the first inhabitants. These village members nevertheless view themselves as one entity regardless of these circumstances. During the preparatory session, about twenty (20) people from Springbokpan and Mooifontein combined indicated their willingness to participate in subsequent PLA sessions. The traditional authority also supported this since these people were the ones actively involved in farming in the area. Some community members indicated that they were not consistently involved in farming due to their reliance on other sources of income such as remittances from the mines, and also the fact that they lend ploughing fields to others and settle for an annual sharecropping arrangement.
The following section explains how PLA sessions were facilitated with the sample groups in both villages of Springbokpan and Mooifontein. The sample size consisted of twenty (20) participants from Springbokpan and Mooifontein villages combined, who volunteered to participate further in the process during the preparatory meeting.

1.6.2.1.2. The appraisal phase

Two bilateral discussions of about ten local farmers were carried out in all the selected villages of Springbokpan and Mooifontein. The following techniques were used:


According to Chambers (1997: 115), as well as Narayanasamy; Boraian & Baskar (2001: 275), this method is fundamental to PRA/PLA as it enables an outsider to facilitate by handing over the stick, chalk or pen. This enables local people to be the analysts, mappers, diagrammers, observers, researchers, historians, planners, and actors, presenters of their analysis, and then in turn facilitators: women, men, non-poor, children, parents, schoolteachers, farmers, local specialists.

During this interaction, a presentation similar to the one made during the preparatory phase was offered, dealing with all of the eight research issues. After realizing that the participants still had a clear memory of the issues and that they were prepared to tackle them on their own, the researcher sat down
and listened as they discussed and demonstrated on their own in a participatory manner. This technique revealed that local people can do things themselves and that they are by far the best teachers and experts. Women also participated actively throughout the process and they took a noticeable lead, as men are not always an fait with crop production issues. The analysis of their situation and presentation of alternatives for improvement were also excellent and offered a learning curve for the researcher. Although there were some disagreements which posed a potential threat to the appraisal process, these were dealt with and the exercise proceeded smoothly.

1.6.2.1.2.2. Demonstration of time lines and trends as well as change analysis (Chambers, 1993: 95 and Mukherjee, 1995: 163)

According to Chambers (1993: 95) and Mukherjee, 1995: 163), this technique helps local people to share, amongst other things, their experiences with regard to chronologies of local events with approximate dates, their account of the past, of how customs, practices and things close to them have changed over time, changes in land use and cropping patterns and causes of changes and trends, often with estimates of relative magnitude.

It has already been indicated that the Ditsobotla area was subjected to betterment planning by the apartheid government in pursuit of certain objectives during the 1960s. According to the local people, betterment planning was deleterious in the sense that there was no proper consultation prior to its implementation, although they see it as having had some advantageous aspects such as the enhancement of land use and the
prevalence of law and order in the area due to the strictness of the native commission in managing land use in line with the betterment planning policy. Accordingly, they see time lines and trends as having led to the deterioration of land administration, as well as the productive potential of their land since, at the moment, there are no rules in place to govern the use of land as well as providing for extension support from the state. They were able to tabulate their changing circumstances over time most efficiently. They were also able to present seasonal calendars depicting variation of productivity and hence changes in their livelihood. It was, however, difficult in all the villages to come to a consensus on this issue, since they all saw it as a political issue where they also had divergent opinions. This technique also proved to be one of the most effective techniques for guiding policy development processes, due to the fact that it clearly identifies policy gaps associated with time lines.

1.6.2.1.2.3. Wealth ranking (Chambers, 1997: 110)

According to Chambers (1997: 110), this technique enables the informants to be classified according to their respective agricultural wealth status. For instance, in this study, local people were grouped according to their possession of ploughing fields to enable them to contribute according to their experiences, thereby enabling the study to reach its intended objectives.

During the first preparatory meeting, local people were able to group themselves according to their own criteria tailor-made to the research process. The identified informants were in a good position to categorize their income and well being in terms of their varying possession assets.
There are those with implements who make arrangements with others to
cultivate their fields and share the produce on a pro-rata basis. The former
mostly benefit the most since they enter into ploughing arrangements with
many plot owners and, in this way, accrue more income from farming in the
area. This factor was found to be applicable in all the villages. No problems
were encountered with this technique.

1.6.2.1.2.4. Shared presentations and analysis (Chambers, 1997: 111 and

According to Chambers (1997: 111) and Stadler (1995: 807), participatory
methods are effective where maps, models, diagrams and findings are
presented by local people, especially at community meetings, and checked,
corrected and discussed.

In Mooifontein village, the (village) headman assumed the facilitation role
interchangeably with any participant who wanted to make an input. The
session was extremely interactive and stimulating to everyone. Although
there were some interruptions during the discussions in cases where a
respondent wished to present a counter argument, they were all managed
excellently. In Springbokpan, the chairman of the Kopano community
authority facilitated the participatory sessions and also made remarkable
progress in getting participants to contribute to the process. Interestingly,
even those people who could not read or write were allowed to present and
provide an oral account of their issues. They successfully presented their
experiences on the same level as the literate ones, and all their experiences
and recommendations were captured.
The scenarios presented above served to verify the preliminary facts obtained through the community meetings undertaken during the preparatory phase. Verification of information was therefore made through follow-up interviews (i.e. by starting consultation from the broader community level and ending at the individual plot owners' level). Follow-up interviews were chosen to verify the quality of information in line with the statement of the problem underlying the study. No major setbacks were experienced during this process except for a few procedural ones. The following section presents the few problems that were experienced during the facilitation of this process.

1.6.2.2. Problems experienced with the implementation of PLA methods and techniques

Although PLA proved to be the best methodology for this study, just like any other approach it proved not to be without difficulties. Its implementation posed challenges in the sense that it required sufficient time and endurance in looking at community issues and problems and also how those problems could be addressed. For this study, only PLA methods mentioned in the preceding section were employed as they were deemed to be most relevant for the study.

It is important to note that it was difficult for the researcher to focus the attention of the local people on the issues central to the study, as they saw this activity as the proper forum to raise general community issues and concerns. Most people, particularly the elderly, frequently raised issues that were crucial, but which did not form the core of the discussion, expecting to
have them addressed immediately, especially as they saw an opportunity to consult an outsider. This situation was, however, excellently managed during the participatory process. The issue of non-attendance which often becomes the problem with members of communities was overcome by the fact that the researcher already had interactions with the whole community of the Ditsobotla area through land reform processes of the Department of Land Affairs, and had thus established trust and a good working relationship with them. Given that situation, all people displayed their commitment to participate right from the beginning of the research process.

1.7. CHAPTER OUTLINE

This study is concerned with an analysis of some trends associated with the communal land tenure systems found in the South African Development Trust farm in the Ditsobotla area, a central region of the Northwest Province, as these systems relate to rural economic welfare. It consists of five chapters. Chapter 1 presents the introductory background to the study and describes the method and scope of the research. Chapter 2 contains a review of literature on international, national and local land tenure and rural economic welfare experiences. In chapter 3 a presentation is made of major findings around issues that formed the core of the research and also observations based on the interactions with the respondents. Chapter 4 tables the recommendations, and the last chapter, chapter 5, presents the conclusions based on the findings, the views of the respondents and also the existing South African land tenure reform policy.
CHAPTER TWO

THE ECONOMIC AND SOCIAL IMPLICATIONS OF THE COMMUNAL LAND TENURE SYSTEM: SOME REMARKS ON THE AFRICAN EXPERIENCE

2.1.1. Introduction

Based on existing publications, this chapter explores land tenure systems, particularly trends associated with communal land tenure in various African countries, focusing on how they impact on rural economic welfare in terms of agricultural production.

According to Smith (1994) as well as Claasens (1990, 1991) as quoted in Ramokgopa (1996: 7), of all the processes which have brought about the inequitable distribution of wealth and power that characterizes present-day South Africa, none have been as prominent like access to and security of tenure on the land.

2.1.2. The communal land tenure system within the mainstream development debate in the African context

All people need land, if not as an immediate source of sustenance, then at least as a place to live. The land question impinges on the nature of the agrarian economy, which serves as the source of food for the country’s population, and also on the distribution of residences in both rural and urban
areas (Smith, 1994: 31 and Mushala, Kanduza, Simelane, Rwelamira & Dlamini 1998: 104). Land is, and continues to be, an important source of power, which some people can wield over others, whether from the chiefly prerogative of allocating land, the privatization of land ownership introduced by the colonizers, or the racially based control of land such as in South Africa during the apartheid era.

Based on the foregoing assertion, this chapter uses cross-sectional evidence to clarify some trends associated with the communal land tenure system in the African context. The views presented from the reviewed literature are based on publications of researches undertaken in African countries on a similar or related topic. Information presented hereunder is therefore in line with the aim of this study, viz:

a. To clarify whether land tenure security through the possession of title deeds affects both investment incentives and the attraction of resources to finance investment on the land.

b. To clarify whether secure land tenure rights, as well as functioning land markets, permit the individual to use the land as collateral, therefore increasing his/her ability to invest in the land.

c. To clarify whether individualized rights increase tenure security, thereby facilitating the evolution of land markets by increasing the certainty of contracts.
Within the context of Africa’s rapid population growth and the need for increased productivity of land, there is a growing debate about whether the indigenous (or communal) land tenure system in general is a constraint on agricultural transformation. Some authors, such as Dorner (1972: 77), World Bank (1974: 45), and Harrison (1987 as quoted in Migot-Adholla, 1991: 155), see the indigenous tenure system as static and a hindrance to agricultural development, providing insufficient tenure security to induce farmers to make necessary land improving investments. Other authors such as Cohen (1980: 22), Boserup (1981: 34), Noronha (1985: 56), and Bruce (1988 as quoted in Migot-Adholla, 1991: 155), have, however, countered that the indigenous land tenure systems are dynamic in nature and evolve in response to changes in factor prices.

One's view is also that the indigenous land tenure system has the ability to sustain people's livelihood through agricultural production, requiring only sustained support from the state and all other agencies by way of training, financial assistance, and resolution of disputes over land allocation through proper land administration systems compliant with local custom. Most importantly, there must be a recognition of local knowledge systems by outsiders in the process of offering assistance to local people. One's experience suggests that local people have done well in the past, especially in areas affected by betterment planning schemes in South Africa since land administration and use rules were strictly enforced. The fact that agricultural extension is below par in most communal areas makes it difficult for people in those areas to prosper with farming and led to them losing interest and leaving most of their land fallow for years.
The issue of individualising land tenure in communal areas is sensitive, because it is accompanied by a need for expensive land registration and titling programs. At this stage it would be beyond the financial reach of many African states. Migot-Adholla et al., (1991: 155) states that it is relevant to ask if there are more useful things that governments can do to facilitate the process of adaptation to modern economic factors rather than outright titling. It is also one's view that titling will not be the remedy for land tenure and the economic factors associated with it: rather, a robust reform tailored to the circumstances of each area with sustained institutional, financial and material support systems is required.

Pohoryles & Szeskin (1973: 16) point out that the bond between man and land in Africa goes beyond the basic simple economic sense. Land has always been regarded as a sacred trust, as part of life and as a “sacred gift from God”. In some regions in Africa (e.g. Ghana), the office of Priest of the land is a very dignified function. This therefore means that efforts to individualize the indigenous land tenure system will be in violation of this value system and therefore likely to enjoy less support from the local people.

The integratedness of religious, cultural, social and economic factors in African tradition is, by and large, a non-negotiable factor in the indigenous land tenure system. For instance, in terms of African tradition, the King/Chief/community leader commands authority over his/her subjects through the control of land. As stated elsewhere in this study, one of the acceptable punishments inflicted upon offenders in the community is a withdrawal of sanction for use and access to land. This practice contradicts the western view of the land, thereby leaving an unbridgeable gap. It
suggests that policy approaches based on the western view of land will not work in communal areas.

The following section elaborates upon the view of land in the African traditional context as contained in publications by various authors.

2.1.3. Land in the traditional African sense

It is indeed difficult to generalise about land tenure systems in Africa, because such systems on this continent are very diverse. However, the traditional role of the land in Africa is summarised by Tapson (1984: 4) who comments that land is:

…firstly, a security system deeply integrated into the culture of the people who live on it and an essential component of their physical and psychological well being. It simply cannot be arbitrarily divorced from this role in the interest of moving to a freehold tenure, which has frequently been recommended as a solution to an abuse of land in developing countries. Secondly, it is an economic support system for a defined group. Thirdly, it is a political resource, used to gain political strength through granting of favours and the enhancement of income by the issue of land rights. Fourthly, what little of its substances is left after satisfying the pre-eminent roles, it is an agricultural resource.

As a result of this emotional bond, Pohoryles & Szeskin (1973: 22) note that it is very difficult to distinguish between land’s economic value and its other, non-economic significance for Africans. This is because the African sees land in different perspectives such as those relating to cultural heritage and to a production and security asset. The mistakes most governments make is to push Africans into the world economy where western values are
dominant, thus leading to the abandonment of their indigenous values and systems.

The complex nature and state of agriculture, particularly in Sub-Saharan Africa in recent years, has set the terms of the debate over the suitability of the customary or communal land tenure system for capital intensive agriculture (Migot-Adholla (1991) and Bruce (1994) as quoted in Anim & van Schalkwyk 1996: 34). In addition, Dorner (1972: 71), as quoted in Anim & van Schalkwyk (1996: 34), has questioned the appropriateness of the customary land tenure system for capital intensive agriculture and the adoption of new production and market technologies. According to Migot-Adholla (1991: 11) and Bruce (1981: 44) the processes of customary tenure arrangements distort market factors and undermine full integration of rural economies into national and international markets. Additionally, because they permit paternalistic inheritance, the customary tenure system is seen to be contributing to land fragmentation and, thus, to encouraging uneconomical and wasteful litigation. Research in KwaZulu-Natal by Moor & Nieuwoudt (1995: 228), established that market failure has resulted in communal areas as there is no opportunity cost to penalize the non-use of land, and externalities (both positive and negative) are not internalized because of a lack of legal mechanisms to regulate the use of land. One's view, however, is that the integration of the communal land tenure system in the agricultural markets could be achieved through realistic interventions such as extension support and funding accompanied by training, but not through the individualization of the communal land holding system.
Like any other land tenure system, a study conducted in the former Bophuthatswana by Jeppe (1980: 35)\(^1\) in the 1980s identifies some of the prevalent problems associated with the communal land tenure system:

a. Entrepreneurship and investment are discouraged. According to him, this is due to the fact that, apart from people receiving financial and extension support to enhance their farming practices, they also do not have the managerial ability to develop as entrepreneurs using their produce from their land, because they still feel insecure about their land rights and as such cannot invest in infrastructure on their land. Linked to this, investment in the form of infrastructural development is also discouraged due to lack of incentives to farmers in communal areas. This is either because of uncertainties about their security of tenure, boundary disputes, allocation disputes and overlapping land rights. The same scenario was found to be prevalent in the communal land tenure system in Lesotho. In one’s view, this assertion oversimplifies this matter in the sense that this study overlooks the fact that people in communal areas never received financial assistance, as is the case with white farmers. No training or extension support was ever offered to farmers in communal areas. It could therefore be concluded that Jeppe’s assertion is based on the superficial perspective of communal areas based on apartheid policies and not on the real situation. It is one’s belief that the poverty situation in communal areas of South Africa was to a large extent

\(^1\) Although Jeppe’s study was conducted during the apartheid era and his assertions were mostly based on the apartheid viewpoint on the communal land tenure system, they still carry lessons of policy and research relevance for the South African communal tenure reform process.
created through the separatist development policies adopted by the apartheid government.

b. Improved productivity is impeded due to, for instance, uncontrolled grazing in communal grazing fields. In many cases these cattle are not properly taken care of (e.g. they are not dipped, dosed or given licks). Consequently, potential productive farmers are discouraged from coming to the fore. In addition, the fact that fields are too small and are sometimes left unutilized has a very detrimental effect on productivity. In one's opinion, this problem lies with the state and other development agencies and to a lesser extent with the local people, since the local people are dependent on these bodies for training, financial and infrastructural assistance and also for funding to acquire additional land for farming. This view, however, takes into account the fact that at local level, there are also people who are less interested in farming and for whom this intervention will not serve any purpose.

c. There is no commercial value for land due to lack of land markets (Jeppe, 1980: 15). He contends that the fact that individuals may not obtain ownership of land under the traditional system of rights to land offers no value on which mortgage may be obtained and cannot serve as security for a commercial loan.

One result of this is that agricultural land cannot fulfil the important function of serving as a guarantee for production capital. This results in land not being seen in the light of its real commercial value as a
production factor. No commercial distinction is therefore made between more or less suitable farming land and land for other purposes, with the resulting absence of the production stimulus. Johnson (1972) as quoted in Thomson and Lyne (1995: 77), asserts that investment in agricultural land in communal areas is discouraged because property rights are not clearly defined. One's view is that this factor is dependent on the state and the corporate sectors recognizing communal land tenure with all its forms and practices and offering the necessary assistance to make communal land productive. Jeppe’s point is based purely on the western perspective of land which dissociates culture from land rights. In the Ditsobotla area, for instance, during the 1970s, local people were able to produce for local and regional markets due to the availability of support at that time from the State and other agencies through training and other relevant interventions. With time all these collapsed leading to the current deteriorating state of affairs. It is one's belief that the commercial value for land in communal areas can only be achieved once State and other agencies revise their policies in line with local circumstances.

On the administrative aspect of land rights, Anim and Lyne (1994: 15) also found that in rural areas of the former Ciskei, private access to communal grazing land was more or less limited to those households or individuals who held influence over the local chiefs. This situation politicized the use of the land even more, and led to its ineffective utilization, because most of the people to whom land was allocated did not have the necessary dedication to farming and the required expertise and experience to carry out farming activities. I maintain that this situation could be overcome if the state would
formulate clear policies to deal with land administration in communal areas informed by local circumstances and the needs of the local people.

Whilst some analysts believe that the communal land tenure system is backward in terms of adapting to modern agricultural techniques of production, Jeppe (1980: 35) also observes a few advantageous aspects in relation to the communal land tenure system from the African cultural perspective. He lists these as follows:

a. It assures tribal unity and maintains tribal unity due to the fact that it supports the socio-political unit (the tribe and its tribal wards) and therewith the traditional positions of authority. Supporters believe that the disruption of this system will undoubtedly lead to the disruption of the social framework. Jeppe's assertion is valid, because once people are given title in communal areas under a traditional leadership system, they are more likely to disintegrate, since their bond through shared attachment to the land would have been destabilized. The chief would no longer command authority over the subjects. It is also possible that there could be many outsiders on the land due to the fact that some community members might decide to exchange their land with non-members of the community.

b. It guarantees subsistence retreat. In communal areas, land is seen as a fundamental factor in guaranteeing the hereditary right for one to exist in one's preferred milieu. It is a means through which one can cling to a way of life that is familiar and secure and is closely linked to an enduring past. Jeppe's assertion is valid in the sense that no one can
sell or donate land in tribal areas except to bequeath it to a member of the family or tribe. This leads to the preservation of the culture of local people, as land remains a shared resource.

c. The traditional system of land use, its allocation and control by persons in authority, and the localizing of land within the group (tribe), prevents the possibility of land speculation and the possible harmful effects of this. The negative effects to be averted include estrangement from outsiders, disintegration of the tribe, profit seeking through the land and the purchasing of large units of land by individuals who do not necessarily utilize land in communal areas to the advantage of such areas.

d. There are collective benefits, since rewards (e.g. financial) accruing from the use of communal land are utilized for the benefit of the entire community through community projects such as the erection of community clinics and maintenance of schools. The implications of this are that to a certain degree, benefits deriving from the communally held land are shared by the entire community through the projects alluded to and that this leads to the continued coherence of the tribe. It should be noted, however, that, to date, this aspect has not been thoroughly addressed in most communal areas. This is because some traditional authorities still see the benefits from the communal land as being meant for the chief and tribal council which, according to government policy, is not the case. There is still a need for policy intervention to enforce this aspect in communal areas.
Some of the authors like Barrows (1990: 11) note that certain economists have used the `property rights’ paradigm to argue that traditional African land tenure systems induce inefficient allocation of resources, because property rights are not clearly defined, costs and rewards are not internalised, and contracts are not legal or enforceable. By the same reasoning, Tau (2001: 7) states that land tenure arrangements - the communal land tenure system in particular - is often seen at a superficial level as one of the major obstacles to development in South African communal areas. The author believes that developments in communal areas of South Africa are hampered by lack of government policy intervention by way of infrastructural provision, as well as empowerment of existing local institutions such as traditional authorities. A challenge still remains for the democratic government of South Africa with the advent of local municipal structures without sufficient development experience. It is only if the state can develop realistic development strategies to capacitate them that meaningful development will be realized. This must build on existing local knowledge systems.

In both the communal and private land tenure systems, land has a dual role, namely security and production, the major difference being that in the communal areas the emphasis is on the security aspect, whereas in the private land holding system, it is more on the production aspect. Mabogunje (1980: 19) adds that this value system derives essentially from what one might call broad societal objectives, and states that for most traditional societies, the primary societal concern was power and survival. In the South African context, Pretorius and Kirsten (1994: 11) note that the traditional land tenure system was fixed in law, specifically through such acts as the
Natives Land Act 1913 (Act No 27 of 1913) and the Native Trust and Land Act 1936 (Act No 18 of 1936). Accordingly, the State President was empowered to proclaim regulations concerning land tenure in the self-governing national territories; for instance, proclamation R188 of 1969 that specifies tenure on both tribal and trust land. These regulations prohibited evolution of the traditional or communal tenure system in the former homelands, resulting in many people concluding that the communal tenure system was inefficient for agricultural production.

Barrows (1990: 19) states that individualised tenure, typically defined as demarcation and registration of freehold title, is viewed as being superior, because owners are given incentives to use land most efficiently, thereby maximizing agriculture’s contribution to social well-being. There are, however, problems relating to a lack of checks and balances against overexploitation of natural resources.

On the other hand, Mabogunje (1980: 13) states that the communal land tenure system impedes easy access for the vast majority of the rural population to various factors of production and support services. It is the fact of the incapacitation of the rural masses, that accounts for growing dissatisfaction with rural conditions, resulting, in some countries, in the collapse of the rural production system, and in others, in the increasing lack of production means for the rural population. Land in communal areas in African countries belongs to the present generation, the ancestors and to posterity. The relation of the living to the land is thus more that of a trustee with rights of beneficial use (or usufruct) as long as he lives, but with no power to alienate the land from the ownership of the family. Accordingly,
the head of the family who exercises the *usufructory* (the defined right to use land in line with your status in the family community) right cannot unilaterally alienate the land for his own benefit (Claasens, 1990: 33). Lahiff (2000: 31) adds that communal ownership of land does not mean that individual rights to a piece of land are not recognized. Although such rights were *usufructory*, they were clearly delineated and could often be inherited. To a lesser extent, it is only labour that is a scarce factor of production in traditional African society rather than land. This is because there is often no focus and training for those involved in different ways in the farming practice. For instance, during periods of peak agricultural activity such as land preparation or harvesting, a farmer may also call on the services of in-laws or friends of his own age (when he is young), or a group of younger relations and their friends (when he is old). This, according to Tau (2001: 2), strengthens the coherence of the community due to the sharing of labour and benefits as well as strengthening unity among the local people. It also has implications for rural economic welfare in the sense that the produce is mostly shared by the affected families and, as such, food security is maintained. This aspect is therefore relevant for the study, as it has implications for the problem statement underlying the study, namely to analyze trends associated with the communal land tenure system in the Ditsobotla area as they impact on rural economic welfare.
A discussions now follows regarding some land tenure experiences in Kenya, Uganda, Zimbabwe, Nigeria, Lesotho and Malawi. Using these experiences the study seeks to clarify how land tenure and factors such as extension support and financial assistance impact on agricultural production. Such experiences will facilitate a comparative analysis of the Ditsobotla situation against that of other African countries.

2.2. Experiences from some of the African countries

2.2.1. Kenya

The ensuing discussion examines communal land tenure trends in Kenya and, specifically, how a change from the communal land tenure system to individualised land tenure systems in Kenya during the 1950s impacted on the overall societal arrangements, as well as the productive potential of the land. The Kenya experience, like other experiences highlighted in this study, serves to caution South African policy-makers that tenure reform should be approached with due consideration of local needs and circumstances. It is therefore relevant for the study since, in part, the study attempts to explore ways in which tenure reform may be undertaken without hampering other societal arrangements such as the tribal cohesion that is based on the sharing of the land and its resources.

Barrows (1990: 18) states that individual freehold tenure was introduced in the central province in the 1950s during the Mau Mau rebellion. Most of the former African trust lands there had been registered by the end of that decade and nearly completed in other areas. By the end of 1981, over 6
million hectares had been registered nationally. Consequently, population pressures began to result in severe fragmentation of holdings in some parts of Kenya leading to overuse and erosion and, in some cases, land had started to become a scarce marketable commodity. Land disputes and the resultant litigation costs became onerous and expensive. It is further noted that the land law failed to gain popular understanding or acceptance, individuals continued to convey rights to land according to customary law, and a gap developed between the control of rights as reflected in the land registrar and the way in which these rights were recognised by most local communities. In this context, it could be concluded that the land registration system effectively provided a mechanism for transfer of wealth to those with better social or economic positions, thereby creating tenure insecurity for less influential right holders which led to poverty.

Furthermore, no correlation was found to exist between the possession of title and long term investment of land in communal areas. In support that, Haugerud, as quoted in Barrows (1990: 19), notes that land registration has not led to agricultural development beyond the widespread incorporation of export cash crops into smallholdings. The Kenya experience therefore suggests that the radical change from the communal land tenure system to a freehold system, with the narrow objective of realizing improved agricultural production without considering other factors, is not always an advisable move. Similar to the findings of this study, it suggests that by offering extension support in the form of training, farming grants, infrastructural development and creating market opportunities for agricultural products in communal areas under customary land
administration systems, local people will be encouraged to use their land productively.

2.2.2. Uganda

This section examines some trends associated with the communal land tenure system in Kenya and specifically explains how a shift from that system after 1900 in Uganda impacted on the economic welfare of the people in terms of increased agricultural production. This is because there was a widespread view that agricultural productivity could be enhanced once the ownership of the land was individualised. This section explores whether the Ugandan experience confirms or dispels this viewpoint.

Barrows (1990: 22) notes that up until 1900, land rights among the Baganda (in Uganda) were obtained either through inheritance, or through membership of the kinship group, or through allocation by the Kabaka or other political officials. Control over land was closely associated with political power in the highly centralised and hierarchical Baganda society. Land became an instrument to attain social status and to advance one’s political career. Traditional Baganda land tenure also included individualised rights through direct grants from the Kabaka to a chief or peasant, independent of any political obligations.

Interestingly, it is further noted that the establishment of virtual freehold rights on land did not induce the owners to make investments. According to Richards, as quoted in Barrows (1990: 22), the system did not result in the commercial use of land by its owners for a period of some 40 to 50 years.
This is because many aspects of the land law restrained commercialisation of agriculture by the holders and tenants. Low (1994: 56) states that individualisation led to less investment in land because the provisions of the law that protected and increased tenant security denied access to potential investors who had amassed capital from profits in non-farming activities. From the preceding discussion it is clear that possession of title to the land does not necessarily guarantee increased production. The experiences from Kenya and Uganda reject the view that the freehold land tenure system guarantees economic upliftment as against communal land ownership under customary land administration systems. It suggests that, instead of individualising land ownership, policies should be focused on empowering local people through the provision of training and financial assistance without altering the form of land tenure. In line with the central argument of this dissertation, literature suggests that the communal land tenure system can improve the livelihood of the people and hence the economy, only when policy interventions are tailored to suit the needs and circumstances of the local people.

2.2.3. Zimbabwe

This section also examines some trends associated with Zimbabwean communal land tenure, and also analyzes land tenure reform processes in Zimbabwe, focusing on how the dual nature of land holding was treated after the 1930s and how this impacted on productivity. Although this is not a recent land tenure reform programme like the one that was undertaken in Kenya and Uganda, it will still shed light on how Zimbabwe's land tenure reform programme impacted on productivity. It is relevant to the study
because it clarifies the approach adopted by other countries for people to access credit for farming. In this respect, Zimbabwe recognized freehold title for the white citizens.

Barrows (1990: 52) states that land tenure systems in Zimbabwe since the 1930s were varied. They ranged from partitioned freehold (mainly for white citizens) to the native reserves, owned communally by black citizens. In terms of the extension support from the state and other financial institutions, he notes that those who were better skilled were better financed than those in the older purchased or communal areas following the introduction of the points system in the 1960s. Unlike in Kenya and Uganda, Massel and Johnson, as quoted in Barrows (1990: 52) assert that, the individualisation of the land holding system had a significant impact on investment. Purchase area farmers could mortgage their land to obtain credit and had a greater opportunity to invest in the land and to undertake extensive soil conservation that raises and conserves soil fertility. Conversely, because the native reserve farmer does not have freehold tenure or receive financial assistance and extension support, there is little incentive for him to improve his land productivity through soil conservation and other related measures. A recent study by Bratton (1990: 268) reveals that in 1989, after a decade of land reform, agriculture in Zimbabwe is still characterised by an inherent dualism. About 4 660 large-scale commercial sector farmers held 34,7 per cent of Zimbabwe's agricultural land. By contrast, over one million families occupied roughly 50 per cent of Zimbabwe's agricultural land in the communal areas, while 53 968 households had been resettled on approximately 3,2 million hectares (10,2 per cent) of farmland acquired by the state for redistribution. Approximately 85 000 small-scale commercial
farmers had freehold title compared to 4.3 per cent of the agricultural land in the small-scale commercial sector. Moor & Nieuwoudt (1995: 217) state that apart from land redistribution differentials, agricultural productivity and levels of resource conservation also differ markedly between the large and small sectors. Ashworth (1993: 71) adds that taking the agricultural potential of the land in the different sectors into account, maize yields in the large-scale commercial sector are 3.6 times as great as yields from land with the same potential in the resettlement and communal areas. Rukuni (1990: 13) asserts that one reason for the poor performance of the small-scale agricultural sector in Zimbabwe is that it has historically received little technical and state support compared with the large-scale commercial sector. The second reason, according to Bratton (1990: 288), is the apparent lack of investment incentives under communal and group ownership. In the communal areas, property rights are not transferable and do not guarantee that individuals can coordinate economic activity and reap the benefits of individual effort. Individual property rights to resettle land are also perceived to be even less secure, as individuals are resettled in groups and remain state tenants on highly conditional lease agreements. A study was conducted during April and August 1995 in Zimbabwe by Moor and Nieuwoudt (1998: 618) to establish the interaction between land tenure security and agricultural productivity with special focus on small-scale agriculture, communal and model A resettlement areas of Zimbabwe. The outcomes of this study indicated that limited breadth, duration and assurance of individual's property rights to land is a significant constraint on the adoption of on-farm investments and agricultural productivity in the small farm and communal sector of Zimbabwe (Moor & Nieuwoudt, 1998: 618).
Recent land reform developments in Zimbabwe undermine the rule of law and further impede productive use of the land, since people are allocated land without first being equipped with farming skills. It is accordingly a form of land reform which offers few opportunities for sustainable use of land for economic development.

2.2.4. Nigeria

The ensuing section attempts to clarify Nigeria’s land tenure arrangements focusing on the gender factors as well as access to credit based on gender and the form of tenure. This scenario is more relevant to the study in the sense that it gives a picture of how women, for instance, are treated when it comes to access to land, as well as the type of support systems available to assist the people in carrying out farming practices. This experience will also be of relevance to guiding policy development processes towards addressing tenure reform issues.

Arokoyo & Chikwendu (1993: 2) state that the Nigerian government’s Land Use Decree (promulgated in 1978) provides that:

i. ownership of land vested in state governments is placed in trust for the people;

ii. use rights are to be granted to people through statutory rights granted by state governments in respect of urban land, or customary rights granted by local government councils in respect of rural land.
Arokoyo & Chikwendu (1993: 2) note that the traditional land tenure system in Nigeria is still very active. Ega (1991) (as quoted in Arokoyo & Chikwendu, 1993: 3) identified the three main principles in the Nigerian land tenure types which are applicable to virtually all communities in the country. Those principles are: the principle of interrelationship between land rights and the family and community system of social organization; the principle of collective interest in the land and the decentralised systems of hierarchy of control, with the head of the community acting as the custodian of the community’s land at the local level; and the principle that provides for the ascertainable inheritable rights of the individual.

The community or the landholding unit may be an extended family composed of a man, his wife or wives, their children and their adult sons. Ega (1991) (as quoted in Arokoyo & Chikwendu, 1993: 2) states that on a general level, there is nothing to suggest that women should not own land. However, the concepts of ownership imply that control of land cannot reside with women, who are not usually considered household heads even in matrilineal societies. There is, nevertheless, a general acceptance that women perform substantial work on both family and personal farms. If there is no involvement of women in farming, there may be a problem of access to land or restrictions of capital, but women in Nigeria generally have access to land by virtue of their membership of households as wives, daughters and sisters. The most common access to land is through a husband. Ega (1991), as quoted in Arokoyo & Chikwendu (1993: 3), notes further that, even if women were to borrow, rent or beg for land, the transactions would be carried out on their behalf by the husband or male relatives. Women’s access to land in Nigeria depended on marriage.
They retained access to land as long as they remained in their husband's household. This practice is unethical, and does not offer women security of tenure over the land. Ogungbile, Oluskosi and Ahmed (1991), as quoted in Arockoyo & Chikwendu (1993: 5), state that, despite this arrangement, women could still buy land either directly or indirectly through their fathers, husbands or children. In instances where women inherit land they are not allowed to transfer it, even to their husbands. Accordingly, it may be concluded that while access to farmland was not found to be an important limiting production factor for women, control of such lands was a major problem, as the women could not pledge them as collateral for loans or even use them as they liked. For example, the growing of lucrative tree crops that require several years for gestation was either restricted or discouraged. Agricultural credit is also a necessity in increasing the capital base of farmers. Women farmers, like most small-scale farmers in Nigeria, do not always have enough funds for farming. Their problem is compounded even more by the fact that they do not have easy access to agricultural credit because they lack security over land.

In respect of Nigerian women farmers, the study conducted by Anyanwu (1991), as quoted in Arockoyo and Chikwendu (1993: 5), presents the following findings:

- Nigerian women do not have limited access to commercial bank credit. Rather, fewer women than men apply for credit;
- Nigerian commercial banks do not discriminate against women on the basis of gender when approving credit applications, nor are women generally constrained by tradition and/or religion;
A woman’s age, educational level and occupational group do not provide a barrier to her access to credit facilities from commercial banks;

The size of women’s business and income, assets or wealth can be a limitation to her access to commercial bank credit;

Women are not denied access to commercial bank credit facilities because of their physical and/or biological condition [sic];

Commercial banks’ demands for collateral and perceived risk costs associated with borrowing are impediments to her access to credit;

Language problems (especially English) are not a constraint to women’s access to commercial bank credit;

The fear of not being able to repay and the fear of being refused credit impede women’s access to commercial banks credit. Banks’ fear of women’s poor business management skills hinders women’s access to commercial bank credit facilities.

From the above findings, it would seem that banks in Nigeria do not discriminate against women because of their gender. This view is supported by evidence relating to loan applications and approvals from the Nigerian Agricultural and Cooperative Bank (NACB). It demonstrates that women had a 35 per cent approval rate in 1993 with men enjoying only 28 per cent approval. At the Kaduma branch of the Bank, 97 percent of women’s applications were approved, while 88 per cent of applications by men were approved. These results support the view that women in Nigeria do not have limited access to bank loans; rather, few of them apply for such loans (Arokoyo & Chikwendu, 1993: 9). In one's opinion, what matters are the conditions that go with the loans and how compatible these are with
women's best interests. The fact that women are required to produce collateral makes it difficult in most African countries for women to access loans. This experience is relevant to the study since it clarifies that in Nigeria, as in the majority of African countries, the only easy way to obtain loans from financial institutions is to have something that can serve as collateral. Lack thereof, as is the case in the Ditsobotla area, disqualifies local people and therefore renders them passive participants in the farming sector.

2.2.5. Lesotho

This section clarifies land tenure arrangements and livelihood status in Lesotho’s communal areas. Serage (2000: 11) notes that in Lesotho no one has title deeds to land. Lesotho’s land tenure system is predominantly governed by customary law. The Basutholand Native Laws of Leratholi stipulate that the King, as head of state, holds in trust all land belonging to the Basotho nation. This means that all the land is communally owned. He states that crop farming in Lesotho is characterised mainly by small subsistence farms where very little of the crop produce is sold. Lesotho is prone to export difficulties due to factors such as poor currency. According to the Lesotho Farming System Project, 1996 as quoted in Serage (2000: 12), agricultural productivity (both in terms of labour and land) is low. In Mokhotlong, for instance, the main crops are maize, wheat, beans and peas.
In conclusion, Serage (2000: 12) states that poor productivity in communal areas of Lesotho is more directly attributable to the mountainous topography which translates into little land being available for farming. The practice of mixing crops on tiny pieces of land by the Basothos is another contributing factor.

Serage demonstrates (in tons) the agricultural production situation of Lesotho in the following table (*Table 3*)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Wheat</td>
<td>Maize</td>
<td>Wheat</td>
<td>Maize</td>
</tr>
<tr>
<td>Lesotho</td>
<td>11,009</td>
<td>5,097</td>
<td>18,547</td>
<td>4,790</td>
</tr>
<tr>
<td>Mokhotlong</td>
<td>3,627</td>
<td>3,188</td>
<td>2,606</td>
<td>2,305</td>
</tr>
</tbody>
</table>

Source: Lesotho Agricultural Situation Report, 1990 as quoted in Serage, 2000

It is clear from the preceding discussion about Lesotho that the factors which determine productivity in communal areas differ in different countries depending on each country’s physical and political factors. It is therefore clear that there is no comprehensive remedy for dealing with land tenure reform in all the developing countries due to the prevalence of differences in land and production dynamics. Each country will have its own special approach, which should be content-specific and adapted to local circumstances based on the specific dynamics which pertain in each case.
2.2.6. Malawi

This section presents the Malawian communal land tenure system and how it shapes the living conditions of the Malawians. According to Kishindo (1995: 56), Malawi is a predominantly rural country. According to the report by the Malawi government (1991) as quoted in Kishindo (1995: 56), only 11 percent of its 8 million population live in urban areas. In 1998, private land made up 4.3 per cent of the total land area of 9.4 million hectares, public land 17 per cent and customary land 78.7 per cent. The country is said to be heavily dependent on agriculture for employment, income generation and export earnings. Kishindo (1995: 56) states further that the agricultural economy is bimodal: the export orientated estate sector produces high value crops such as barley, and flue-cured tobacco, sugar and tea; and the small-sector produces mainly food crops and some low value cash crops such as cotton and sun-dried tobacco. Under special legislation some tea and coffee is grown by small holders in the designated areas of Misuku Hills in the northern region, and Mulanje and Thyolo in the southern region respectively. The estate sector is characterised by leasehold and freehold tenure, while the smallholder sector is characterised by communal land tenure arrangements. Simukonda (1992: 51) and Kishindo (1995: 57) note that the majority of the population in Malawi is dependent on customary land for food and income generation. Persons who hold land under the customary tenure system enjoy differential security depending on their status in the village where the land is held. Members of the lineage have the right to lifetime use and occupation, whilst immigrants and uxorilocaly married men do not enjoy much security, especially in their
early years of settlement, and this has implications on the nature of investments that can be made in the land.

In conclusion, this discussion demonstrates the fact that Malawians experience differential security of tenure on customary land. It also illustrates that the differential security of tenure enjoyed by the various categories influences the investments that can be made on the land and, further, that the kind of investments made on the land, whether short term, medium term or long term, depends on potential investors’ perceptions of their security of tenure.

2.3. THE COMMUNAL LAND TENURE SYSTEM IN SOUTH AFRICA WITH SPECIFIC REFERENCE TO THE STUDY AREA

2.3.1. Introduction

This chapter presents a historical overview of land tenure and the different land tenure systems prevalent in South Africa and how these systems impact on rural economic welfare. More emphasis is placed on the analyses of some trends associated with the communal land tenure system in areas occupied by black South Africans such as the Ditsobotla area.

Land ownership in South Africa is skewed because ownership and rights in land are structured in such a way that it only benefits a fraction of the society, this being the white population. On the other hand, the communal land holding system is the one most neglected, either by the state or by the
private sector with regard to extension support and infrastructural provision. This situation leads to the perpetuation of the poverty trap amongst the majority of the people of South Africa, particularly blacks in communal areas (Tau, 2001: 2).

2.3.2. South African communal areas

The Republic of South Africa occupies the southernmost part of the African continent. It covers an area of 122.3 million ha (1.22 million square kilometers), with an estimated population of 40 million as at 1996, and a population growth rate of 2.7 % per annum (DBSA, 1999 as quoted in Depaah HK, Hai R, Hanh DT, Kanakang I & Than M.M, 2001: 3). According to Depaah, et al., (2001: 3), over 85% of the land area is used for agriculture and forestry.

The current conditions in the communal areas of South Africa cannot be assessed without an understanding of the historical forces that contributed to them. Currently, communal lands in South Africa support the majority of the rural population. The land and natural resources within these multiple-use communal systems play a significant role in the livelihoods and household economies of these rural dwellers. They provide land for arable production, fodder for livestock, and an array of biotic and abiotic resources for direct household provisioning and sale (Cavendish, 1999: 13 and Shackleton et al., 2000: 9). However, the concentration of indigenous communities within these limited and marginal communal lands is effectively undermining the agrarian base for rural existence, and thereby creating a heavy dependence on migrant remittances and the formal
economy. Consequently, these communal areas are under major threat of degradation. However, this state of affairs resulted mainly from a century of distortions within the labour reserve policies of the apartheid regime (Van Rooyen, 1997 as quoted in Depaah, et al., 2001: 3).

In the latter part of the nineteenth century, African farmers largely supplied grain to mining towns in the interior, as well as to major towns in Natal, exporting the surplus to Cape Town. African tenants formed the greater part of the white-owned land (Van Onselen, 1996: 21). White farmers argued that because of labour shortages they could not compete with their African counterparts who had lower costs. The former South African government initiated some interventions, which initially had the major objectives of solving the difficulties that many European settlers had in attracting African labour, by reducing the relative profitability of independent African farming. However, the situation changed dramatically with the promulgation of the Land Acts (Segregation Laws) of 1911, 1913, 1932 and 1936, which effectively eliminated all competition. The Land Acts segregated Africans from Europeans on a territorial basis, establishing codified native reserves referred to as ‘scheduled areas’. Independent agriculture and cattle-raising could only be done in the native reserves. About 7.8% of the country’s farmland was in the ‘schedule’ for the reserves. This became the only area where African subsistence farming could legally be conducted. The Acts prohibited the black people from renting, buying, or otherwise acquiring land outside the reserves without approval from the Governor-General (Jones, 1964: 23 and World Bank, 1994: 51). Heavy support from

---

2 State land that is historically occupied or used by a community on a communal basis, and which was listed in the schedules to the Black Land Act, 1913 (Act No. 27 of 1913).
government for about 60-70 years after the first Act in several agricultural markets (land sales and rentals, capital, labour, inputs, outputs, research and extension), facilitated increased output from white farmers and gradually transformed black farmers from independent producers into wage labourers on white farms and in the non-agricultural sectors of the economy (Mcintire, et al., 1992: 41).

In 1948 under the National Party, the new apartheid went further than previous policies by segregating African ethnic groups from one another and forcing them to live in separate tribal areas. The Native Authorities Act of 1951 and the promotion of Bantu Self-Government Act, 1946, created eight national units, the boundaries of which not surprisingly coincided with the reserve boundaries defined by the Land Acts (World Bank, 1994: 16).

The Tomlinson Commission of 1954 was concerned that the quality of the land in the reserves could not support the high number of African families living in these areas. It proposed drastic changes to the homelands and a series of betterment or closer settlement schemes to stop soil erosion through land use planning, relocation of people and livestock, stock-culling, fencing, contour ploughing, water conservation and erosion control. However, due to lack of political will, most of the commission’s recommendations were not implemented and the report as such was rejected (World Bank, 1994: 16).

In 1968, the administration of Native Trust Land was handed over to the Department of Bantu Affairs. This removed the acquisition of land and its allocation from the agenda of the Native Trust and Land Act, 1936 (Act 18 of 1936), placing it within the agendas of the homelands and industrial
development policies. This meant the resettlement of African people in homelands and a further allocation of land only if the homeland opted for independence. Although the stated basis for the exchange of holdings was quality of land, much of the land released for the homelands, often bits on non-contiguous scrublands, certainly did not meet any quality-of-land standards (Tshenkeng, 1999: 48).

In 1970, the Bantu Homelands Citizens Act was passed making every African a citizen of some homeland. The Bantu Laws (Amendment) Act of 1972 justified forced resettlements of African people and stated that ‘a Bantu tribe, community of individuals could be removed from where they lived without any recourse to Parliament, even if there were some objections to the removal’. The relocation of Africans to the homelands from white rural and urban areas, African owned areas, and from one place to the other within the homelands was never voluntary. Land was then held communally in the homelands and officially defined by the Proclamation R188 of 1969 (Regulation and Control of Land in Areas Occupied by Blacks) as “unsurveyed land” or “permission to occupy”. People who did not legally own their residential and arable allotments were allowed the right of occupation and cultivation subject to conditions stipulated by the homeland authorities (World Bank, 1994:17 and Jeppe, 1980: 51). From 1976, the independence of a number of homelands did not have a major influence on tenurial patterns and communal arrangements still persisted in many areas. The independence of the homelands was based on a patriarchal approach, with heavy reliance on the then Republic of South Africa for fiscal aid and employment (South Africa. White Paper on South African Land Policy, 1997: 36).
The political situation changed dramatically in April 1994 with the first democratic all inclusive elections for one South Africa with national state and provincial governance. Presently, large capital-intensive farms dominate production in the agricultural sector. These farms, which are mainly white-owned and account for more that 86% of the agricultural land, make the economy self-sufficient in basic agricultural commodities and generate income levels for its owners comparable to the urban sectors. However, there is a land restoration (or land claims) process which involves the return of land by means of administrative or adjudicative processes of specific parcels of land to individuals or communities who were unjustly removed in pursuance of racially based land legislation or policies. This process is carried out in terms of the Restitution of Land Rights Act, 1994 (Act 22 of 1994). The Provision of Land and Assistance Act, 1993 (Act 126 of 1993 as amended), on the other hand, attempts to provide access to land for selected groups or individuals and supply them with the necessary support services to use that land effectively.

In the communal areas of South Africa, the Interim Protection of Informal Land Rights Act, 1996 was promulgated as an interim measure to protect the land tenure rights of the people in line with the provisions of the Constitution of the country. To date, land in the South African communal areas still has more traditional (security) value than the western production value in the sense that it is not seen as a production factor but rather as a social aspect through which one asserts one's power and authority. The following section presents an overview of the physical characteristics of the Ditsobotla area.
2.4. AN OVERVIEW OF THE DITSOBOTLA’S SOUTH AFRICAN DEVELOPMENT TRUST FARM

2.4.1. Brief overview of the area

The main inhabitants of the study area belong to the greater ethnic group of the Batswana tribe of South Africa. They suffered the first separation when Botswana became a British colony and the Molopo River became the border. When Botswana obtained independence in 1969, the division was finally sealed. The people of the Ditsobotla area became part of the former Transvaal Province in South Africa and later incorporated under the Bophuthatswana homeland (Depaah et al., 2001: 14).

Although some of the community members have access to arable and grazing land, they cannot use it productively due to factors ranging from lack of capital, lack of support in terms of research, infrastructural development, lack of agricultural markets and in some instances, due to occasional boundary disputes.

2.4.1.1. Soil structure

The greater proportion of the study area (95%) is covered by the Plintic Catena soil type. A small proportion (part of Springbokpan) is covered by Glenrosa and Mispah soil forms. The Plintic Catena form's agricultural land uses in the area are maize and groundnuts. In case of higher clay percentage, they are good for sunflower and grain sorghum. They are also irrigable. The Glenrosa and Mispah forms' agricultural land use comprises
veld and cultivated pastures. It comprises deep red soils suitable for dryland cropping and irrigation (South Africa. Land types of maps, 2002: 3). These soil types are not conducive to vegetable farming.

2.4.1.2. Veld types

In both Springbok and Mooifontein villages, the veld type is entirely dry Cymbopogon-Themeda veld (South Africa. Land types of maps, 2002: 3).

2.4.1.3. Land use

Mooifontein village consists of a combination of crop production of medium potential (70%) and crop production of low potential (30%). Springbokpan village comprises a combination of veld/pastures (90%) and medium potential crop production (10%) (South Africa. Land types of maps, 2002: 9).

2.4.1.4. Climatic conditions

The annual total rainfall varies from 455 - 554 mm with an annual average of 45.9 mm. The summer season (October to March) receives 472.1 (78%) of the total rainfall, while the winter season (April - September) receives 14.3 (22%) of the total rainfall. (South Africa, Land types of maps, 1984: 33).
2.4.1.5. Agricultural activities

The area receives 455 - 554 mm of annual rainfall. A combination of livestock and crop farming is the prevalent agricultural practice in the area (South Africa, Land types of maps, 1984: 33). Crop farming is ostensibly the major occupation of the people, contributing substantially to their socio-economic and cultural values. In fact, crop farming, as against livestock farming, has been a major source of livelihood for people in the Ditsobotla area over many years, with the income augmented with earnings (or remittances) from migrant labour, old age pensions and various other means. The fact that no research and extension support is available for the people in the area hampers land productivity. Even those with an interest in farming have their efforts hampered by lack of sufficient rain to sustain their crops.

The land administration system in the Ditsobotla area is also reminiscent of national laws that governed land allocation and administration in the black areas of the Republic of South Africa as described in the preceding section.

2.5. The historical and current land tenure background and rural economic welfare: Ditsobotla area: see map, APPENDIX A

The communal land tenure system in the Ditsobotla area as obtained from Jeppe (1980: 20) could be described in the following manner:

Farms in the Ditsobotla area comprise the biggest part of the so-called "released areas" purchased by and transferred to the South African Development Trust between 1936 and 1939. The area, like most others in
rural South Africa, has been planned according to the "betterment and rehabilitation schemes" which meant resettling people into allocated and demarcated residential, arable, and grazing areas. The land tenure is almost all "tribal" land and is held in trust by the South African government. Land allocation is through the community authority. Households may acquire plots between ten (10) and thirty (30) hectares for cultivation, although land is increasingly in short supply, leading to a decision to convert grazing areas into arable land.

The Ditsobotla area used to fall under the former Transvaal administration and was later incorporated into the then government of the former Republic of Bophuthatswana. Between 1960 and 1965 the state, with the authority conferred through the Bantu Authorities Act, 1951, established the Kopano Community Authority (K.C.A) with the sole purpose of administering people who were allocated occupation and use rights on the land. The occupation and utilisation of this state tribal land (so-called "trust land") by tribes was controlled by regulations controlling tribal-state land with the important difference that rent is imposed for the use of state tribal land as per the Black Land Regulations, 1969 (Proclamation R188 of 1969).

Compared to the adjacent tribal areas on scheduled native reserves, Jeppe (1980: 23) notes that there are noticeable and important practical differences with the area under the jurisdiction of the Kopano Community Authority regarding control of rights to land and the use of rights and, most importantly, land use and productivity. This is because land use received a boost from the state. With regard to land allocation and administration, Jeppe (1980: 23) states that, in the twenty three villages of the former South
African Development Trust farms of the Kopano Community Authority in the Ditsobotla area, agricultural planning, demarcation of fields, limitation on and control over stock numbers, control over cultivation, and especially neglect of fields were undertaken by the officials of the Department of Agriculture of the former Bophuthatswana government. This was, however, usually done in cooperation with the tribal chief and/or ward headman. The final allocation of new fields was carried out in cooperation with the tribal chief and ward headman. Furthermore, the rental income relating to fields and pastures was paid at the local magistrate's office. Based on the information at hand, it is clear that in this category of state land, tribal chiefs exercised jurisdiction over their tribal members, but they carried out the instructions of the government (formerly the South African Development Trust) regarding allocation of rights to land and utilisation of land. This category of land is therefore called land for prescribed (controlled) tribal use under government control (Jeppe, 1980: 24).

Informants during this study indicated that pasture management and cultivation of fields are better in their area compared to the "tribal areas" adjacent to their land. This is because control by agricultural officials was more strict and sanctions against neglect were more readily enforced, also in relation to prevention of overgrazing. Furthermore, some of the reasons why fields are better utilized are that the units (fields) are generally bigger, and consequently, more economical, and they were better planned and controlled agriculturally. According to Jeppe (1980: 19), most informants during his study felt that the difference arising from the different rights to land regarding tribal land and / or tribally owned land as against state tribal land in the same tribal area creates a noticeable duality with important
implications regarding, for example, utilisation, implementation of changes regarding allocation of rights to individuals, dispossession of rights due to misuse, restructuring of units for cultivation (fields) and grazing. This section serves as a clear indication of the fact that within the communal land tenure system, there are still differences in terms of the use, administration and productivity of the land. This is because of the differing administrative support offered in these areas.

2.6. Conclusion

It is evident from the preceding discussion that state policy intervention is critical to boosting productivity in the Ditsobotla area. Although research publications such as those by Jeppe (1980) and Depaah (2001) are available on this subject, it is still not clear how the cultural view and modern land administration systems could be integrated with a view to making land a productive resource in communal areas.

Most importantly, too, it is clear that the abrupt change to the freehold system, though much espoused, would not always yield positive results to the rural people. There is, therefore, a need for a rigorous consultation process with people in communal areas in order to develop area-specific strategies to address land-related problems based on their specific locality and local needs. By and large, emulating policies and practices of other areas will not work in terms of the state’s land tenure reform programme.
CHAPTER THREE

RESEARCH FINDINGS

3.1. Introduction

The objective of the study was to analyse some trends associated with the communal land tenure system in the Ditsobotla area of the central district of the Northwest Province, focusing on their impact on rural economic welfare. Linked to the objective of the study and in line with the methodology employed in the study, the ensuing discussion presents the findings of the study. Based on the methodology used (as highlighted in chapter 1), the findings of this study are presented in a narrative format.

The study adopted a Participatory Learning and Action method (commonly known as the PLA or PRA) in order to research this topic thoroughly. The Participatory Learning and Action method was implemented in a flexible way to ensure that issues that were not identified during the formulation of the research but which are relevant to the study could be incorporated in the study. Accordingly, this chapter presents issues that formed the framework of the study in the form of research issues and, subsequently, presents the findings based on the listed issues and other salient matters that were not identified at the beginning but were raised by the local people. As mentioned earlier in chapter 1, the following forms of participatory techniques of PLA were used during the appraisal meetings: handing over the stick and letting people do the facilitation, application of time lines, trends and change analysis approaches, wealth ranking and shared
presentations and analysis. These techniques were chosen because the local people were found to be compatible with them and they were also deemed (by the researcher) to be suited to addressing the research questions underlying this study.

Presentation of these findings is therefore mainly in a narrative rather than a numerical or statistical form. The criteria applied for choosing informants were very informal, since it was difficult to identify specific individuals within the villages except to let them volunteer their participation during the introductory meetings. With the concurrence of the local people and their leadership, consideration was given to the fact that people reside in the area and were allocated ploughing fields.
Follow-up interviews were undertaken to verify the quality of information provided by the local people as depicted in the following table;

**Table 2: Triangulating research results**

1. Stakeholders’ meetings to present and brainstorm about the research issues

2. Focus groups, discussions and a plenary for appraisal sessions with plot owners

3. Follow up contacts / appraisal sessions with plot owners in Springbokpan and Mooifontein
3.2. Central issues to the study

The following research issues were presented to the community through the Participatory Learning and Action methods in both Springbokpan and Mooifontein villages and also during interaction with individual plot owners in these villages. All these issues were deemed relevant for the realization of the objectives for the study, as they are prominent within the communal land tenure system. These issues are central to clarifying certain trends associated with the communal land tenure system in the Ditsobotla area and therefore critical to the study. Suffice it to say that clarity on these issues will render this study successful since these issues form the backbone of this study. They are:

3.2.1. The most common farming practice in the area and its effectiveness.

3.2.2. Agricultural investment potential in the area.

3.2.3. The availability of markets (local / regional) for their produce. How do they market their produce and what is the average family turnover in respect of the agricultural produce?

3.2.4. Whether the community receives extension support from the Department of Agriculture, Conservation and Environment (DACE): North West province.

3.2.5. The locally adopted farming technique / s.
3.2.6. Gender issues in land allocation and farming practices.

3.2.7. How they see the communal land tenure systems in their area impacting on the rural economic welfare in terms of agricultural production, their strengths and weaknesses.

3.2.8. Recommendations for change or improvements on the current land holding and use pattern and how these are to be achieved.

3.3. Major research findings

In line with the objectives of the study and based on the above-mentioned research issues and the general feelings of the local people, the under-mentioned information is presented as constituting the major findings of this study. A conclusion on each issue is made, based on the overall experiences of the local people as recorded during the appraisal sessions in both villages and from all the informants who participated in the research process. The affected villages and respondent groups will be identified in each section and, in conclusion, a general impression of the researcher will be presented to serve as a concluding remark regarding each research question.

3.3.1. The commonly adopted farming practice in the area

Community members and the respondents (plot owners) were requested to clarify the farming practices in the area and demonstrate how effective they were to their rural economic welfare. In instances where more than one farming practice is prevalent, they were requested to clarify which of the
farming practices were most favoured and why they gained favour. This issue enabled the study to establish whether people make farming choices based on their suitability to the area and their circumstances, or just for the basic purposes of farming.

3.3.1.1. Springbokpan and Mooifontein: Community and individual plot owners

According to the community members, farming practice in the Ditsobotla area involves a combination of livestock and crop farming. It was, however, stated that crop farming is most common because of the soil type as well as the fact that the ploughing fields in the area are bigger in size – namely 30 hectares as compared smaller fields in other villages. In terms of livestock, they indicated that their grazing camps were destroyed and reduced in size due to conversion to residential and arable use. As a result of a lack of fences and the reduced size of grazing camps, most people decided to sell their livestock and switched over to crop farming. It could therefore be concluded that the problem of the destruction of fences was due to a lack of proper land administration systems by the state, as well as the fact that the local traditional structures are not in a position to enforce law and order. They also indicated that some of the livestock were stolen, whilst some died due to drought.

In respect of crop farming, community members stated that production varies each year depending on the amount of rain since they practise dry land cultivation. They stated that the soil is good, particularly for sunflowers and maize, which had become their favourite crops. Their
concerns, however, relate to lack of financial support from the North West Department of Agriculture, Conservation and Environment (DACE) to support them in terms of infrastructural services such as fences, maintenance of water reservoirs and the continued availability of someone from the department to offer them farming support.

The officials of the DACE Agriculture confirmed some of this information during an interview session. When asked how they assist the community in their farming practices, they indicated that they reached an agreement with the Land Bank in April 2001 to assist the farmers with production loans ranging from R2500.00. No collateral would be required in order for one to access such loans except for the guarantee certificates issued by the DACE prior to the allocation of such loans. In addition, the department is continually offering training in a variety of farming services and assists in soil capability surveys.

There were no variations in responses from either the two villages or the two groups of plot owners. From this account, it can be concluded that the most preferred farming practice in the area is crop farming and that although fields are relatively small for commercial production purposes, people have the will and dedication to use them and only need support from the department. The difficulty experienced by the DACE relates to a budget that is inadequate when it comes to financing extension support in communal areas.
This question clarifies how people choose farming patterns in communal areas in response to local conditions and how they are able to enhance their livelihood by means of these changes.

### 3.3.2. Agricultural investment potential in the area

This issue elucidates whether there are any agricultural investment opportunities in the area in terms of mortgages and farming lease agreements whereby well established and experienced farmers use certain portions of the communal land and pay rental to the populace to be used for the benefit of the entire community. The following section therefore clarifies the local people's views on this issue.

#### 3.3.2.1. Springbokpan and Mooifontein

All the respondents who participated in the appraisal sessions indicated that there is no agricultural investment potential in the area. Although many reasons were cited for this state of affairs, in general, they attribute it to the following factors: theft, lack of ownership right over the land, boundary disputes, lack of infrastructure in the form of fences on camps and fields, and broken water pumps. This, according to them, discourages prospective investors to come to their area as they fear the loss of their invested money and assets. They indicated that during the time when their land was administered by the South African Development Trust and they used to pay the residential and grazing levy, they enjoyed a solid infrastructure and security for their assets, because the state used to hire *rangers* to police any wrongdoing with regard to the use of land. Currently, land administration
has collapsed, leading to ineffective use of the land as well as boundary disputes. According to the local people, the soil in the area is relatively good for farming, particularly crop farming. The officials from the DACE also shared these views when asked about the constraints with which they are confronted as they assist the community farmers.

Based on the foregoing discussion, it is clear that the system of land administration in communal areas is completely nonexistent and as such agricultural production is hampered. This is evidenced when you see ploughing fields lying fallow for three to five years but which cannot be used by anybody else except the owner who is often inexperienced and also cannot allow anybody else to use them productively. There are no procedures at community level to deal with these matters unless government comes up with a regulatory mechanism. The community members themselves cannot afford to finance infrastructure on their land due to the fact that whatever they get from their farming practices only enables them to live from hand to mouth. Accordingly, the social system in the area is declining since people have nothing to save for later use.

3.3.3. The availability of local / regional agricultural markets. How do they market their produce and what is the average financial turnover from the produce per household?

This section presents information from the community members and plot owners about the availability of markets for their produce and how their economic well-being has improved through farming practices. It was not recorded per family since the information obtained was not recorded on the
questionnaire but only noted as each plot owner made a verbal account of the situation.

### 3.3.3.1. Springbokpan and Mooifontein

All the participants view the lack of local and regional markets as a key factor hampering agricultural production and hence their economic welfare. They expressed the fact that they have two big silos, one in Springbokpan and the other at Delareyville. Those silos are currently non-operational due to lack of funds and support from the state to operationalise them. They currently have no storage facilities for their produce and therefore they are forced to sell their produce immediately after harvest, mostly to white farmers who often buy at very low prices leaving them without a sizeable profit. Due to lack of storage facilities, they find themselves being compelled to sell during harvest times when prices of most of the produce are low, consequently leaving them with negligible profit. This factor discourages more people to engage in crop farming. Prospects for them to renew the operation of those silos so that they can store their produce for later use are also not favourable. These are general aspects hampering production in the communal land tenure system. On the question of average family income from farming, the community as well as the plot owners stated that it would not be possible for them to quantify their income since income from their produce is mostly used for the day-to-day needs of the family. Even what they sell is not quantifiable, as they sell to different people in different quantities without keeping any records.
This experience was echoed by officials from the DACE who also indicated that negotiations are in place with *Agri-Noordwes* to accept produce from the black farmers at reasonable prices for storage to be sold during high season.

Overall, the lack of storage and market facilities has very serious negative impacts on the livelihood of these people. It not only robs them of their entitled benefits, but also demoralizes them about farming, leading to the under-utilisation of their land.

3.3.4. Extension support provided by the North West Department of Agriculture, Conservation and Environment (DACE)

This aspect attempts to clarify the extent of extension support and level of community satisfaction with regard to the DACE’s extension services to the community, particularly the plot owners.

3.3.4.1. Springbokpan and Mooifontein

The community and all plot owners stated that the DACE rarely offers farming-related training to the community members. The department also does not offer any financial assistance. On top of this, the department is not always available when the local people require their services. Fences have been destroyed and water reservoirs have dried up, but no remedial action has been taken. Comparatively speaking, the community felt that the situation is now worse compared with the time when the land was administered by the South African Development Trust in terms of the Black
Areas Land Regulations of 1969 (Proclamation R188 of 1969), as rules were adhered to and support from the state was sufficient.

Officials from the department also confirmed these facts and indicated that the inability of their Department to offer financial assistance is due to its budgetary constraints. They, however, indicated that the department had signed an agreement with the Food and Agricultural Organisation (FAO) to train farmers on marketing of food crops and animals.

They cited problems relating to policy disjuncture as they argued that, currently, the land administration function is vested in the Department of Land Affairs (DLA), whilst the delivery of extension services is the responsibility of the Department of Agriculture. In cases where one of the two departments fails to execute its mandate, the work of the other will obviously be negatively affected. Lack of communication between the two departments (DLA and DACE) makes it difficult for their policies to be aligned so that they can respond to local needs effectively.

3.3.5. The farming practice adopted by the community

This section clarifies the farming practices that have been adopted by the local people in their undertaking of farming activities. It takes a closer look at how effective these practices are in relation to the community and whether they recommend any improvement.
3.3.5.1. Springbokpan and Mooifontein

Local people in the Ditsobotla area can be said to have adopted modern or conventional techniques of farming. This is because they depend on the Department of Agriculture for changes or improvements depending on the scientifically derived recommendations for such changes. They acquire these techniques through occasional training offered by the department and other relevant agencies, notably the Food and Agricultural Organisation (FAO). They maintain, however, that this training is not sufficient since it is not continuous and also not backed by sufficient material support.

When approached, the officials of the DACE also shared this assertion. They indicated that farmers’ training is, according to their policies, a routine process, as farming techniques evolve with time, but acknowledged that they fail to roll out training efficiently due to capacity constraints.

Based on this indication, one could conclude that the community of the Ditsobotla’s South African Development Trust farm has in general adopted modern farming techniques because of the fact that since its inception, the area and its people have been administered by the government through the South African Development Trust in line with the policies and practices then in existence. These farming techniques have, though, not been so effective as to improve land productivity in the area due to insufficient financial support, as well as a lack of continual extension support from the DACE.

\[^{1}\text{When asked whether they use compost as manure, they responded that they only use modern manure provided by the extension officers.}\]
3.3.6. Gender issues in land allocation and farming practices in the area

This issue clarifies how far gender issues are incorporated within the broader farming system in the Ditsobotla area. It clarifies prevailing roles in relation to farming activities according to gender and further examines the impact of these roles on the overall local economic systems.

In South African rural areas to date, women in the respective families are pioneers in ensuring maintenance of food security, despite the fact that they were not incorporated in the broader economic mainstream of the country as they depend on remittances from their husbands working as migrant labourers in towns and major cities. In addition, there are countless numbers of female-headed households, and the fact that some do not have access to land for farming, aggravates their poverty.

3.3.6.1. Springbokpan and Mooifontein

From all the interactions with the community members and plot owners, it was made clear that, although women in the past did not enjoy preference when it came to the allocation of ploughing fields, currently the Kopano community authority, in co-operation with the regional office of the DLA, attempts to make sure that women are empowered with regard to involvement and decision-making in local farming activities. Through the programs of the DACE, women are also trained in areas such as homesteading and poultry farming. Due to this programme, households’ food security has improved considerably from 1995 up to the present time. One woman in Springbokpan is said to have won an award for being the best
female farmer in the district in 2000, as she produced high-quality vegetables for the local informal vegetable markets at Mafikeng. There is no indication as to the gender differences in terms of choice of crops, farming techniques, and use of income from the farm produce. The choice of crop is guided by the advice received from the DACE and the use of income from the produce is used mainly for family consumption.

The officials from the DLA and DACE also endorsed the views of the community on this question.

3.3.7. The community and plot owners’ views about the current land tenure system: how they see it impacting on rural economic welfare

The local people are aware that they only possess informal land rights, since they do not hold title deeds in respect of their land. They perceive that this situation deprives them of the opportunities to use their land productively, since they cannot use their land as collateral to secure loans from financial institutions. Accordingly, they feel that their situation can only be changed through state legislative intervention and agricultural extension support. This intervention, according to them, should include the transformation of their land tenure system into a more secure form of land tenure right sufficient to satisfy their daily agricultural needs, such as being able to use the land as collateral to obtain loans, as well as the provision of mechanisms for the resolution of land-related disputes.
3.3.7.1. Springbokpan and Mooifontein

This issue proved to be one of the most contentious and of major concern to the local people. It relates to them deciding on the form of land tenure system to be put in place when the current communal land tenure system is changed, and also to the resultant decision-making authority concerning the administration of their land, as well as to the management of benefits accruing from this land. This decision will obviously affect the current tribal administration system since the role of the traditional authority in land administration will have to be revised. During interactions with the local people, this issue was characterised by dissent as well as concurrence, and nearly divided the group into two, some arguing for individualised tenure with every community member possessing his / her own title deed, whilst others argued for the community authority holding title in trust for all the members of the community.

Sprinkbokpan village comprises old families that constituted themselves during the 1960s when the Kopano community authority was established. Due to the fact that most people there had an historical and harmonious working relationship with the community authority, they felt that the Kopano community authority would still be capable of holding land in trust for the entire community subject to locally agreed rules to unlock developments and streamline decision-making processes and authority. Their fear for the individualisation of land tenure in their area was that the community's cohesiveness would be compromised and, as such, the community might disintegrate due to the fact that anybody would be in a position to do as s/he so wished with the land. They felt that to maintain the
cohesiveness of the community, land rights should not be individualized but rather that some of the conditions should be relaxed for purposes of unlocking developments on the land to the benefit of everyone in the area. This move would also enable the preservation of local cultural values.

Mooifontein is a new village established in the early 1990s following the influx of evicted farmworkers onto the Kopano community authority area from the adjacent private white-owned farms. The Kopano community authority, in conjunction with the Department of Agriculture of the former Bophuthatswana government, decided to establish a new village for these people on condition that they met certain conditions as laid down by the community and ultimately became part of the community. Some of them were also allocated ploughing fields by the same institution just adjacent to their residential area. Responses from the majority of the residents of the Mooifontein village on the question of the preferred form of land tenure were opposed to those expressed by the Springbokpan village members and plot owners. They (Mooifontein) felt that individuals needed to be given their own title deeds by the state. This is because, as they argued, the Kopano community authority has until now not done anything for them except to collect of levies that do not even benefit them. They felt that individualisation of tenure as with white farmers would enable them to invest in their land and, as such, their economic welfare would improve. They also stated that they had acquired farming skills as they used to work on farms but could not practise those skills in their area due to restrictions posed by lack of ploughing land as well as clarity about land ownership and the land rights management system in their area. They did not foresee any problem with the likelihood of people losing their land after the
individualisation of land tenure where some could enter into mortgage bond agreements with financiers and fail to service their debts and later have their land repossessed.

In general, this issue proved to be more contentious and as such, one of the major challenges the government’s land tenure reform program is likely to face in tribal and communal areas of South Africa. The community and plot owners’ sentiments around this issue remained irreconcilable until the completion of the appraisal process. This is mainly because those who advocate the trusteeship of the land having to be vested with the Kopano community authority are the ones who pay allegiance to it and, as a result, advocate its sustenance, whilst those who advocate individualisation of land ownership express a need for the community authority's withdrawal from land ownership and administration matters. Both groups, however, agreed that the current land tenure system with lack of ownership clarity and authority on the part of concerned landholders is not favourable for agricultural development and hence for rural economic welfare. This was the shared view of both villages and groups. They stated that although the communal land holding pattern could be a stumbling block to rural economic welfare, the state should intensify its farmer support programs. The state needed to assist those keen to engage in farming practices by offering them training and financial assistance and resolving land and related disputes that often hamper farming practice, whilst awaiting the government’s overarching communal land tenure reform legislation to address the land-holding question.
3.3.8. Recommendations for the improvement and/or change in the current land holding and ownership pattern and how it should be effected

This question was presented with the aim of understanding the community and plot owners’ views about any possible change or improvement in their current communal land-holding system. As with other questions for this study, this question will inform tenure reform policy-making processes in respect of whether or not there is a need to change the communal land tenure system in communal areas and, if so, what the preferred tenurial arrangements for the community of the Ditsobotla area are.

The lesson learnt from this question and the conclusions emanating from it suggests that the government’s land tenure reform programme should be based on the views of those who will benefit from such a programme. If a cautious approach is not adopted, it is likely that instead of giving rise to positive results, the land tenure reform programme could serve as a recipe for conflict among the long united rural communities. Although government’s consultation processes on policy development might be very expensive and time consuming, they are the only available option to pave the way for the smooth implementation of a sustainable and sound land tenure reform programme. The following chapter presents the recommendations arrived at through this study.
CHAPTER FOUR

RECOMMENDATIONS

4.1. Introduction

The purpose of this chapter is to describe the research and implementation options for government relating to the communal land tenure system in the Ditsobotla area in order to stimulate innovative thinking in the design of the programmes to deal with communal land tenure reform. Successful implementation of these recommendations will hopefully lead to the betterment of the livelihood of the affected people in the area. Strategies are also proposed for strengthening collaboration between stakeholders relevant to the tenure reform process in the Ditsobotla area.

It is interesting to note that some of the people in the area are in a position to produce sufficient food for family consumption until the next harvest. This is because their ploughing fields are relatively larger in size, mostly 30 hectares. They are, however, not in a position to produce for the markets due to the unavailability of such markets and the inability of the state to provide extension services.

In the Ditsobotla area, farmers showed their keenness to continue farming their land, but still require support through funding and empowerment by the relevant government department/s, notably the DLA and DACE. In addition, the issue of land tenure and land rights management needs to be clarified as a matter of urgency for people to be able to expand their farming
practices. They proved to be capable of farming despite the hardships they encountered such as lack of funding, extension support, lack of a clear land administration system and land allocation disputes.

The following are proposals for improving the livelihood of people in the Ditsobotla area. These recommendations are based on the views of the local people, as well as the researcher’s assessment of the local situation.

4.2. The proposed intervention strategies

The following intervention strategies are presented for consideration by the state to assist the local people in the Ditsobotla area in their daily farming activities for the betterment of their economic welfare.

4.2.1 Establishment of agricultural markets and provision of extension support

As a short-term arrangement, the DACE should ensure that local and regional agricultural markets are established so that the community can sell their farming produce at market-related prices. It is also recommended that periodic markets be set up, managed by local people with government support. These markets will also begin to reorganise the spatial imbalances produced by previous apartheid planning (Depaah et al., 2002: 17). Furthermore, the markets will enable local people to sell their produce at reasonable prices and for their benefit, as it is hoped that they will enjoy sizeable profits. The DACE should offer extension support so that all aspirant farmers are timeously trained in new farming techniques and
agricultural options. The revival of the silos belonging to the community will also enable them to store their produce for later sales when they so choose.

4.2.2. Research, policy and developmental options

It goes without saying that government has a major role to play with regard to the enhancement of the local people in the Ditsobotla area by adopting realistic policies to safeguard the rights and interests of these people, as well as attracting investment opportunities in relation to their land. As a medium to long term arrangement, the DLA, as the registered owner of the majority of communal land, should engage in on a rigorous consultation process on the draft Bill relating to the transfer of state-registered and owned land to the communities referred to therein as functional owners. It is recommended that the land holding and decision-making processes in the area should be clarified before transfer is effected. The DACE should also align its resources and budget to meet the farming needs of the local people after transfer has been completed.

In dealing with tenure reform in communal areas, the state should recognize the fact that within the communal land holding system different categories of groupings exist. There are those with historical links to the land which pay allegiance to the traditional authority such as those in Springbokpan village, and those which resulted from a variety of factors such as the grouping of victims of evictions from neighbouring white farms like those in Mooifontein village. This therefore suggests that the State needs to take into account all these dynamics in dealing with communal land tenure reform.
This is because local cultural values are integral to the land tenure system in communal areas.

Quite often, those who do not have historical links with the traditional authority are most likely to prefer tenure reform to occur in the form of individualization of land rights, whilst those paying allegiance to the traditional authority might prefer the continuance of a communal land-holding system under the control of traditional authorities.

This study and therefore these proposals are representative of the scenario prevalent in the Ditsobotla area. The trends that were established through this study have direct implications with regard to the way the local people of the Ditsobotla area utilize their land and their livelihood status.

The following discussion summarizes policy, research and development options suggested to improve the livelihood of people in the Ditsobotla area. These options require the concerted efforts of both the state and private sector agencies in their implementation. According to Cavendish (1999: 31), research options are those that require development of new technologies or testing of existing technologies under new situations, i.e. that require new or adaptive or applied research, Development options are those for which suitable technologies exist, but which have not been used in the area so far, and policy options are those for which the possibilities for development do not lie within the purview of research and development organizations in their own right, but which are critical for the implementation of the other options.
The following options are therefore presented:

4.2.3. The state should give legal recognition to land tenure rights held by communities and their members, individual households, individual families and individual persons on communal land in terms of an Act of Parliament (South Africa. Communal Land rights Bill, 2002: 21). This is a policy option that will confer secure tenure of land to people in communal areas, thus enabling them to enter into developmental contracts in respect of their land.

4.2.4. The state should formulate a policy to regulate certain aspects of decision-making in respect of land tenure rights in communal land in order to promote security of tenure and attraction of resources for development in communal areas (South Africa. The draft Communal Land Rights Bill, 2002: 22). This policy intervention will create an atmosphere of stability in communal areas by regulating decision-making processes over the use of communal land for the benefit of all community members. It is also a developmental option because once communities' land rights have been clarified through a legal process and decision-making procedures are clearly articulated, the development decisions at community level will be adopted in a manner which accommodates the views of all affected individuals.

4.2.5. There should be a policy pronouncement that allows people to choose the appropriate form of tenure compatible with their situation. This will enable them to take charge of the day-to-day administration of their land for their own benefit. This option still requires in-depth
research before it can be implemented, since land rights in communal areas are characterised by overlaps and conflicts over boundaries.

4.2.6. In the context of an Act of Parliament, there is a need to provide for the protection of the fundamental human rights contained in the Bill of Rights in the South African Constitution, including:

4.2.6.1. The right to equity, especially gender equality in respect of the ownership, allocation, use of or access to land. The issue of gender consideration in the allocation and use of land should be dispensed with.

4.2.6.2. The democratic right of the members of the community to choose the appropriate land tenure system, community rules and administrative structures governing their communal land. It is the prerogative of the land rights holders to choose the type of land tenure system, such as communal or individualised, that suits their situation, make their own community rules and choose an administrative structure that will govern their land such as the traditional authority or any duly constituted structure.

4.2.6.3. The right to democratic participation by the members of a community in decision-making processes affecting their land tenure rights. According to the draft Communal Land Rights Bill, community members in the new communal land tenure dispensation will have the right to democratic participation in any
decision-making processes affecting their land tenure right (South Africa. The draft Communal Land Rights Bill, 2002: 22).

4.2.7. To recognize the existing instruments (such as those functional and popular traditional authorities) for the resolution of conflicts and disputes concerning communal land, and to provide for institutional, material and technical support by the State to rural communities in the ownership and management of their land tenure rights, subject to the provisions of the Constitution and an Act of Parliament. The traditional authority in the Ditsobotla area has demonstrated that it is in a position to carry out land administration functions in line with the Constitution, but it only requires additional support from the State. Recently, community rules have been brought into existence governing land rights management in the area.

4.2.8. Central to all these initiatives is the fact that all the development strategies must be informed by the collective knowledge of the local people and their efforts should be united for the enhancement of their livelihoods. The past development initiatives have ignored local people and their indigenous knowledge systems and, as such, have lacked support from them, thereby resulting in many failures. As a corrective measure, the state or any other development agency, must ensure that local people's participation is sought and that their indigenous knowledge systems and local values are accommodated in the development process. The following chapter presents conclusions based on the findings of this study.
CHAPTER FIVE

CONCLUSION

5.1. Introduction

This chapter captures conclusions based on the findings of the study pertaining to an analysis of some trends associated with the communal land tenure system in the Ditsobotla area of the North West province. It draws support from the constitution of the country, particularly section 25 dealing with land rights, as well as information obtained through the review of literature as well as participatory appraisal sessions in the selected villages of Springbokpan and Mooifontein.

Section 25 subsection 6 of the South African Constitution (1996: 11), Act 108 of 1996, states that: "a person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws and practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress".

Overall, the results of this study have important implications for the proposed land tenure reform programme in South African communal areas. Firstly, the results of the study lend support to the notion that a lack of agricultural markets and extension support from the state in communal areas is a constraint for agricultural development. Secondly, it is clear that local dynamics and local resources such as indigenous knowledge systems and the needs of the people must guide government's land tenure reform programme.
There is a need for in-depth research to understand these dynamics, and government should adopt policies that are in line with the situation on the ground. It is clear that by merely upgrading the land rights of communities (in line with the provisions of section 25, subsection 6&9 of the South African Constitution) without backup systems from the state in the form of extension support, the livelihood of the local people will not be enhanced, even though their tenure of land will have been upgraded and made more secure. There is therefore a dire need for the state to lobby sufficient funds to make tenure reform programmes more effective in communal areas.

5.2. Conclusions around key research issues

The issues critical to the study are mentioned hereunder and are based on the responses from the local people and views from authors on the same or related topic. Conclusions are also presented. These issues are classified as critical because they are the ones on which this study is premised and which occupy the central area of the study.

5.2.1. Investment potential, market, extension support and land holding system

It is clear that community members and plot owners in the Ditsobotla area face major farming problems in respect of agricultural investment potential, markets for their produce, extension support from the state and, most importantly, the development bottlenecks created by lack of clarity on land ownership and land administration systems. All these factors hamper investment in the land and, as such reduce the productive use of the land as
well as the morale of most people regarding investment in or farming of the land. It also goes without saying that reform of land administration institutions is required at the local level, to ensure the individual economic incentives necessary to maintain levels of agricultural productivity and resource conservation on South Africa's limited agricultural land. Clearly, reforms that increase the breadth, duration and assurance of an individual's property rights to land and which offer extension support are desperately required in the Ditsobotla area.

5.2.2. Gender issues, the type and mode of farming

The ability of the state and the community authority to transform its land access and use systems for the benefit of the female members of the community deserves to be highlighted. This is because the involvement of women in the farming sector implies that their incorporation into the economic mainstream ensures the eradication of poverty pockets at village level, since the women are mostly responsible for family food and nutritional needs.

On the other hand, the adoption of modern farming techniques by the community of the Ditsobotla area implies that they are keen to farm productively by applying modern innovative farming techniques. This also deserves appreciation. Furthermore, the visionary shift from livestock farming to crop farming in most areas implies that they have an insight into the contingency measures they can put in place once they experience hardships with a particular farming activity. This shift, however, has led to the abandonment of pieces of land that were found not to be convertible
from stock farming to crop farming. It can therefore be concluded that people in the Ditsobotla area resemble an evolving farming community where greater access to agricultural markets could mean a lot to improving their livelihood.

Taking all these factors into account, the Department of Land Affairs’ land tenure reform programme should ensure that participatory research is conducted before the draft Communal Land Rights Bill is signed into law.
APPENDIX A

MAP FOR DITSOBOTLA S.A.D.T FARM (23 VILLAGES)
REFERENCES


105


