



# Trading-off: Rural food security and land rights in South Africa



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## ABSTRACT

In light of the high percentage of poor people in rural areas of South Africa, the post-apartheid government has, among other things, prioritized food security in their policy processes. However, these food security policies stop short of workable strategies for the most difficult situations, particularly in the former reserves (Bantustans). A case study of the Eastern Cape Province reveals that food security managed by government agencies experience difficulties at implementation stage due to land issues. At the heart of the problem is the poor understanding of rural people's land use plans and multiple livelihood strategies. The paper concludes that food security projects in the former Bantustans will continue to suffer unless food security policies are efficiently integrated to those of land reform.

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## Introduction

Almost two decades since the end of apartheid, South Africa still faces numerous challenges, many of which relate to dealing with the poverty of the majority of its citizens. Almost 40 percent of South Africa's 50 million inhabitants live in rural areas (National Planning Commission, 2012), and these areas are where at least 70 percent of the country's poorest people live (Aliber, 2003; Kepe, 2009). In some provinces, such as the Eastern Cape that has almost seven million people, close to 80 percent of households regularly experience hunger (Manona, 2005; Province of the Eastern Cape, 2012). Post-apartheid policies and legislation seeking to address this problem are now in place; however, research, and continued violent and non-violent service delivery protests against government institutions by the poor, indicate that progress in eradicating poverty and dealing with racial inequality has been extremely slow and challenging (Mngxitama, 2006; Ntsebeza, 2007; Mpehle, 2012). While many factors can be blamed for the slow progress in reducing poverty, contradictions in policy and practice within government are part of the problem.

The post-apartheid Constitution (Constitution of the Republic of South Africa, Act 108 of 1996), for example, contains clauses that seek to address poverty reduction and other racial inequalities. Section 27(subsection 1b) of the Constitution states that "everyone has the right to have access to sufficient food and water" and that "the state must take reasonable legislative and other measures, within its available resources, to achieve the

progressive realization of these rights" (subsection 3). This effectively enshrines food security and poverty reduction as constitutional rights. Section 25 of the Constitution addresses land reform, but it addresses existing property rights as well. Through its three components (restitution, redistribution and tenure reform), land reform aims to reverse skewed land distribution, which is the legacy of segregation and apartheid. Its goal is to return land or offer alternative redress to people who unfairly lost their land, make land available for productive and residential purpose to the landless, and provide secure land tenure rights where they did not exist.<sup>1</sup> However, these two sections of the Constitution, when taken together, have a complicated relationship. Food security is broadly defined as access by all households at all times to adequate, safe and nutritious food for a healthy and productive life. Devereux and Maxwell (2001) argue that one of the key tenets of food security is the ability of individuals and households to be self-sufficient in food, through their own production (This does not necessarily refer to urban areas.). For many rural African societies this implies secure access to and control over land resources.

One of the main policy challenges, therefore, for the post-apartheid government in South Africa has been to make land reform work, while also ensuring that other constitutional obligations such as food security are not neglected. Land reform, however, has failed to meet key objectives embodied in the Constitution, because less than 10 percent of the land has been redistributed

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<sup>1</sup> It is important to note that over the last two decades the government has drifted away from many original goals of land reform, including marginalizing the landless, in favour of a limited number of Blacks who are interested in becoming commercial farmers (Kepe, 2009).

since 1994 (Umhlaba Wethu, 2011), and those who have regained land rights as part of the land claims or redistribution processes have not been able to translate these into meaningful livelihoods (Hall, 2007). Numerous rural development strategies have similarly been unsuccessful, some never even reaching the implementation stage (Kepe, 2001; Ntshona et al., 2010). While protests relating to land rights have always been present, it is the protests by the poor that have made the news over the past few years (Mpehle, 2012). These protests by the poor are probably the reason that, in attempting to meet one of its original goals of dealing with rural poverty (ANC, 1994), the state has supported several agricultural initiatives, sometimes without considering the long-term implications of those projects on other rights that citizens are entitled to, such as land rights.

Through the land reform program, security of land rights for previously marginalized people has been central to post-apartheid policies seeking to reduce poverty and reverse past inequalities that were based on race. Studies have shown that when there is a lack of clarity, and indeed security, of land rights, development initiatives, including service provision by the state, are constrained (Ntsebeza, 1999; Kepe, 2001, 2012). More specifically, land tenure reform was meant to provide security of tenure to millions of rural dwellers whose land rights were compromised by a number of segregationist or oppressive legislation, including the 1913 Natives Land Act, the 1936 Land and Trust Act, and the Bantu Authorities Act of 1951, among others. The Natives Land Act and the Land and Trust Acts confined rural people to rural reserves (homelands) that comprised only 13% of the country's land, (Kepe, 2009; Cousins, 2010a), while the Bantu Authorities Act meant the introduction of authoritarian land regulation under unaccountable traditional authorities (Cousins, 2010b). Despite the temporary measure to protect rural dwellers from unfair loss of their land, in the form of the Interim Protection of Informal Land Rights Act (James, 2011), communal tenure has not been reformed. Even though a law that would have facilitated land tenure reforms in these rural areas was passed in 2004 (Communal Land Rights Act No. 11, 2004), it has been challenged by activists and subsequently withdrawn for apparently being unconstitutional, by leaving too much control in the hands of unaccountable chiefs, and possibly violating vulnerable rural dwellers, such as women and orphans (Kepe, 2012; Hall and Cousins, 2013). At the time of writing, there is currently no law that provides security of tenure rights to land for rural dwellers, leading some to argue that almost 20 years since the new political dispensation, rural areas have been left untransformed (Claassens, 2013). This is a significant challenge considering the proposals to develop communal rural lands through agriculture.

This study examines the government's attempts to revitalize the rural economy in South Africa, and explores the trade-offs and tensions within communities over prioritizing food security measures and land rights. More specifically, the study seeks to understand whether the land question has any role in the success or failure of food security projects that are initiated by the government but implemented by quasi-private companies. A secondary objective of the study is to understand how "food security" outgrower schemes, whereby the rural poor are encouraged to use their land for growing crops or raising livestock that will be marketed by a company, might affect the implementation of land reform, particularly tenure reform, in the affected communities. Even though an attempt is made to discuss comparative studies later in the paper, it is important to state that this study is of limited scope, as it specifically focuses on a rural area of the former Transkei homeland, Eastern Cape.

This paper is divided into three main sections. The first section briefly reviews broader debates about food security and African

smallholder<sup>2</sup> agriculture. It also reviews the South African food security context, with Bantustan agriculture and agrarian reform as key issues of focus. The second section of the paper presents the case study of the Eastern Cape Province, with particular focus on the dilemma of villagers who must balance support for agricultural development projects against their concerns for future land tenure rights. The concluding section presents the implications for research and policy.

### Food security and African smallholder agriculture

The latest two *World Development Reports* by the World Bank that focused on agriculture (in 1982 and 2008) used their influence to convey optimism about the role of agriculture in providing food security in poor regions of the world such as the continent of Africa. The 2008 Report concedes, however, that agriculture in Africa south of the Sahara faces many challenges if it is to make a meaningful contribution to economic development. Smallholder-based agricultural initiatives in Africa should take into consideration regionally specific conditions, such as the continent's diverse set of social, economic, political, historical and climatic differences (Aliber and Hart, 2009; Kepe, 2009).

Despite views that encourage the involvement of smallholders in farming through regionally specific development initiatives based on appropriate technologies (as well as a range of other support measures, such as government support for crucial factors of production), some researchers believe that smallholder farming in Africa is unlikely to make a significant impact on food security because of its current low levels of productivity (Baiphethi and Jacobs, 2009). Yet cash-cropping by smallholder farmers has been vigorously promoted as a crucial step in solving food security problems in Africa (Ferguson and Kepe, 2011). With rapid urbanization in much of Africa south of the Sahara, many governments have sought to develop and strengthen new market opportunities that will connect smallholders with new urban markets by creating relevant economic and agricultural policies (Kaganzi et al., 2009). Vermeulen et al. (2008) believe that contract farming arrangements to serve particular markets, and agro-industries in general, is one area that has potential. The same authors conclude that thus far, however, marginalized farmers make up a very small percentage of contract farming arrangements. Additionally, Scoones and Wolmer (2003) believe that these new market opportunities that emerge as part of wide-ranging neoliberal policies – that is policies that promote free or self-regulating markets, free trade and private property rights (Steger and Roy, 2010) – do not necessarily serve the livelihood needs of smallholder farmers. They argue that these new opportunities and policies tend to marginalize disadvantaged producers who cannot easily access profitable cash crop markets, and who are vulnerable to various risks if they do manage to become involved (see also Ferguson and Kepe, 2011).

Having experimented, and failed, with a number of rural development strategies, South Africa has taken a neoliberal approach to rejuvenating agriculture in the communal areas of the former Black reserves (Bantustans). Cousins (2007) has argued that the neoliberal approach to agricultural revival in the communal areas owes a great deal to the lobbying and advocacy of

<sup>2</sup> We use smallholder here rather loosely to accommodate a variety of people who are engaged in some form of agriculture and are limited by the amount of land they use, the amount of time they devote to farming, the amount of capital they invest in the enterprise, and what they do with the produce. In other words, whether a farmer is full-time or not, sells all or some, or consumes all of the produce, he is still a smallholder. The only precondition is that there is something limiting their engagement in agriculture. For the purposes of this paper, we do not distinguish between rural people who grow food for subsistence and those who grow food to sell some and consume some. See Cousins (2010a) for further discussion.

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