

SUMMARY DOCUMENT

Why do the landless remain landless? An examination of land acquisition and the extent to which the land market and land redistribution mechanisms serve the needs of land-seeking people.

1. Introduction and purpose of the research study

The lived experiences of rural people's attempts to acquire land in the arid regions of Namaqualand and the Hantam Karoo and in the better-resourced West Coast of the Western Cape starkly expose the nature of the challenges faced by landless people and the agencies that wish to support them in their struggle

The Surplus People Project felt that it was insufficient to simply describe these situations and the stories told by the members of these landless communities and emerging farmer associations; they needed to interrogate why the obstacles confronting landless people appear insurmountable, why the old landownership patterns persist and thus why landless people remain landless – hence this study and the examination of whether land reform was meeting the needs of the landless.

The aims of land reform in the post-1994 era were to be realized within the context of constitutional protection for private property, and the need to placate and address the needs of interest groups such as existing landowners, traditional leaders, local and international investors and business interests, while at the same time not abandoning the needs and desires of the majority of South Africans, many of whom have remained poor and landless. The adopted framework that best suited the State's neo-liberal politics and one that is advocated by the World Bank and International Monetary Fund, was thus a market-driven approach where the principle of the willing seller/willing buyer was to govern the form, pace and scope of land reform. Within this approach, the land market becomes the central determinant and mechanism for the redistribution of land.

2. The experience and challenges in acquiring land

The experience of landless people in the three areas in which SPP works each tell a different tale but the experience is the same – no land, exclusion from the land market and a lack of support. In this research, SPP looked at three case studies.

The Brandvlei Opkomende Boere Vereniging

The case of the Brandvlei Opkomende Boere Vereniging (Emerging Farmers' Association – EFA) in the Hantam Karoo area demonstrates the land-hunger expressed by emerging farmers in their quest for additional commonage. The Brandvlei EFA was established by emerging farmers in the rural town of Brandvlei, 120 kilometres northeast of Calvinia in the Hantam Karoo region of the Northern Cape. The group identified a farm for sale that suited their needs. They wanted the Department of Land Affairs (DLA) to buy this land for the Municipality as municipal commonage, which the emerging farmers could then lease. But their attempts to have it purchased were thwarted when the DLA was unwilling to pay the additional

R5 per hectare requested by the seller because they viewed it as being above the market value. The negotiations deadlocked and the emerging farmers have remained landless and unable to find any other available land for sale at a price the DLA would accept.

The Hondeklipbaai community

The Hondeklipbaai community case study in Namaqualand highlights the plight of a community which needs land in order to extend their limited livelihood strategies in farming and seafood processing activities. They are faced with the following: their Restitution claim was rejected so they could not get land through that; the town is hemmed in by landowners with long-term interests such as the De Beers Mining Company, private companies mining state land, SANParks, and private commercial farmers; there is currently no land available on the land market; and, the government has not tried to seek alternative solutions with them.

The Bergrivier Kleinboere Forum

The Bergrivier Kleinboere Forum in the rural town of Eendekuil in the West Coast region raises the difficulties of identifying land, competing with commercial farmers to acquire land, and encountering problems of financial support. The group wanted to buy a farm that the Land Bank had repossessed. A group of white farmers also wanted to buy it. In light of the moratorium on LRAD projects, the slow process of getting private sector funding and the reluctance of the Land Bank to consider their proposals, which were within the price offered by the white farmer group, the EFA eventually lost the farm and the white farmers were able to buy it.

These case studies highlight that the key obstacles to landless people acquiring land are:

- The lack of available appropriate land – price, location and quality.
- Lack of funds, particularly problems with the DLA grants and budget
- Cumbersome and inappropriate land reform project procedures
- Racism and the attitudes of landowners.

Most of the obstacles point to the manner in which the land reform programme has been framed, namely the reliance on the land market.

3. How the land market became a central feature of land reform

When the negotiations took place in South Africa in the early 1990s, the distribution of land became an important point of negotiation – the fact is that about 70% of all the land in South Africa belongs to less than 60 000 white farmers and companies. On the one side in the negotiations, political representatives of white farmers were pushing for their property rights to be secured. On the other side, representatives of landless people were pushing for extensive land redistribution of land – to change the historical dispossession that had taken place.

Eventually, it was agreed to include a property clause in the Constitution. This meant that the land distribution that existed at the time was fixed by the highest law of the land – the Constitution. This Property Clause does two things:–

- On the one hand it guarantees that no person can lose his or her land except through a law and only with compensation. For those people that had been dispossessed by the Apartheid and other governments this was a good thing because they knew it could not happen again – but this Clause also strengthened the rights of white landowners.

- On the other hand, this Clause said that the state had to undertake a land reform programme which would give restitution to those who had been dispossessed after 1913; which would enable people that didn't have land to get it; and, to enable those who had insecure rights to land to strengthen their rights.

With this Constitutional Clause, and on the advice of the World Bank, which has encouraged governments to introduce market-based land reform programmes, the new government introduced a willing-buyer, willing seller programme. In the process, other approaches, which might include extensive expropriation of land for redistribution by the government, such as has recently happened in Zimbabwe, were excluded. This has meant that the main way in which land reform takes place in South Africa is through the land market. The land market is therefore the most important factor to understand when talking about the lack of land for land reform here.

4. The land market – how does it work?

White farmers own most of the land, especially in the Western and Northern Cape. If there is going to be land reform, in terms of the willing seller/ willing buyer approach, there have to be willing sellers – white farmers have to want to sell the land to the buyers that are interested. SPP therefore examined all the titled deeds of agricultural land that was transacted in five registration divisions across Namaqualand, the Hantam Karoo and the West Coast during 1998-2002 to see how much land had been transferred from one owner to another. This process established who the buyers were, how much land they had acquired, the location of the land, and the price of the land, amongst other factors. It was clear from this investigation that land reform beneficiaries have only acquired a negligible amount of land through the land market.

An overarching factor is one of equality – the willing buyer willing seller approach assumes that the sellers and buyers are equal. In reality, this is not the case for landless people using the land reform programme - landless people with few resources must independently engage in the land market and find out about available land, identify appropriate land, develop a project concept, negotiate the purchase price, and conclude the sale with limited assistance from the DLA or DOA. This happens in the face of competition from other buyers who generally have more information about land sales in the area because they are part of networks, who have ready-capital in order to make an immediate offer and who are not reliant on first ascertaining whether they are eligible for a grant and, in the event of being afforded a grant, how much this allocation will be.

Who owns the land?

Before looking at what land has been transacted during the five years, SPP did an analysis of who owns the land in 5 selected registration divisions across their three areas of operation:

Table: Who owns the land?

Land type	Namaqualand	Hantam	West Coast (Registration divisions of Clanwilliam, Piketberg and vanRhynsdorp)
Act 9 areas*	1, 048 million ha	(No Act 9 land)	32 879 ha
Land acquired through redistribution*	318 460 ha	17 402 ha	13 013 ha
State land	383 195 ha	11 535 ha (Includes Klerefontein	105 306 ha

		Experimental Farm)	
Traditional Commonage*	17 829 ha	87 571 ha	7 705 ha
Nature Conservation	15 000 ha	4 600 ha	10 000 ha
National Parks Board	155 000 ha	40 000 ha	30 000 ha
Mining Companies (agricultural land)	397 000 ha	(No big mining companies with agric land)	No significant land owned by mining companies.
In private hands (commercial)	2,90 million ha (approx)	8,52million ha (approx)	2 178 000 ha
Church Land*			43 097 ha
TOTAL land area	5,26million ha	8,69 million ha	2,42 million ha

When SPP asked estate agents about land transfers, they said that there were not many each year. However, when SPP studied the Deeds office information, it found in fact that levels of transaction activity was relatively high and that a lot of land had changed hands. The table below shows how much land changed hands across the five registration divisions during the five-year period. It reveals that 14% of the total number of existing agricultural properties registered in the five divisions were involved in transactions – a relatively high level of land transaction activity.

Land transfers during 1998-2002

Registration Division	Piketberg	Clanwilliam	Vanrhynsdorp	Calvinia	Namaqualand	Total:
# agricultural properties registered in each reg. division*	2204	2491	3041	3149	2173	13 058 agricultural properties registered
# transactions (purchased & non-purchased portions)	347	346	381	409	358	1841 transactions
# farms involved in transactions †	125	131	138	249	189	832 farms involved
# hectares transacted (ha)	108690.9786	306109.8071	250756.6885	631809.6033	730481.9089	2 027 848 ha transacted (including non-purchased land)
Average size of land transacted (ha)	313.2304	884.7104	658.154	1544.77	2040	1101.4932 ha = av. size per transaction

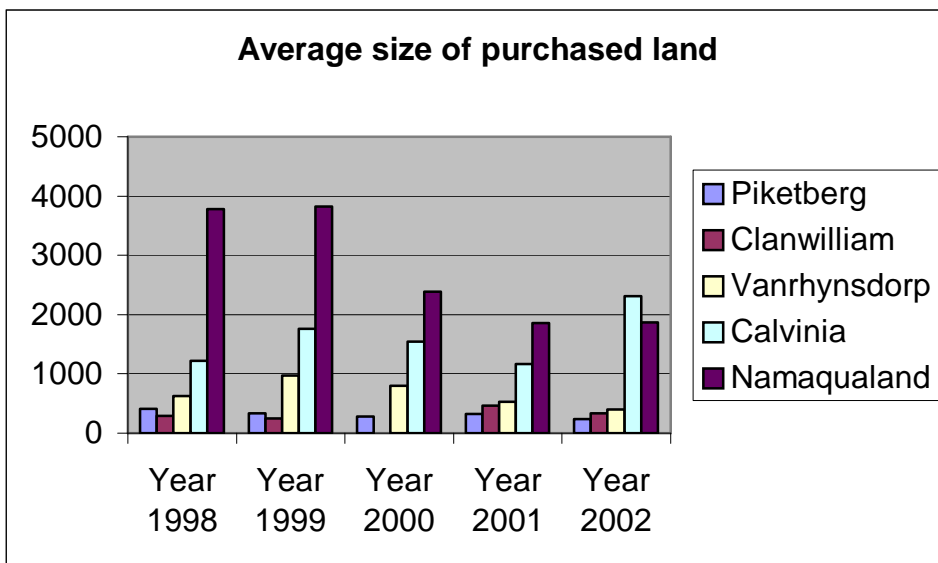
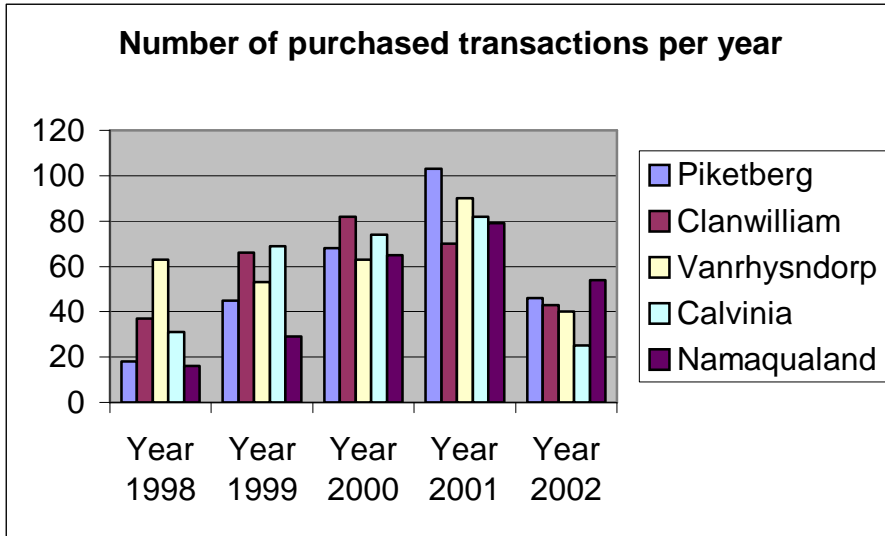
* Note: The number of agricultural properties is based on the number of portions of land, not the total number of title deeds registered for the area. This allows one to analyse the number of separate properties, as portions, which could be transacted on the land market.

† Note: A number of portions/properties make up a farm. The number of farms indicates the number of agricultural properties registered under one farm number with the same title deed number that involved portions of the farm or the total property being transacted.

An increase in number of transactions but decrease in size

In looking at the level of land market activity, it became apparent that the trend year on year has been that of an increase in the number of properties transacted

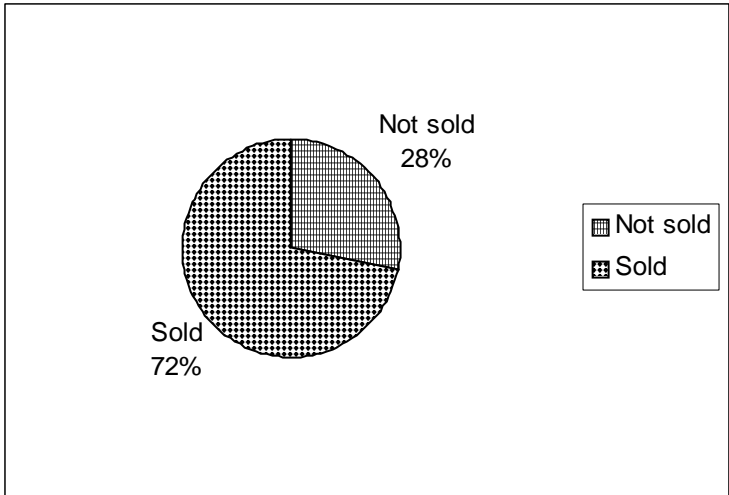
properties, but that at the same time there has been a decrease in the size of the properties transacted. This implies that the larger areas of land are being retained while owners are shedding smaller available areas of land they no longer require for productive use of can no longer afford to retain – the reasons for this are multiple and are dealt with in the report. This scenario has implications for the size and amount of land available for land reform.



Transactions taking place behind the scenes

However, while there is a lot of activity as reflected by the analysis of the title deeds, the *transfer* of this land does not mean that it was all *sold* or that it was transacted on the open market. Our analysis shows that a lot of land, 28%, was not sold – it was transferred in other ways such as through inherited estates, donations, the consolidation of properties and transferring between state departments and other spheres of government.

Land that was transferred but not sold



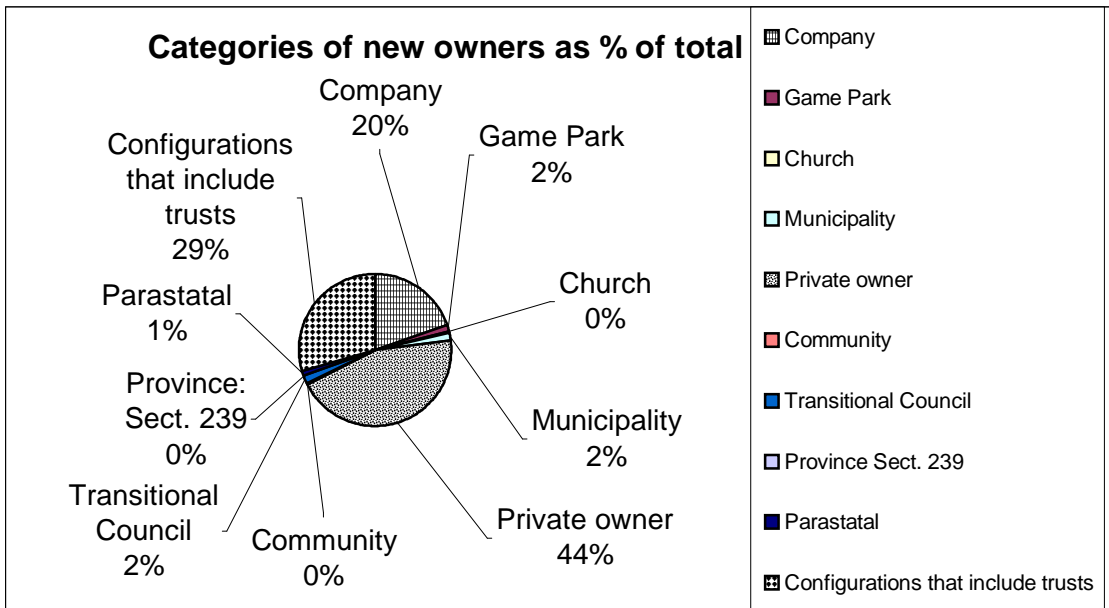
This means that 28% of the land was not available for land reform to even consider – it was outside of the land market. It is also important to note that half of the land involved in these transfers were the transfers of estates – this meant that this land was largely transferred within families and was not contributing to a change in the landownership profile.

While most land that was transferred, 72%, was sold and bought by willing sellers and willing buyers. The question needs to be asked: Who were these buyers?

Who were the buyers of land?

The research found that most land was being bought by private owners, and by companies and trusts. The chart below shows the different buyers.

Categories of new owners as a percentage share of the total number of transactions in the sample.



This shows that 93% of the land was bought either by a private owner, a trust or a company.

The number of Trusts as buyers

With 29% of all new owners (through both purchased and non-purchased transactions) being made up of trusts, either in the form of company trusts, private trusts, or unspecified trusts, it was necessary to explore what this might be saying about the land market. Over the years, the number of trusts increased as this table shows:

Purchased transactions where land acquisition was registered under a trust	
Year of purchase date	Number of trusts registered
1998	77
1999	85
2000	119
2001	185
2002	31
Non-purchased transactions where land acquisition was registered under a trust*	
	47
Total Trusts registered	544

* Note: Non-purchased transactions such as estates do not indicate the year of transaction on the title-deed and these cannot therefore be disaggregated per annum.

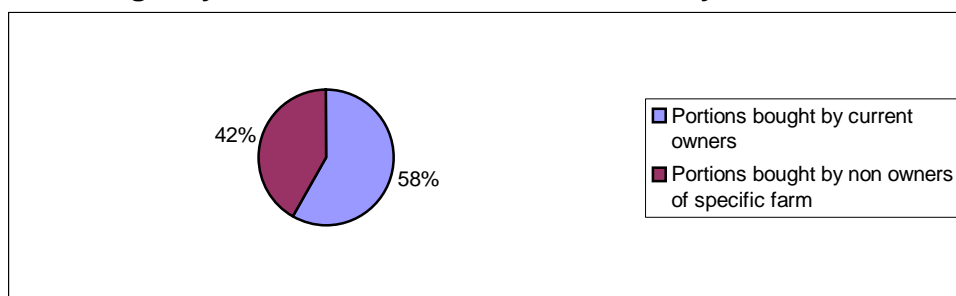
The reasons for this are not clear, but it could be explained by some of the following:

- To separate the land and business from the farmer's own personal property;
- To make it easier to transfer land – trustees can just be changed without having to transfer the land and pay the various transfer and other duties. This is much easier and cheaper;
- It makes it more difficult to identify and track down the owner, in the event of the land being earmarked for expropriation or a land claim.

Land concentration and accumulation

The study analysed how much of the land is being bought by people who already own land. In total, 58% of all the properties were bought by people who already own portions of land under the same title deed of the portion that they were buying – this indicates that existing land owners were accumulating more land, and that they were not new entrants to the land market. 42% of the portions that were bought were bought by people who did not own other portions of land under the same title deed but this is not to say that they did not own other land under a different title deed. What this finding indicates is that a *minimum* of 58% of the transacted properties were bought by people who already own land. This has very significant implications for prospective land reform beneficiaries and new entrants in to the land market.

Land bought by current owners of the farms and by others



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The extent of land reform transactions

Thirdly, **land reform** made up very few of the land transfers in these areas, with the exception of Namaqualand, where 35% of the total land transfers were for land reform! While this is welcomed, it must also be acknowledged that the carrying capacity of land in this region is very low, that large tracts of land are therefore required, and that land in this region is some of the cheapest land in the whole of South Africa.

In the Hantam and in the West Coast, very few land reform transfers took place in those years, compared to other land transfers – only 0.3% of the transfers were for land reform in the Calvinia registration divisions and 1.95% in the van Rhynsdorp, Clanwilliam and Piketberg divisions of the West Coast area.

Why so few land reform sales?

There are a number of factors that explain why so few land reform sales took place:

- **Internal market** – Landless people only come to know that land is for sale if they are part of the networks of current landowners. We have seen that 58% of the land gets transferred to those that already own some of the land on that farm. This means that 58% of the land doesn't even become known to those outside of the farm – it is invisible to outsiders.

But 42% of the land sales, 773 sales of land in the five years, are not bought by buyers who are already connected to the specific farm. And at the same time the estate agents indicated that they are not made aware of all these transactions, so how do the sellers and the buyers link up? How is information about available land accessed and disseminated?

Ostrom¹ suggests that, “Transactions are ... more likely when some form of relationship exists between transacting parties. This relationship (might be) an acquaintance, a previous encounter, a cultural link or a political reference.”

An emerging farmer from the Brandvlei EFA has a clear understanding of this network of inclusivity and exclusivity:

“The local commercial farmers usually know that a farm is for sale long before anyone else finds out or even before it is advertised. The commercial farmers tell their ‘connections’ and no one else really gets a chance before they are snapped up. We are on the outside of this network and so we don't get to hear of land being available until it is already being bought by someone else, and usually someone who is ‘part of the special group of connections’. But in some cases outsiders, who have put the word out that they are looking for a farm, can get in on the act - mainly because money is not a problem for them, they can sometimes get first option.”²

There are few points of contact or exchange between white commercial farmers and emerging farmers and landless people. Emerging farmers have avoided engaging with traditionally white enclaves – such as commercial farmers' unions and farming supply co-operatives. On the other hand, white farmer groupings have not wanted to include emerging farmers. This has meant that emerging farmers and land-seekers often remain outside the information and social networks that exist amongst commercial farmers and have therefore been unable to access information there. The land market does not provide a public and accessible mechanism for the advertising of available land.

¹ Ostrom, E. *Crafting Institutions for Self-Governing Irrigation systems*. 1992.

² Personal interview with member of Brandvlei EFA. October 2003.

Farmers' attitudes to land reform sales: The attitudes expressed by commercial farmers about making their land available for land reform can be categorised into two discernible groupings – those who express total opposition, and those who are supportive of the land reform programme but who have misgivings and concerns.

- **Total opposition**

Racism: “Not today, not tomorrow, never will I sell to non-whites!” These are the words of a white commercial farmer in the Hantam Karoo and they sum up the attitude of some farmers. This attitude has not just come from the individuals that may want to sell their land, but SPP’s research discovered a level of collusion amongst neighbouring farmers who also put pressure on farmers not to sell their land to black people.

A government official in the Hantam explained this well when he said, “The fact is that land is a symbol of power. They (white commercial farmers) are holding onto their remaining power of owning land. If sellers find that there are emerging farmers involved or that it is for land reform, the price either goes up or the land is taken off the market.”³

Threat of competition: In some areas, such as the rooibos farming areas, SPP’s research found that some farmers oppose the sale of land to emerging farmers because they fear the increased competition that may emerge in the marketing of the product.

Lack of maintenance of neighbouring properties: A number of commercial farmers indicated that the maintenance of fences and infrastructure remains their concern and is a reason for not selling to land reform beneficiaries. An official of the Department of Agriculture in Namaqualand explained this problem:

“I think the key issue is that of farm maintenance which causes tensions and objections – there is a serious problem with predatory animals such as jackals and *rooikat* in this area. If all the farmers do not maintain their fences, the livestock owned by neighbouring farmers’ can be attacked by wild animals. Emerging farmers do not always have money for maintenance and don’t always prioritise it and so it’s not so much a question of racism but rather concerns about maintenance.”

White farmers said that the low level of support to land reform beneficiaries, once they have got land, meant that emerging farmers could often not maintain their land sufficiently. For this reason they did not want to put their farms at risk and so opposed the sale of land to land reform beneficiaries.

Concerns about ESTA and other legislation: On the one hand, landowners view the approach to land reform according to market principles as being a positive initiative. On the other hand, they see legislation such as ESTA, the establishment of a minimum wage, and the talk of expropriation as infringing on their rights and interests – and so they resist engaging in land reform. A farmer in Namaqualand said, “There are still things that bother commercial farmers and these impact on their attitude to land reform – an example is ESTA.”⁴ This makes a lot of

³ Interview with Department of Labour official in the Hantam Karoo. July 2003.

⁴ The Extension of Security of Tenure Act (ESTA) outlines the tenure rights of occupiers.

farmers want to oppose anything about land reform. There might be farmers who would be willing to sell or be interested in engaging in joint ventures or contract farming type arrangements but ESTA creates problems for them and so they shy away from getting involved. They do not want to be stuck with people on their land that they cannot get rid of.”⁵

- **Supportive but mistrusting**

The DLA process is unreliable: With both the LRAD and commonage programmes, the processes to get land are extremely slow and are sometimes erratic with no clear predictable outcomes. Landowners that might have been supportive of land reform and willing to sell their land to landless people have withdrawn their interest or refused, in many cases, because of this. A Namaqualand estate agent said that the main cause for the lack of success in land reform is that, “The DLA process is too slow. The Department does not seem able to keep up with the pace of land transactions and sellers get frustrated. Sellers have now reached the point where they prefer to avoid negotiating with the DLA or making their land available for land reform simply because of the bureaucratic process and the long waiting period in between each phase of the transaction.”⁶

‘Landless people are unreliable buyers’: The report proposes that the land reform process places landless people in an invidious position and one which presents them as potentially being ‘unreliable’ buyers. Landless people are buyers of a special type – they are dependent on a land reform grant over which they have no real decision-making power. So when negotiations about a portion of land begin between the landless person or group and the seller, there is no certainty about the available grant. This puts the buyer in a completely subordinate position in the transaction. The seller is aware that the buyer has no real bargaining power and is reliant on receiving permission for the purchase from an external source (the DLA). Sellers sometimes perceive prospective beneficiaries as unreliable negotiators that requires special concessions in that delays needed to be accommodated and lengthy procedures or financial problems need to be overlooked or excused. The negotiations process is not one that is undertaken by equals.

Land prices too high, given the land reform grants available:

- **Land prices rising too high**

The extent of land reform, with the willing buyer willing seller system, will depend on the price of land and the amount allocated to each individual land reform beneficiary. It appears that in many of the places, in particular in the Karoo and Namaqualand, the market price of land has increased over the last few years. There have been a number of factors leading to this. Some people say land reform has pushed up prices, especially in Namaqualand where there was a high demand for land; some say that the interest in land from outside buyers, both from other parts of SA and from other countries, has pushed up prices because buyers come into the area with more money to spend than those who live in the area. The SA National Parks is expanding the area of land for national parks and is willing to pay high prices for this land – in some instances double the price of land in the area. The changes in crops can push up prices – in the

5 Personal interview with commercial farmer from Sutherland area. July 2003.

6 Interview with estate agent in Loeriesfontein in October 2003.

Western Cape, some wheat land is now being used for grapes and these farm conversions have meant that land has become more expensive.

- **Limited land reform funds**

On the one level, government has not allocated sufficient budget to land reform. The money to buy land for land reform nationally such as the commonage programme and for LRAD, has stayed the same in the last three years. This means that, with the rising prices of land, the available budget and grants have been able to buy less land each year.

At the individual grant level, the LRAD grant is insufficient to obtain land of any significant size and this forces people to go into large group arrangements in order to be able to buy farms that might be available on the market. This has particular significance for LRAD projects in areas such as Namaqualand.

With regard to commonage land, the DLA has decided to decrease its emphasis on buying new commonage land – this is particularly so in the Northern Cape where the Department has decided to focus on LRAD and to persuade the local municipalities to terminate leases with commercial farmers using commonage land and to make ‘traditional’ existing commonage available to landless people.

5. Some strategic proposals to enhance land acquisition

If more land is going to become available for land reform, there needs to be action, and mainly from the state. The following are some proposals:

Influencing the land market

Introducing land ceilings, the productive use of land and taxation: In some countries the government puts limits on how much each landowner may own. This is not the same for each area – in the Karoo a farmer needs much more land than in the Western Cape to do the same thing. The World Bank has suggested that it can be worked out how large a “productive farming unit” is in a geographical area, and then tax any land that is owned by a single farmer in excess of that. Introducing **land ceilings** is difficult to implement, and in many places has not worked well.

In some countries, such as Brazil, the right to property is guaranteed in the Constitution, as long as the land is **productively used**. If it is not used, then the state can expropriate it. It is sometimes difficult to clarify whether land is being productively used, especially in arid areas such as Karoo and Namaqualand because often farmers keep two or more farms, with at least one in the winter rainfall and one in the summer rainfall regions. In Brazil the requirement that land be used productively, has meant that land is used much more by farmers, more land has come onto the market (when it is not used), and the state has become more active in acquiring land through expropriation – the principle of ‘Use it or lose it.’

South African government has started introducing different **taxes on land** – for example, the Property Rates Act. The Property Rates tax is a tax that is charged by the local authority in the area in order to be able to provide its services. Previously, rural land was not taxed in this way and it was very cheap to keep large tracts of land. Increasingly, it will become expensive to keep land that is not being productively used and this will have the effect of encouraging farmers to sell land unproductive land.

The right of first refusal and forced advertising: In the early years of land reform in Zimbabwe, and in Namibia in 1995, the government brought in a law which required that no land in the rural areas could be sold or transferred before the state had been given the **first option** to decide if it wanted to purchase the land. This system has the effect of making the land market much more visible – even though it didn't have a huge effect on the land reform programme in those two countries, partially because the Land Departments there were not particularly responsive to these offers of land.

Linked to this right of first refusal and making the land market more transparent, is the proposal that all land sales have to be **advertised** in specified and public places before land can be sold.

The use of subdivision: The subdivision of land has been restricted by government in South Africa in the past because it wanted to stop farms becoming economically unviable in size. Subdividing land, however, could help to bring more land onto the market. This could mean the following: those that buy farms for “holiday farms” could sell the excess land to those that want to use it productively; those current land owners that are struggling financially could subdivide and sell certain portions of land. However, there are also inherent dangers in advocating sub-division: Emerging farmers, have raised concerns about subdivision in that a subdivided portion does not usually include the necessary infrastructure such as a water supply; it may also mean that emerging farmers get left with unviable portions of land that the landowners want to shed because they are no longer of productive use.

While, subdivision does provide some options for acquiring land, the mechanism needs to be treated carefully, taking the local conditions into careful consideration.

Changing the DLA's systems and role

The study highlights a number of challenges within the operations and procedures of the DLA and its role in land reform.

Procedure for acquiring land: Currently, a significant constraint with buying land through the commonage programme and LRAD in particular is that applicants, and the DLA official at the local level for commonage projects, have to obtain a provisional agreement of sale before the allocation of funds for the project can be approved. This severely constrains buyers because of the time delays, and also means that potential buyers cannot take advantage of the possibility of obtaining cheaper land through auctions. It is proposed that the DLA mechanisms need to be streamlined so as to allow the prospective beneficiaries to negotiate with a more definite knowledge of the grant that would be available.

Use of expropriation:

According to the Constitution and laws of general application, the state can expropriate land for land reform purposes. While this is possible, it is not easy and so there have not been many expropriations for land reform in South Africa to date. Not only the act of expropriating land, but also the determination of compensation is complicated and legalistic. This has meant that when the state has tried to expropriate land, there have been many delays. The government has recently changed the law in order to try to make it easier to obtain land in this way, as evidenced by the amendment to the Restitution of Land Rights Act.

But SPP's research found that using expropriation to obtain land may not necessarily make it quicker, or cheaper or less complicated than the other negotiated settlement route. Because it is such a legal process, there are many ways in which the current

owners of land can obstruct or delay the process, if they want to. So, it will be important to observe whether the changes that have recently come about have any effect on the speed and price of land reform. While there are a number of challenges and obstacles in using the mechanism of expropriation, what it does offer is an opportunity to acquire land in areas where landowners are unwilling to sell and where no land is available for land reform – the use of this mechanism is however dependent on the political will and commitment of the state and DLA officials to undertake this route.

A planned and proactive approach:

The current approach to land reform is based on a demand-led project-by-project arrangement. An individual or group of landless people approaches DLA to obtain a land reform grant and then that group has to go through the process of seeking land, negotiating for it and so forth. The government then pays over the money once the project is clarified.

It is proposed that a more integrated and proactive approach is developed, based on a consideration of land need and land availability within a specific area or district. This would involve a participatory process and one where the government (DLA and DoA) becomes much more involved in the process of acquiring land. Once it is clarified what the needs of landless people are in a particular area, the state would try to match the need with available land (private and state). If there is insufficient land, the government would go about trying to acquire the necessary land, including the use of expropriation if necessary. There are already examples of this in South Africa where a district-based approach have been explored such as those case studies in certain local municipalities in the Limpopo and Eastern Cape provinces.

6. In conclusion

In light of the obvious lack of support from within and outside the land market that favours the interests of landless people as evidenced by the findings of this study, it appears necessary to reconsider the way in which the market is serving the needs of this sector and to seek alternative approaches to conducting land reform – options to be considered include the proposals mooted in order to make the land market more pro-poor and would include the introduction of a land ceiling, the right of first refusal, the enforcement of a progressive land taxation regimen, and forced advertising, amongst others; a more planned approach to addressing land needs and identifying available land that would require the DLA to play a more proactive role; and linked to the latter proposal, a more concerted commitment to utilising the mechanisms of expropriation and sub-division in order to acquire more land for the purposes of land reform.

An on-going denial of the stark realities manifesting themselves as a result of the dysfunctional nature of the land market in response to land need and the persistent imbalance in the landownership profile of the South African countryside will only serve to increase levels of frustration on the part of landless people. In the absence of these factors being addressed, the Department of Land Affairs will be party to a litany of failed land acquisition attempts such as that experienced by the landless and emerging farmers of Brandvlei, Hondeklipbaai and Bergrivier and those of the many other landless people whose dreams of acquiring a piece of land in order to improve their livelihoods are thwarted.