

The Presumed Increase of Access due to Redistribution of Property Rights in Rural South Africa

AN ANALYSIS OF POLICIES AND DAILY PRACTICES ON
LAND REFORM FARMS IN THE LANGKLOOF

by
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WAGENINGENUR
For quality of life



THE PRESUMED INCREASE OF ACCESS DUE TO REDISTRIBUTION OF PROPERTY RIGHTS IN RURAL SOUTH AFRICA

an analysis of policies and daily practices on land reform farms in the langkloof

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¹inside joke: Langkloof is an apple producing area and since pink ladies is a type of apples, our whatsapp group was called 'the pink ladies'.

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ABSTRACT

This research investigates the actual benefits people can derive from property rights in land reform in South Africa. Land reform is a government priority since the end of Apartheid in 1994. The main goal is to change the racial pattern of land ownership by transferring 30% of currently white owned land to black people to repeal the legacy of Apartheid. There are three pillars in land reform and one of them, *redistribution* of property rights, is central in this research. To deconstruct the meaning of these redistributed rights, the 'bundle of rights' approach is used to analyze how various rights are expressed in both 'social units' and 'property objects'. To investigate what actual benefits redistributed rights provide, 'access' -defined as the ability to benefit from a right - is used as indicator to unravel the meaning of rights. Through a policy analysis and empirical case studies, both the formal background as well as the daily practices and discrepancies between the two are revealed. The policy analysis firstly shows that the ideal of the South African government is to redistribute private ownership rights. And secondly that in the policies it is presumed that redistributing rights is inherently linked to increased access. The practice shows differently: it is argued that transferring rights is more than private ownership, as is shown through the various bundles. Case studies of land reform farms in the Langkloof, based on a variety of policies, show that redistributing property rights does not lead to increased access for the previously disadvantaged. A focus on cooperating with the agricultural sector, active and involved beneficiaries and access to among others capital and knowledge is needed to make land reform a success in phase of post-settlement, after the transfer of rights took place.

LIST OF ABBREVIATIONS

AFASA	African Farmers' Association of South Africa
AH	Agri-Hub Unit
ANC	African National Congress
BBBEE	Broad Based Black Economic Empowerment
BEE	Black Economic Empowerment
CPA	Communal Property Association
CPI	Common Property Institution
CRDP	Comprehensive Rural Development Plan
DA	Democratic Alliance
DAFF	Department of Agriculture, Forestry and Fisheries
DFID	Department of International Development
DLA	Department of Land Affairs
DLC	District Land Committees
DMR	Department of Mineral Resources
DoA	Department of Agriculture
DRDLR	Department of Rural Development and Land Reform
EF	Emerging Farmer
EFTT	Emerging Farmers Task Team
ESTA	Extension of Security of Tenure Act
FPSU	Farmer Production Support Unit
FWES	Farm Worker Equity Schemes
IDP	Integrate Development Plan
LFA	Langkloof Farmers Association
LMC	Land Management Commission
LPM	Landness People Movement
LR	Land Reform
LRAD	Land Redistribution for Agricultural Development
LRMB	Land Rights Management Board
LSCF	Large Scale Commercial Farming
LTA	Labour Tenants Act
NAFU	National African Farmers' Union
NDP	National Development Plan
NPO	Non Profit Organisation
PLAS	Pro-Active Land Acquisition Strategy
PLRO	Provincial Land Reform Offices
RDP	Recapitalisation and Development Programme
RDS	Rural Department Strategy
RUMC	Rural Urban Market Center Unit
SAAPPA	South African Apple and Pear Producers Association
SAG	South African Government
SLAG	Settlement/Land Acquisition Grant
SONA	State of the Nation Address
SRR	Strengthening of Relative Rights of People Working the Lands
TRANCRAA	Transformation of Certain Rural Areas Act
ZAR	Zuid-Afrikaanse Rand, South African Rand

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Image 1 'Help each other' venue in which a workshop with farmers in Haarlem took place

*"If you want to make peace with your enemy, you have to work with your enemy.
Then he becomes your partner."*

- Nelson Mandela

“WELCOME TO SOUTH AFRICA”

Based in the Langkloof, a rural valley alongside the Garden Route in South Africa, I did research on property rights in agricultural land restoration projects. At least, I thought I would do that. Well prepared and full of ideas I joined the Non-Profit Organisation (NPO) Living Lands, which was already doing projects in the area for about ten years. I assumed I could learn a lot from them and they could provide me with the basic information I needed for my research. As is often the case in life, things were a little different than I expected them to be. In this thesis I will take you on my journey through the Langkloof, through endless policy mazes and through contradicting attitudes and experiences of stakeholders in all levels of society, ending up analysing the ‘real’ meaning of reform policies and property rights in land reform projects.

I was connected to Living Lands by the end of 2015. This is a non-profit organisation based in South Africa. They are working on sustainable partnerships and collaboration to restore landscapes. I had the impression they are working with various farmers and people on the land and I thought an investigation of property rights – especially who is making decisions about the land and restoration – would be suitable and interesting. The context in South Africa however adds another dimension to these questions: The Apartheid, on which I will elaborate later. Of course I thought about South Africa’s history, governmental land reform projects and racism. Nevertheless I still thought a focus on understanding the property rights issues related to Living Lands’ restoration work, could be a valuable research. Soon however I discovered that my attitude towards the South African context was incredibly naïve: I used the word ‘reform’ in my proposal and whereas I meant the literal meaning – reshape, reorganize, or even improve – the South African meaning is something else. I found out that land reform means post-apartheid governmental reform. This word contains a history of colonialism, racialism, power imbalances, poverty and inequality. Land reform is transferring land from white commercial farm owners to previously disadvantaged communities (FAO, 2009; AEASA, 2012; Cousins, 2016a&b) and has nothing to do with an NPO doing restoration projects. More and more it became clear that the South African reform, with its politically charged discourse, would be an obstacle for any other kind of land projects. Once I arrived in Twee Riviere, the small village where Living Lands has a house for staff and students, it became clear that the restoration ideals were

not quite relevant before an understanding of the hierarchies and rights dynamics was created.

Before going to South Africa, the motivation to do research to property rights came from documentaries and stories about land grabbing. My sense of justice regarding the distribution of food and agricultural land was triggered: who decides what is grown where, on which lands, who has the right to make decisions over land, is the food production on an industrial scale or subsistence farming scale? Why do people place fences around 'their property'? It implies that one person made another decision about the location of the fence than another person. What makes a decision about property legitimate and who decides this? And most important: what do property rights mean to various people in various contexts?

Not only are these questions becoming more interesting in relation to the land reform situation in South Africa, they are also debated extensively in the academic world; various strands of theory and many different approaches have been developed. Many conflicts in the world can be related to property, justice and legitimate decision making and an understanding of property relations is of great importance to gain understanding of the way people relate to resources. There can be great differences in the formal state rights and peoples' informal ideas on their rights. It can be stated that the interplay of different levels of property rights is of great importance in policy making and issues regarding land, resource governance and sustainable management (Hann, 2007; Agrawal, 2003; Roth, 2009; Von Benda-Beckman, 2006; Roth and Rasch, 2016; ICAS and TNI, 2016). And there is a need for empirical research, to understand the relation and interplay of different variables (Roth, 2009).

In South Africa I slowly unravelled the policies regarding land reform that were implemented since the end of Apartheid in 1994, the fallacies, discrepancies, reasons for change, obstacles, tensions, what works and what does not work and most important: how a policy made and implemented on various governmental levels works out on the ground; how these policies have an influence on the poorest, most disadvantaged communities. During my stay I witnessed extreme poverty, inequality, people in townships, or as they are called, Reconstruction and Development Program houses (RDPs) (ANC; Van Leynseele and Hebinck, 2009:177), with access to water for less than an hour a day, people without any future perspective, alcohol and drug abuse –not only by adults–, (sexual) violence, economic, social and political exclusion and racism. I discovered –and this is my second naïve attitude– that not only there is racism between black and white people, but also, between black and coloured people (Zungu, 2017; Nations Encyclopedia; SA History). I learned that in South Africa race is highly important to interpret a story and that there are incredibly contradicting views about the various races. I interviewed a farmer, a black, educated farmer, who is now illegally occupying a piece of state land. He told me about the hate there is between races, the hate that the previously colonised people feel towards their oppressors, that, if it was not for Nelson Mandela', a 'bloody massacre' would have taken place (Interview EF2, 2016). My colleague on the other hand, a young, intelligent,

coloured woman, living in Ravinia, a township next to the village I was living in, speaks of black inhabitants of the Langkloof as intruders; lazy immigrants who leave the former Homelands² to steal jobs and cause problems. Yet another person, the director of a big farming company, a white man, states that these black immigrants work incredibly hard to make as much money as possible to send home and that the coloured people have a leaderless culture, which causes all the drug and alcohol abuse (Interview COR1, 2016). Another colleague, a white PhD student from Rhodes University, Grahamstown, openly expresses her concerns and feeling of guilt regarding her privileged, white position. Yet another highly educated white man I met –at that moment housesitting a huge house, with four bathrooms with fireplaces, bordering the townships of Plettenberg Bay, where a few days later I saw protests and burning car tires– said I should accept the situation, since it is as it is. He states you do not have a life as a white South African, when you worry about the (racial) inequality in the country. These opinions do not include opinions about governmental regulations yet, but already illustrate the great disunity existing in the country.

I saw and heard about a lot of failed land reform projects and know only a few success stories which are all pretty doubtful, as I will explain later. Various government officials, founders and chairpersons of NGOs and agricultural institutions, farm mentors and farm workers have given me examples of failures and unclear situations caused by contradicting policies, tensions and a lack of information, education and political, social and economic exclusion.

Getting to know more and more of this background, the tensions and the land reform policies that have been established since the end of Apartheid, my research focus changed. How to deal with property rights in case of a land restoration project became an irrelevant question. Land ownership, and property rights in South Africa in general, regarding all agricultural land, are contested and in transition. They are politically and racially charged, it is unclear what the different farm models created by the reform policies mean and what effect they have for farmers and farm workers. The importance to connect rights to production, employment and livelihoods is not yet enough practiced. *'Landrights involve much more than the law, and rights must be able to be realised in practice'* (Cousins, 2016a:15).

Introduction to the research

This thesis is about land reform in South Africa, it focusses on whether or not the policies developed and implemented up for this purpose are effective for the people who they are supposed to help.

Land reform policies appear to be missing a connection with rural development. The government focusses on redistribution private ownership rights, instead of post-settlement (Cousins, 2016a) and the attempts that have been made, are highly criticised, for 'its focus on service delivery and infrastructure rather than access to livelihood assets or resources for production' (Everatt 2003 in Hall, 2010:306)) and there is no system developed to assist land reform beneficiaries on how to farm their land (Hall, 2010: 228). Despite an Agricultural Policy in 1998 and adaptations made in the *Green Paper on Land Reform* (DRDLR, 2011), there is little

¹First black president after the Apartheid, from 1994-1999. He was part of the party African National Congress (ANC).

²Explained in chapter 1

attention to the linkage between land reform and agricultural policies and how the one influences the other (Cousins, 2013:50, 2016b). Government departments are working in their own 'silos' (Interview GOVWC2, 2016) policies lack coherence and overall the goals are not met (Cousins, 2016a). The simultaneous implementation of government ideas to decrease or remove state support and regulations on agriculture while also aiming at the establishment of new 'emerging farmers' through land reform (Coetzee, 2003: 227 in: Hall, 2010:235), is an example of where land reform and agricultural policies are not only not aligned, but even conflicting. Also remarkable is the separate housing policies. Whereas it is stated that because of the Apartheid people are squeezed into townships and 'homelands', this racial, spatial divide cannot be dealt with through land reform policies, at least it is not directly included and housing issues are the task of the Department of Housing (Bannister, 2003). A lot of housing subsidies are only accessible in case the applicant is holding secure tenure, or is legally occupying state land (Bannister, 2003: 6). In this last case however, the agricultural policies are working against the applicant, since when one is living on state land, a loan with a bank is not possible, because for that, one needs ownership rights and land as security. Formal title deeds as collateral are required for access to capital (DLA, 1997: 36), as also became obvious in the various interviews conducted in the Langkloof.

The focus for research to property rights this way became focussed on unravelling the actual meaning of all the policies and reform projects in South Africa, to find out what the redistributed rights actually mean to the 'previously disadvantaged'³ (DLA, 1997:34) and what they can do with it. One of the debates about land reform mentioned by Cousins (2016b:6) is '*Is land reform on its own, without major intervention in the agricultural and rural economy, including the provision of substantial support for beneficiaries, not likely to fail?*'. Combining these problems with the focus on property rights, the redistribution of private ownership and whether or not this works, this led to the research question:

What do land reform policies and redistributed property rights mean for previously disadvantaged groups in the South African rural society?

An understanding of the rights and roles of previously disadvantaged groups in the rural areas may help to change the focus and policies that are currently failing, to identify a gap between policy and practice and help to understand what kind of access people get or do not get from their new property rights.

It will be argued that the redistribution of property rights is not directly related to access, defined as 'the ability to benefit' by Ribot and Peluso (2003). And property rights, as will be argued, are more than private ownership (Cousins, 2016a:9) and are approached as a 'bundle of rights' (Von Benda-Beckmann et al 2006).

To come to these statements I spent three months doing field work in South Africa, from April until June 2016. I was based in the Langkloof, a rural area in in the south of South Africa, covering

³'those who have been denied access to land and have been disinherited of their land rights' (DLA, 1997:34)

both the Eastern and the Western Cape. Most of the farms there are apple or pear farms and a great variety of reform projects can be found. I was living and working in a small village where the NPO Living Lands facilitated the research and had a field office/ house for employees and researchers. The methods used for the research are based in social research, with political ecology and legal anthropology as overarching theories and the bundle of rights (Von Benda-Beckmann et al. 2006) and theory of access (Ribot and Peluso, 2003) as theories for the analysis of property rights. I used qualitative interview techniques and observation as most important methods to gather my data. To verify data, find new policies and specify theories, I used triangulation and worked iterative, by using earlier scientific work that already gathered data and policies and move back and forth between primary and secondary sources. A research population of people in all layers of society was established to understand the various perspectives on property rights. The case studies are mostly based on interviews with farmers and farmworkers and the more general statements and illustrating information merely is from government officials and other experts.

This research exists of a policy analysis and empirical research, which can also be read separately, depending on the information that you are interested in. First an overview of existing research is discussed to get an idea of the current research focus in land reform and to understand how this research fits in its academic context. The overview focusses on empirical land reform research. And though there is also a lot of scholarly work on policies, there is almost as much confusion about the different rules and regulations. For instance Living Lands' question to me was about what sustainable partnerships between them and farmers would be so I started analysing what the differences are between the various different (Broad Based) Black Economic Empowerment (BBBEE) farms in the Langkloof. Every land reform project was called BEE (before Broad and Based were added it was BEE) by farmers themselves and by Living Lands. It apparently became some sort of the umbrella term for all kind of black empowerment, even though, as I later found out, land reform already existed before the BBBEE Act (RSA, 2004; RSA, 2014), the BBBEE projects can be other projects than farms as well and land reform farms in fact has nothing to do with BBBEE. Furthermore government levels, websites and departments are very unclearly structured, as is not only my own experience, but also what came out of the interviews with government officials. The policy overview given in this thesis, exists of the most important land reform policies since the end of the Apartheid, with a focus on those that I encountered in the Langkloof, therefore not all existing land reform policies will be mentioned. This creates an understanding of the differences between the projects and the policies on which they are based as well as the top-down perspective on property rights. Although the policy analysis is part of the research, it is at the same time part of the problem description and provides both a background for the empirical research as much as it raises new questions. In methodological terms, this is called an iterative process. (Bryman, 2008).

In this thesis I will focus on Redistribution, one of the pillars of South African land reform, as will still be explained. This is the most prominent and most present reform in the rural communities

in the Langkloof and gives the most interesting perspective on possible meanings of property rights. The other pillars, tenure security and restitution, are merely about the formalisation of rights and 'returning' land to black people, who were disowned after the land act of 1913 (RSA, 1913). The policy overview as displayed below, is thus not covering all policies on land reform or related to land reform. There are housing acts as well as agricultural acts and tenure acts that will not, or briefly be mentioned (Bannister, 2003). The goal of this overview is to explain the complexity and the diversity of policies and provide a background of the case studies, that are empirical illustrations of the functioning of the policies in daily practice. The empirical cases function to establish the relation between the redistributed property rights and the access it provides in daily practices for the previously disadvantaged.

HISTORICAL POSITIONING AND THEORY DEVELOPMENT

The distribution of property,[...], lies at the heart of debates over equity and social justice. This is particularly true at moments of political change when former property regimes are critically scrutinized and reforms proposed. (James, 2006:1)

1.1 Historical positioning and theoretical introduction

Although many people know the word 'Apartheid', it is less known what and when it was exactly and that in the periods before, the Colonial period and the Union Period (1910-1948), racial segregation was initiated. Land policies favoured white land owners and focused on large-scale commercial farming. The Native Land Act 1913 was the first act to legalize territorial segregation and identified 'reserves' for native people, who were not allowed to purchase, hire, or occupy land outside these areas anymore. The National Party continued and expanded these segregation laws during the Apartheid and transformed the reserves into independent 'homelands', only allowing the black population to work, but not live, outside these reserves (Hebinck, 2013). According to the current government, this is what caused the 'landlessness, poverty and inequality' and was the start of people moving into so called townships, as workers for 'white masters' (SAG n.d.).

The chiefs and headmen of the native tribes were made employees of the government, who were to be removed if they did not comply with the governmental policies, which gave the government more influence in the homelands. In 1991 the Abolition of Racially Based Land Measures Act was passed by the government and made an end to these territorial segregation acts. The first democratic elections in 1994, when Nelson Mandela and the African National Congress (ANC) came to power, are generally seen as the end of Apartheid, even though the first policy changes were implemented in 1990. The Mandela administration was the first that attempted to make an end to the legacy of Apartheid. 'Attempted' because, as will be argued, the Apartheid and racial segregation is still noticeable in South African daily life, even though in the Constitution of the Republic of South Africa, equality of rights and non-racialism were included (RSA, 1996). The Department of Land Affairs (DLA) – changed under the Zuma administration to 'Department of Rural Development and Land Reform' (DRDLR) – presented the *White Paper on South African Land Policy* in 1997, in which the basis for land reform was established.

Land reform in South Africa is a highly complex topic. The policies are initiated to make an end to the legacy of Apartheid: *'Our history of conquest and dispossession, of forced removals and a racially-skewed distribution of land resources, has left us with a complex and difficult legacy'* (DLA, 1997:4). This makes land reform politically sensitive and racially biased. The policies are designed on governmental levels, but are meant to provide benefits for 'previously disadvantaged' 'those who have been denied access to land and have been disinherited of their land rights' (DLA, 1997:34) as the government defined this group. The focus is on redistributing private ownership rights, with a priority for ownership rights (DLA, 1997; Jacobs et al., 2003; James, 2006; Van Leynseele, 2013, Cousins 2016b). The targets and amounts of land to be redistributed have not been met though (DLA, 2005; Cousins, 2013; 2016a). Eighty-four per cent of the farm land was in the hands of the white minority and 30% of this farmland was planned to be transferred by 1999 (FAO, 2009), but this target was reset to 2014 and later to 2025 (Van Leynseele, 2013.) In the South African reports itself it is stated more positively, since they argue that 6 million hectares have been transferred (NPC, 2011), which sounds more than the around 6% of agricultural land it is (World Bank).

Besides the focus on ownership a distinction between rights and access is made. In the National Development Plan towards 2030 (NDP) it is stated that in order to reach another goal of land reform –ending the marginalisation of the poor– changes in access to resources, land, water, education and skills are required (NPC, 2011:195). This distinction between property rights and actual access will be further discussed in the following chapter. Also other property rights than private ownership are highlighted, so property rights can be further deconstructed, beyond private ownership, to their actual meaning in practice.

Most of the existing scientific research is focused on processes of land reform, success rates and production rates (Cousins 2016b:26,27) and previously disadvantaged farm workers are often neglected in research (Aliber and Cousins, 2013:158). In order to fill this scientific gap an overview will be provided on the current state of literature, specifically about land reform focused on property rights. Consequently the policy analysis outlines the background for the case studies to focus on implementation in daily practices and the presumed increase of access on farms due to the redistributed rights. Aspects which naturally come with the transfer of rights and the context in which they are expressed, are discussed in the literature review and provide the basis for the case studies included in this thesis.

These aspects that are important in the research are theoretically framed in Political Ecology. The analysis of policies in society is done according to Legal Anthropology, taking into account that not only the policies itself are interesting to analyse, but the way they are established and their effect in society as well. These two theories are the framework by which the research is embraced and through which it can be understood. Furthermore property rights are deconstructed following the concept of 'the bundle of rights' (Von Benda-Beckmann, 2006). And the daily practice of property rights is measured according to the sort of access people have, for which the theory of access is used (Ribot and Peluso, 2003).

A necessary fact to know about land reform, before reading this chapter, is that land reform in South Africa exists of three pillars: Restitution, redistribution and tenure security (DLA, 1997). An elaborate explanation about these pillars follows in the chapter on policies. For now it is important to know that Redistribution is the focus of this thesis and is focussed on every previously disadvantaged person, not only those who lost their land due to the Native Land Act, who can opt for grants to purchase land. Restitution is about giving back land to the people who lost their lands after the land act of 1913. Tenure security is hardly discussed in this thesis and is mainly about formal land rights.

1.2 Political ecology

Political ecology has different definitions. One of the most recent ones and the one that best describes the function this theory has in this research is: ‘to understand the complex relations between nature and society through a careful analysis of what one might call the forms of access and control over resources and their implications for environmental health and sustainable livelihoods” (Watts, 2000: 257). This relation illustrates South African land reform, since this concerns the reform of (agricultural) land and is directly related to food production (Hebinck and Cousins, 2013). Furthermore it introduces different meanings of property rights, various ways to deconstruct, by mentioning access and control with regard to resources. And finally, and this is more context specific, the Langkloof is a water catchment, that supplies water for Port Elizabeth (Talbot, 2012). Water supply is directly influenced by land use and highlights the importance of the political ecology perspective covering the relation between society and nature. Currently, as stated by Living Lands the catchment suffers from overgrazing, degradation of wetlands, unsustainable land use and invasion of alien trees. Most of the farmers that have been interviewed, state that the supply of water is indeed a major problem and that they are currently dealing with a drought (Barbee, 2015). This is especially important because South Africa is a main actor in the deciduous fruit export, and the Langkloof, one of the most important deciduous fruit areas for South Africa (Pickelsimer, 2013). These issues are, according to Watts not just natural, but related to society, access and control. It is even stated that politics is ecological and ecology is political (Robbins, 2012: 3). Social processes at various scales are related to ecological conditions (Adams, 2009: 197). Some phrases of Living Lands’ approach illustrate the importance of the interactions between man and ecology and show that many aspects need to be understood first in order to deal with land related projects. I highlighted some words to emphasise the relation between land and society:

*‘[...]for the purpose of restoring living landscapes . We are setting up local learning **networks** with various stakeholders to create a **mutual understanding in working together** towards more sustainable land use. This is achieved by listening to **everyone’s dreams** and empowering landscapes to create **sustainable solutions**. [...] The process is focussed on mobilizing civil society and creating **local ownership** and learning networks amongst all*

stakeholders regarding sustainable water and land management.' (Website Living Lands)

Social, political and even legal aspects are mentioned as tools for ecological purposes. This approach is not focussed on the daily practice and interest of farm dwellers, but has a holistic aim, and does not address the question about the meaning of rights. As discussed before, land reform is highly political and many conflicts around rights, resources and social position are influencing reform processes. These aspects thus need to be understood and investigated, before being used as tools for land restoration as proposed by Living Land. 'Mutual understanding' and 'working together' are beautiful goals with regards to sustainability, however in the Langkloof there are both white commercial farmers and black farm dwellers who are struggling to survive, the bridge towards a mutual understanding, in the perspective of land reform and racial aspects, is quite difficult. They most likely have different 'dreams' about 'sustainable solutions', which need to be understood as well. The political, social and historical aspects of land reform and unclear policies and practices of rights are blocking the way to equal collaboration to achieve sustainability. Furthermore 'local ownership' and 'land management' are contested concepts as well. Both have to do with property rights, as explained, and it is very interesting who will allocate and who will benefit from either ownership or management rights, since there are various reform projects that influence and change these rights.

As may be clear, ecological sustainability in a landscape of land reform is highly dependent on this land reform and the corresponding interplay of social and political aspects and the diversity of rights people have. Political ecologists research *access* and uses of resources, land in this case, conflicts about it and knowledge about the environment (Bryant, 1998), topics that provide more information about how to understand the difficulties regarding land reform.

Political ecologists also emphasise the importance of a focus on scale in politics, space and time (Adams, 2009:197&205). As stated in the Eastern Cape Rural Development Strategy (RDS) (RSA, 2010:11): *'The historical structural legacy has been deepened by the current global capitalist crisis and the advancing of neo-liberal globalisation'*. In this one sentence, space, time and politics come together and summarize the situation. In this thesis these scales are analysed by including the historical racial aspects, a focus on institutions and different governmental levels and spatial boundaries; which official, department, district or municipality arranges what policy implementations? The spatial boundaries are also linked to how people define their working area, with whom of which land they feel related and what influence this has on cooperations and decisions. The historical scale expresses itself through the history of Apartheid and the current racial phenomena that are to be identified in the landscape and on farms. The other aspect that came forward in the RDS is often discussed in the South African context and is a scale transcending topic, however more economically: the link between capitalistic growth and environmental outcomes (Peet and Watts, 1996). This research focus comes to expression when, for instance, farmers speak about how their incomes from the national market are not sufficient to buy materials on the international market

to maintain their land.

Political ecology provides a comprehensive framework to look into the relation between society and land, including different scales and hierarchies in which policies are implemented, acknowledging the importance of both politics and social interactions in this relation. However, in this thesis there is yet another central topic within the previously discussed framework: law, policies and property rights. Since property rights are already contested as a topic on its own, the analysis of place they have in between described topics - political relations, historical tensions and land – needs theoretical support. Therefore legal anthropology provides the perspective to look into the position of property rights in this specific contextual frame.

1.3 Legal anthropology

Legal anthropologists observe the workings of law in society and economy (Lazarus and Hirsch, 1994). They look into legal ideas and social systems, how law changes through society and society through law and how conflicts develop when various persons have different access to legal resources and knowledge (Star and Collier, 1989). The topics that are important to investigate and to understand the role of law in society, in this research the role of property rights in land reform, mostly correspond to the topics mentioned by political ecologists. These aspects of the relation between society and land discussed this far are however influenced by law and law and its implementation by those relations. Legal anthropologists acknowledge that property rights are constantly mingling with political, social and economic aspects and that property has political, economic and social functions (Hann, 2007). They simultaneously shape and are shaped by land and society. When taking into account that the policies regarding land reform have changed over time and are historically influenced by Apartheid and post-Apartheid, it is important that the interplay between society and policies and law is investigated. An analysis of policies on its own is not enough to understand the deeper meaning of changing property regimes. This focus on scale as political ecologists propose as well, is not only focussed on historical aspects (Star and Collier, 1989), but also on political, legal institutional and daily practices aspects (Von Benda-Beckmann, 2006). With regard to land reform, this can be translated as an investigation of access to (legal) institutions (Comaroff in Lazarus and Hirsch, 1994: ix) and various governmental levels that either implement policies or form a platform for farmers targeted by land reform. Furthermore including power imbalances in the research focus (Star and Collier, 1989:5) helps revealing the hierarchies and policy-practice gaps, to interpret the way the policies are implemented. Looking at the policy reviews and changes it becomes clear that the policies sometimes have another effect than they are meant to have and work differently than expected.

Knowing both political ecological aspects as well as the legal anthropology frame, the position of property rights in existing research can be better understood. Property rights as well as the discussed aspects will be contextualized in existing research on property rights in South African land reform.

1.4 Property rights and land reform

The distribution of property rights as well as legal property regimes are much debated topics. The most influential regimes are based on western legal categories, or the liberal model, of which the most common is private ownership (Hann, 2007). It is not possible though to copy this regime to non-western societies. A context specific approach is needed, or the regime needs to be 'vernacularized' (Merry, 2006), meaning that universal ideas, when adopted by or implemented in smaller communities and other societies, have to be adapted to the local institutions and customs. It is therefore also important to adapt the research focus to the context specific characteristics. Used in different contexts, property rights regimes are challenged and have become politically and ideologically charged (Von Benda-Beckmann et al. 2006: 3; Hann, 2007). The South-African context of actively redistributing rights and racialism increases this, which makes a frame necessary that highlights social, political and historical aspects to be able to contextualize property rights.

In most theories on property rights, a distinction is made between types of property, also known as the Big Four. Next to *common property*, *state property* and *private property*; *open access* is a possible form of property regulation (Von Benda Beckmann et al. 2006). There is a lot of debate especially around common and private property. Who manages it, who has a right of *access* or withdrawal and can common resources be state property? Whereas Hardin (1968) sketches the *Tragedy of the Commons*, in which communal property is disastrous, Ostrom (2000) wonders whether private property is the solution for land management, and who has the legitimacy to allocate those private rights. There are some scholars who did research on land reform in South Africa, who follow the approach of the government in focussing on reallocating ownership rights. In the current policies however, there is a returning focus on state ownership, out of fear that failed projects are sold to white farmers again (Interview EX2, 2016; Interview EX1, 2016; Interview COM1, 2016), and public-private partnerships to prevent more failures (Van Leynseele, 2013). This broadens the scope of property rights beyond private ownership, and mixed forms of property rights are possible.

The approach of the South African government in general corresponds to the liberal model, focussed on private ownership. James (2006), criticizes this approach and elaborates on the debate on reform practices in South Africa from the perspective of modern/private versus traditional/state owned and communal property rights. She concludes that the private ownership focus does not correspond to all existing mixed forms of ownership in South Africa and that the poor and landless people, the 'beneficiaries' in practice do not benefit from private ownership. This private ownership approach corresponds to the liberal, Western idea of property rights based on private rights and economic benefits (Demsetz, 1967; Hardin, 1968). It is a focus that has been the foundational idea of the organisation of the economy in Western society (Hann, 2007: 290). The key aspect is a cost-benefit analysis of (private) property rights, and it is in this context that Hardin and Demsetz formulated their ideas about 'the commons'. Hardin's main argument is that

overpopulation and communal land management lead to degradation of lands, because people strive for their own benefits, instead of looking at the greater good – this is what he calls the tragedy of the commons. He states that either coercion or an unjust private property inheritance system are favourable: *'The alternative of the commons is too horrifying to contemplate. Injustice is preferable to total ruin'* (Hardin, 1968:1247). This Malthusian approach is not that present in Demsetz' theory on property rights, but he as well does emphasise economic benefits and minimising transaction costs in privatising property, reducing property to a matter of cost-benefit analyses. He mentions private ownership, state ownership and communal ownership as possible ways to govern property rights. However communal ownership is quickly dismissed for reasons Hardin would agree with. State ownership is not really discussed, which leaves private ownership as the single solution for governing property: *"If a single person owns land, he will attempt to maximize its present value by taking into account alternative future time streams of benefits and costs and selecting that one which he believes will maximize the present value of his privately-owned land rights"* (Demsetz, 1967:355). This remark was confirmed by some farmers in the Langkloof (Interview COM1, 2016; Interview EX2, 2016) although it was mostly formulated the other way around: Farmers who are farming on state land, told me it felt weird that they were taking care of the land for the state and they were not investing in it for themselves (Interview EF1, 2016; Interview BEE WC1, 2016). James (2006) notices that the perceived dichotomy between either state or communal and privately owned is blurred. Therefore the focus on private ownership is becoming too complicated – for instance when land is transferred to communities instead of individuals – the regime is under continuous change and there appear to be many aspects besides economical aspects, that go hand in hand with transferring rights. These other features are highlighted in Political Ecology. How these aspects are used in research on land reform and property rights in South Africa, is discussed in the literature review, this paragraph also clarifies the research focus of this thesis.

One of the aspects going hand in hand with the debate around rights is the role of (expert) knowledge and its relation with race, social and power relations (Hebinck et al. 2011) Knowledge and science are highly influenced by society and politics and Hebinck et al. question whether or not land reform practices have cut themselves loose from ideologically biased, dominant discourses and science, emerged under white settlers. They find continuities of the former system in current practices. Not seldom is a transferred piece of land managed by a mentor, strategic partner or the former owners of the reform project, continuing the former relations of power and knowledge. Ownership and management rights are separate this way, which stresses the importance to focus on this separation in this thesis. Different phrases and terminology remain racially charged, such the use of existing categories as subsistence, emerging and commercial farmer (2011:228/229), even though the daily practice proves differently, as explicitly mentioned by so called emerging farmers during a meeting with government officials in Joubertina (May 25, 2016). Nevertheless, the old values, market validation and future possibilities are attached to terms as subsistence and

emerging. The attitudes and opinions concerning land reform solutions are highly dependent on and influenced by the sort of knowledge and discourse people have and use. Hebinck et al. conclude that the lack of expected discontinuities in policies and categorizations create a gap between expert knowledge and the 'immediate needs and views of rural people', which makes land reform projects disconnected from and incompatible with its beneficiaries (2011:236). They are advising a change of discourse and framing towards social and natural conditions. A focus on agency, skills and resources of rural people is recommended for a better understanding and the potential future of land reform (2011:236/237). This study illustrates that land reform is embedded in social, historical and political structures and influenced by access to knowledge and resources. It is stated that more research in this field is needed to understand the gap between knowledge and discourses and practices.

Furthermore Van Leynseele and Hebinck (2009) show in their research the complexity of restitution processes and the interplay between various government levels and claimants. They focus on land restitution in traditional communities, which is complemented by the focus in this thesis on redistribution in a non-traditional rural area. Their focus is both on the transfer processes as well as on the post-settlement phase, 'when the land rights have been formally settled' (2009:165). Land rights are, in the case of restitution, transferred based on inherited narratives. Another problem is that sometimes the land is transferred to a way too big crowd for the claimed piece of land. To turn a farm into a commercial enterprise, external mentorship is needed, but often unwelcome and thus, when landownership rights are transferred to restitution claimants, nothing is done afterwards to change production patterns. This has been termed the 'same car, different driver' principle (van den Brink 2003: 20 in Van Leynseele and Hebinck, 2009:165). Zooming in on the processes of establishing a restitution farm, social and political relations on various scales and the role of institutions turn out to be important aspects in the transfer of rights and the post-settlement phase. This research highlights the interplay of social relations around processes of redistributing rights and how post-settlement does not have the desired attention. The daily practices for the beneficiaries, what a land reform project changes in their lives, is still unanswered.

An illustration of the discrepancy between reallocating rights and the post-settlement phase is the research of Aliber and Cousins (2013) who investigate the livelihoods of people under different land reform policies. They state that the main problem is the fact that the government's Large-Scale Commercial Farming (LSCF) approach does not take the social relations into account, that Van Leynseele and Hebinck (2009) proved to be important, nor the abilities and ambitions of the farm dwellers (Aliber and Cousins, 2013: 141). In their case studies Aliber and Cousins make a distinction between various land policies, to be able to identify the differences in practice. The cases describe how the reform projects started and how the land rights were divided over the new owners. They highlight a difference between beneficiaries for new reform projects that were farm workers at that farm, and people that are simply approached to give their ID numbers for the

grant application list. This sometimes happens passively, or people assume they can get benefit out of it. Those people often do not have farming experience, so LSCF becomes rather difficult to establish. Following these findings, Aliber and Cousins state that farmworkers and –dwellers have been systematically neglected in land reform and did not really benefit in practice (2013:158). Their case studies emphasise the discrepancy between policy and practice and illustrate the importance to focus on the intended beneficiaries. Through Van Leynseele's (2013) PhD thesis the meaning of rights for the beneficiaries can be better understood. His study is around two cases in which private rights were restored to a group of previously disadvantaged people. He states that new strategies of reform, like business models and strategic partnerships emerged out of governments fear for failure; creating new dimensions of rights, such as leasing, shareholding and managing. In his case studies, Van Leynseele mainly interviews 'key brokers (i.e. traditional leaders, elected community representatives, development planners and white farm managers)' (2013:4) and focuses on the influence their social and political agency and their cultural background have on land restitution. He applies the suggested research focus by Hebinck et al. (2011), this helps to understand the dynamics on farm level, but leaves the main 'target group', the farm workers and poorest, unaddressed as stated by Aliber and Cousins (2013), and creates a necessity for further research.

Knight, Lyne and Roth (2003) and Knight and Lyne (2004) do have a focus on farmworkers. These are some of the few studies that pay attention to this poorest layer of society, to see whether the policies benefit the intended beneficiaries. They look into institutional arrangements and perceptions of farmworkers in Farm Worker Equity Schemes (FWES), a land reform practice initiated by the private sector. The difference between restitution and FWES is that FWES are about rights in an enterprise instead of land rights. This highlights an interesting difference in reform practices; a distinction that is the basis for the deconstruction of property rights. In FWES the ownership rights are organized differently, contrary to physically dividing the land in smaller plots, beneficiaries become shareholders. These terms are in practice used interchangeably. Knight et al. (2003) and Knight and Lyne (2004) mention that various variables, such as management, institutional arrangements, performance and worker empowerment are linked. They divide property rights into voting and benefits rights, adding yet another dimension to property rights, next to Van Leynseele's (2013) attention for leasing, shareholding and managing. Knight and Lyne (2004) really focus on the farmworkers' perspective on property rights, including profit sharing, election procedures and the tradability of shares (Knight and Lyne, 2004: 7). In both these articles the interviews were held with trustees and not with worker-shareholders and both studies put a great emphasis on success rate and 'numbers', instead of personal opinions. The workers and their opinions and experiences rather than the success rates and results of the projects in general, are still to be investigated. Based on previously discussed investigations, it is to be noticed that on farm level, property rights need more attention and are more complex than just dividing the land. Ownership and property rights need to be further deconstructed, as some scholars discussed

above, already started.

The entire scope, from policy to practices and broader ecological and economic aspects, is discussed in Hebinck and Cousins' *'In the Shadow of Policy'* (2013). This book divides research in three main topics: policies (part one), discrepancies between policy and practice (part two) and land reform related to ecological and economic aspects, mainly food production (part three). Two of the book chapters focus on the gap identified above: property rights beyond private rights on farms and beneficiaries' perspectives. Tienstra and Roth (2013) focus their research on how benefits are not the only thing that are transferred in land reform, but also risks and obligations are part of transferring rights. They base their idea on property rights in legal anthropological views and 'the bundle of rights', which is the same theory as used to deconstructed property rights in this thesis. Phethlu (2013) sketches 'portraits' of beneficiaries in land reform projects, their relations to the farm, their duties and their benefits. She concludes that reform increased class inequalities and there are differences between beneficiaries who do and those who do not work on the farm and who do and do not have access to resources. Land reform is 'not a linear and harmonious process. It is a complex, conflictive process that demands close observation and analysis.' It is stressed that it is important to focus on beneficiaries' everyday life instead of ideological interpretation of policies (Phethlu, 2013). This research emphasises the importance of looking into the stories of the beneficiaries instead of success rates of reform projects in general, to understand the effects of redistributing rights. It is not only about redividing land, but the differences it creates.

The difference between working and not working and access to resources, raise the question what the property rights provide and of which elements the transferred property rights 'bundle' exists in practice. The literature discussed above focusses on aspects that go hand in hand with transferring rights or have an influence on the process, such as knowledge and discourses (Hebinck et al., 2011) and risks and responsibilities (Tienstra and Roth, 2013). Social, political, cultural, ideological and ecologic aspects have been mentioned. The literature distinguishes a transfer and a post-settlement phase (Van Leynseele and Hebinck, 2009) and different rights in the property rights bundle (Van Leynseele, 2013; Knight et al. 2003; Knight and Lyne, 2004). The previously disadvantaged however are often neglected, both in land reform (Aliber and Cousins, 2013) as well as in research, while they provide an insight in the created differences and effects of the transfer of property rights (Phethlu, 2013). A lot of other research on land reform, besides this discussed focus on property rights in land reform, is about the process of redistributing private ownership rights and success rates (Cousins 2016b) or focuses on the role of institutions:

'This thesis explores the roles of state institutions, political parties, farmers' associations, NGOs, social movements, academics and advisors. It traces the movement and impact of these groups of people, and their ideas and discourses, in policy-making institutions and processes. Analysis of land reform has tended to take a highly statist view, presuming the state to be the central actor.' (Hall, 2010:19)

In this thesis, the practices on farm level for land reform beneficiaries and workers are central. Their rights and what they provide are analysed following the 'bundle of rights' and 'theory of access'.

1.5 Concepts of analysis

After the theoretical frame and research background, the concepts that are used for the actual analysis are explained. The redistributed property rights are deconstructed and explained through the 'bundle of rights', after which the theory of access will be explained as measurement to investigate the daily practices and whether or not property rights actually provide access. Finally the topics, as identified by political ecology, legal anthropology, and in previous academic research are explained. They are also part of the 'bundle of rights' model, in which property rights and access are embedded.

1.5.1 Deconstructing property rights

'Property in this analytical sense is not one specific type of right or relation such as ownership. It is a cover term that encompasses a wide variety of different arrangements, in different societies, and across different historical periods' (Von Benda-Beckmann et al., 2006)

Various forms of rights have already been mentioned in the structures of who works and lives on farms, such as a distinction between ownership, management, shareholding and leasing. The rights are shaped and surrounded by a complex context of social and political relations and hierarchies, historical influences and the ecological function of land. To go beyond the context of property rights and get a better understanding of what rights the generic term property rights exist, it will be theoretically deconstructed.

The liberal, economic idea of transferring rights has been argued to be too narrow in the context of land reform. Transferring rights consists of more than installing 'a different driver' (Van Leynseele and Hebinck, 2009). Various aspects and sorts of rights can be distinguished that belong to the 'bundle' of property rights related to farm practices,. The concept of rights as a 'bundle' was first defined by Henry Maine as '*a collection of rights and duties united by the single circumstance of their having belonged at one time to some person*' (Maine, 1861: 158). He distinguished among others the right to inherit, use, dispose and own (Maine, in Ribot and Peluso, 2003: 158). Specified to natural resources, such as land, a concrete idea of rights in the bundle of property rights can be drawn (Ostrom and Schlager, 1992; Ostrom, 2000):

- *Access: The right to enter a defined physical property.*
 - *Withdrawal: The right to obtain the "products" of a resource (e.g., catch fish, appropriate water, etc.).*
 - *Management: The right to regulate internal use patterns and transform the resource by making improvements.*
-

- *Exclusion: The right to determine who will have an access right, and how that right may be transferred.*
 - *Alienation: The right to sell or lease either or both of the above collective choice rights.*
- (Ostrom and Schlager, 1992:250).

This is the beginning of a bundle of property rights and it shows that various rights can be distinguished. This diversity has to be considered when talking about redistributing rights. A worker for example does have access rights and may enter the land. But he probably does not have any of the other mentioned rights, whereas a government official might have the right of exclusion or alienation, but not the right of withdrawal or management. This list is not overarching and self-contained though, more rights can be added, such as voting rights and shareholding rights (Van Leynseele, 2013). Also access can be further defined, whereas in this case access is about physical access to land, access can also be related to property in a way as described by legal anthropologists: access to legal resources; or to authority; or as described by political ecologists, as access to resources or knowledge.

The bundle metaphor has broader explanations and more intertwining 'sticks', as metaphor for the individual rights. This bundle idea is translated into an analytic framework with different levels, including different perspectives that take many of the discussed issues of interest into account.

1.5.2 The bundle of rights analysis

To go beyond the liberal, economic model, adaptive to various contexts, a 'cross cultural comparative' analysis model of property is developed (Von Benda Beckmann et al., 2006: 15). With the elements, layers and property relations in the model, it is possible to begin to understand the relation between property categories and the described social, political and ecologic context. In the model both legal anthropologic as well as political ecology elements are adopted. The basis of the analytical model is that it is situated in society (Von Benda Beckmann et al. 2006):

'A property system within a society consists of three elements: 'first, the social units (individuals, groups lineages, corporations, states) that can hold property rights and obligations; second, the construction of valuables as property objects; and third, the different sets of rights and obligations social units can have with respect to such objects' (2006:15).

The relations between context and rights becomes more clear: the social units in this research are the people targeted by land reform, or the state in case of state land; the property objects are farms and land and the rights and obligations is exactly what needs to be further analysed. These elements each can be seen as a bundle on its own: First one can take society in general as concept and look at all rights expressed in one society. Secondly, one can look at a property object and

how many and which rights are bundled in that object. Thirdly one can view from the point of a social unit, to analyse which rights that person holds. And finally one can start with a specific type

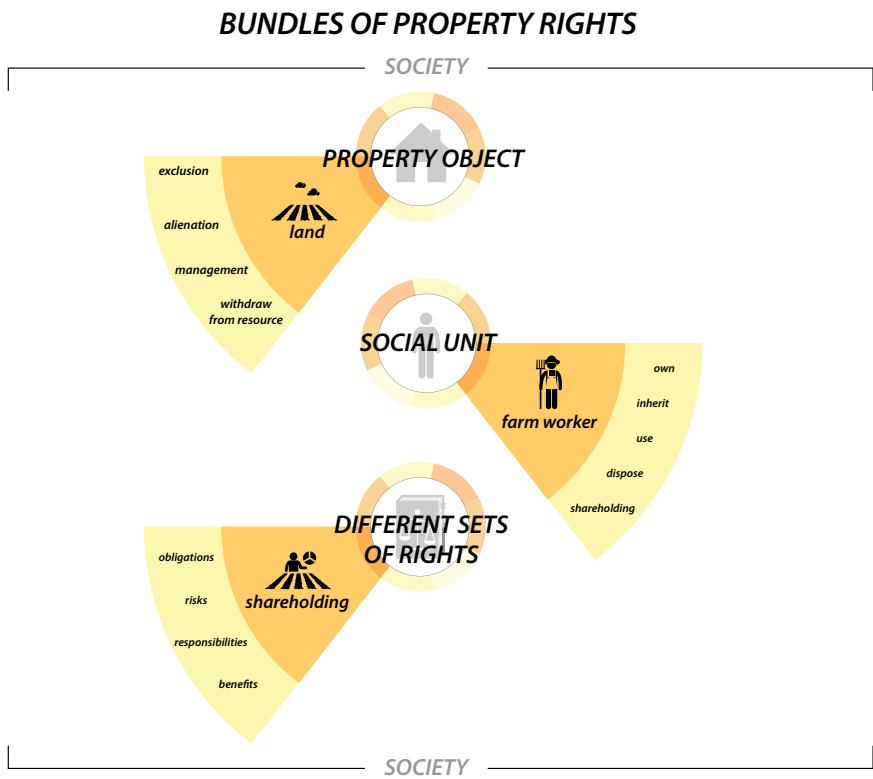


Figure 1 Visualisation of Bundles of Rights from the four perspectives of analysis. The rights in the bundles are examples and are not the only possible option to explain the bundles. Image own work

of right and find out of which rights and obligations it consist.

The last two methods, analysing the perspective of ‘social units’ and what the redistributed rights provide, what access social units obtain with getting rights, is what this model is used for. It is analyses through farm case studies, which can be seen as ‘property objects’, in which the ‘social unit’ analysis and the ‘rights’ analysis take place.

A second aspect of the model is explained as different levels at which property rights find expression. These levels are quite similar to the topics identified by legal anthropologists and political ecologists; an *ideological* layer is identified, a *legal institutional*, a *social relational* and a layer of *daily practices*. On the legal institutional level property relations and constructions are

called *categorical*. Actions taking place at this level are about changing and shaping the formalised rights and 'specifying property-holders, property objects, and the rights and obligations attached to them' (Von Benda-Beckman, 2006:16). This aspect of property relations is discussed and disputed in institutions; in universities, media, courts and politics. This type of rights is mostly normative and regulates the meaning of a specific relation between, for example, right holder and property object; or any other combination of elements. In case of the policies and land reform regulations, this would be the formal meanings of the policies, how they are discussed, changed and communicated.

The categorical relations partly shape *concrete* rights and relations, as they are called on the level of social relations. These relations are less complicated than categorical relations and are about relations of the property rights holders with respect to the objects. Not the construction, but concretised; how they are used, transferred, inherited, what they mean and whether or not they are disputed. The analysis of these rights focuses in practice on how rights are expressed in actual property relations. A farm can be owned by one person, but managed by another; but looking from the perspective of a person and all his or her rights or looking into how a specific type of right is expressed, are also possible methods of analysis. In case of South African land reform, this means a focus on what farmers and workers say their rights are in relation to the farm, what they think it means and what they can do with it.

Von Benda-Beckmann et al. (2006:22) pay less attention to the explanations of the ideological and daily practice level. Ideological is about how property rights are expressed in the sort of general paradigm. They mention various examples among which capitalism compared to communism, since the idea about property relations differs in both ideologies. In the case of South Africa ideology will have a lot to do with racialism and the Apartheid history, since one of the aims of land reform is deracialization (DLA, 1997; Van Leynseele, 2013, DRDLR, 2011) . Daily practices will be the level on which the data to interpret concrete relations and whether people can truly exercise their rights, are gathered. This exist of, literally, the daily practices on a farm as told in interviews and observed during visits.

With these layers for the analysis and the aspects derived from the broader theories, a thorough understanding of the field in which property rights manifest themselves can be created. How rights are positioned and the extent to which they relate to how they have been defined in land reform policies, can be explained within their context by looking into the identified aspects, such as daily practices on a farm and political, social and ideological levels. Through case studies of 'property objects' the perspective of both the social unit as the sets of rights, the bundles of property rights, can be defined. In what way meaning is given to the rights that people have and that coexist on a farm, will be further clarified.

1.5.3 Theory of access

'Someone might have rights to benefit from land but may be unable to do so without access to labor or capital. This would be an instance of having property (the right to benefit) without access (the ability to benefit)' (Ribot and Peluso, 2003:160).

In both political ecology as legal anthropology scholars look into access to natural and legal resources. It is mentioned as well as one of the rights in the bundle regarding natural resources (Ostrom, 2000). In the National Development Plan (NDP) (NPC, 2011) an increase of access to skills and education is proposed. It is generally assumed, for instance in the NDP, but also in a lot of scholarly work and policies, that property rights mean a relation with the property object, access to labour or the land for instance. Many times forms of access have been mentioned in this thesis, but the concept is hardly defined, as also noted by Ribot and Peluso (2003), although access is an important aspect to understand the effect of redistributing rights and the different policies of land reform and access to certain assets is needed for livelihood development (DFID, 1999). The theory of access is used to identify specific sorts of access, that were thus far undefined and unjustly connected to property rights. It is used to complement the model of Von Benda-Beckmann et al. (2006), because it explains the difference between rights and their actual meaning and it defines practical indicators to understand what is connected to property rights and what is not. A focus on access helps to differentiate between rights and benefits (or risks) and to what extent they relate.

Access is defined as the actual benefits that are derived from the resource in question; it is about the *ability* to derive benefits instead of the *right* to derive benefits benefit (Ribot and Peluso, 2003:153). This means that it can illustrate what property rights mean in practice. Access goes beyond the redistribution of rights. It is influenced by social relations, historical and geographical scales and 'bundles of powers' (Ribot and Peluso), aspects that are familiar by now. Ribot and Peluso (2003:157) mention property rights are as 'discursive strategies that shape benefit flows' and emphasise the powers that influence the way people have access. I will approach access in this model of analysis as 'result' of the contextual factors and 'discursive strategies'. This way access becomes a tool to reveal to what actual 'benefit flows' the redistributed property rights lead or do not lead.

The sorts of access that are identified are becoming indicators to distinguish daily practices and actual effects on the ground of land reform policies and the new constellation of property rights. A distinction is made between *controlling* and *maintaining* access (Ribot and Peluso, 2003: 158), which is comparable to allocating property rights and holding rights. Controlling access mainly comes to expression in the level of political hierarchies and scale, while maintaining access mostly is seen on farm level. A second distinction is made between *rights-based access* and *structural and relational mechanisms of access*. The first are rights that are shaped by law, custom or convention and influence who controls and who maintains access. The second is shaped by political-economic and cultural frames and shapes how benefits are gained and controlled (2003:

163). Rights based and controlling access can thus be seen as concrete mechanisms of categorical relations at the political institutional level, whereas structural and relational mechanisms and maintaining access have more in common with the way concrete relations have emerged at the social and daily practices level.

Rights-based access in this analysis will be mainly used to highlight possible differences between rights and ability to access. Structural and relational mechanisms of access are further defined by Ribot and Peluso and are specific mechanisms of access that provide a detailed focus in the practices of access to benefits in relation to rights. The different access mechanisms distinguished by Ribot and Peluso are shortly explained below. Their definitions are quite extensive, but the definitions given here are practical, and based on both Ribot and Peluso (2003) as well as on experiences in South Africa that appeared to be relevant.

Access to technology. Technology to defend the resource, extract resources (work the land) or to reach the land

Access to capital. Finances and equipment to control or maintain access; fees and rents, loans, surplus of the farm, getting dividends.

Access to markets. Who manages the relations between farm and market? This is also related to political hierarchies and capitalistic structures. This access is of influence to the extent of possible benefit extraction and access to capital. It is influenced by scale, price volatility, political, economic and historical structures, relation between local and international market, production and income.

Access to labour. Can be controlling of labour or maintaining employment. Employers and employees. Does holding a share mean one has access to a job?

Access to knowledge. Shaping access on ideological level, influence on practical level e.g. knowledge about market prices is necessary in daily practice for resource management. Knowledge shapes discourses and influences peoples' position. Access to education and skills.

Access to authority. Access to individuals or institutions that have a say about law, can communicate information or defend your interests.

Access through social identity. In South Africa this is highly influenced by race, furthermore (framing of) identity, gender, education, occupation, cultural, historical background. Also related to access to capital and authority.

Access via the negotiation of other social relations. Social relationships and connections influence access.

In these forms of access many of the topics identified as structuring and creating context and shaping rights are incorporated, such as knowledge, politics and social relations, so the analysis intrinsically includes these important aspects. The types of access also correspond in to the access

to assets defined by DFID (1999) that are needed for sustainable livelihoods development: social and human capital are explained below; financial capital exists among other of 'financial resources that people use to achieve their livelihood objectives' (1999: 2.3.5) and as physical capital access to transport (technology) housing and information (knowledge) is mentioned. This adds extra relevance to the focus on the relation between property rights and access, since indirectly it also answers whether redistribution of property rights leads to development of livelihoods. Furthermore analysis of access provides a way for a bottom-up approach. These access mechanisms are the core of the field research, the bottom of the model, from where they will be analysed in the legal anthropology, political ecology context and linked to the property rights constellations according to the model. The analysis starts at farm level, to identify the relation between property rights and access mechanisms.

Following the concepts focused on by Political Ecologists and Legal Anthropologists, the aspects that are mentioned in previous scientific work and the levels of the bundles of rights model, the main topics of this analysis are grouped under the headings *social level* and *daily practices, political and legal institutional level, ideological level* and *scale*.

1.5.4 Social relations and daily practices

One of the levels on which access is investigated, is social relations and daily practices, which is, as argued, a gap in current research. On this level the proposed research focus on skills and agency is applied (Hebinck et al., 2011). The questions at this level are about who has access to benefits and land and who has not, related to the rights they are entitled to. Access to labour, to knowledge, technology, skills and education are investigated and concrete relations are situated on this level. The background is based on social and human capital:

'Human capital represents the skills, knowledge, ability to labour and good health that together enable people to pursue different livelihood strategies and achieve their livelihood objectives' (DFID, 1999:2.3.1).

Social capital is about 'networks and connectedness' 'membership of formalised groups' and 'relationships of trust' (DFID, 1999:2.3.2). Social capital is indirectly used, since it would need a more personal, individual research, whereas the focus in this thesis is on actual daily practices and relations. This means that the investigation on this level is about what people do on the reform farms, whether they organize themselves on farm level, what they have, what rights they have; and more important, what ability to benefit from those rights they have? Are there differences in rights between people who work on a farm, people who do not work there, but are beneficiary and people who are not a beneficiary at all, but do have work?

1.5.5 Political and legal institutional levels

In the analysis people's connections with 'other levels', their access to authority and legal resources, their knowledge of political processes and their access to the market is investigated, related to their property rights and their position. The role and position of institutions, practically these are farmers associations and governmental bodies, are discussed, since they are shaping rights and discourses. Power imbalances, the difference of government departments and the role of banks and other funders, related to access to capital, are relevant on this level. Both categorical as concrete relations are discussed on this level. For a thorough understanding of the structure of the South African government, I advise to go to the website of Education and Training Unit for Democracy and Development⁴ or the website <http://www.localgovernment.co.za>.

A few organisations and government officials, that are mentioned frequently in interviews and that play a prominent role for the farmers in the Langkloof, will be mentioned briefly to get an understanding of the hierarchies and dynamics of the institutional and political practices in the Langkloof. This however is far from a complete list of involved departments and organisations.

- **Department of Rural Development and Land Reform (DRDLR)** (*Used to be Department of Land Affairs (DLA)*)

- *Local Level: Joubertina, Kou Kamma municipality, Sarah Baartman District in the Eastern Cape Province: Two extension officers, working in the Langkloof and Tsitsikamma mountains.*

- *District Level: Oudtshoorn, George Municipality, Eden District, Western Cape Province: One extension officer, working on the project in Haarlem, which is one of the case studies.*

- **Department of Agriculture, Forestry and Fisheries (DAFF)**

- *Oudtshoorn, District Little Karoo, Eden District, Western Cape Province: Farmer Support and Development, also involved in the project in Haarlem*

- **Municipal government**

- *Kareedouw, Kou Kamma municipality: Agricultural coordinator*

- *George, George municipality: Directorate Human Settlements, Land Affairs and Planning, also involved in the project in Haarlem*

- **Local government**

- *Joubertina, local office of Koukamma Municipality*

- **Agri South Africa, also Agri Eastern Cape and Agri Western Cape;** *non-profit organisation for development of agriculture (www.agrisa.co.za)*

- **Agricultural Cooperatives ('the coop');** *They provide loans without requiring collateral. 'Being voluntary, democratic and self-controlled business associations, cooperatives offer the institutional framework through which local communities gain control over productive activities from which they derive their livelihoods.'* (DAFF, 2012:2).

- **National African Farmers' Union of South Africa (NAFU);** *for black farmers 'who had previously been excluded from the main-stream of agriculture' (<http://www.gov.za/about-sa/agriculture>)*

⁴<http://etu.org.za/toolbox/docs/localgov/webundrstdlocgov.html>

- **African Farmers' Association of South Africa (AFASA)**; for commercial farmers (<http://www.gov.za/about-sa/agriculture>)
- **Local Farmers Associations**; Langkloof Farmers Association, Avontuur Farmers Association
- **HortGro**; 'An umbrella communication platform for a number of horticultural sectors, focussed on 'production, research and technology, markets, and transformation within the deciduous fruit industry.' (www.hortgro.co.za)
- **South African Apple and Pear Producers Association (SAAPPA)**; non-profit organisation for the interest of apple and pear growers, under the structure of HortGro (<http://www.hortgro.co.za/saappa/>)

1.5.6 Ideological level

The main focus when the 'ideology lens' applies is racism. This is something that I highly underestimated when I arrived in South Africa. Racism is something that is slumbering through society, that is discussed openly, but also noticeable during small talk and peoples' attitude towards each other, the government and land reform. The sometimes very subtle notion of racism is hard to explicitly find in interviews, but this does shape the entire research. This is so deeply rooted in society, that some people do not know from themselves they are racist. In one interview, a white farmer said he is not a racist, because he has black gardeners. He would however, not dine with them. Furthermore, the Langkloof Farmers Association (LFA) is a commercial, considerably white association, whereas the Emerging Farmers Task Team (EFTT) is an organisation led by and focused on emerging black farmers. This continuity in use of terminology and distinction – white commercial and black emerging – maintains the gap of previous hierarchies (Hebinck et al., 2011).

Inequality between races is still present in South African society and poverty is divided along a racialized legacy of the past (Leibrandt et al., 2010). Not only is there racism between white and black people; also coloured people and black people make racist comments about each other, as I noticed during my field research. This is supported by the data about poverty and inequality in Leibrandt et al. (2010) about existing differences between White, Coloured, Asian and African people.

Racism is also about access through social identity. People gaining rights because of who they are is often the case in land reform. A lot of farms for example, do only have either coloured or black workers and white entrepreneurs are hindered by the government.

Investigations on the level of ideology are also about people's general opinions about land reform solutions, their opinion about the land, about farming, about ecology, nature and sustainability. These topics are not that present though.

1.5.7 Scale

The focus on scale, time, place and politics, is not dealt with as a topic on its own, but is integrated in the analysis through the focus on farm level and political and institutional levels. There is attention to hierarchical structures in relation to property rights. In the analysis scale will mainly be highlighted through the different levels of analysis: the hierarchy on farms, institutions and government and a focus on the racialized legacies. For instance to what extent a mentor of a farm has influence on the access 'his' beneficiaries have. Scale, or politics of scale, can help to find a focus and reveal topics that otherwise might be overlooked, as Souza-Santos (1987) explains using the metaphor of maps to investigate laws. The decentralisation of the government for example, is an aspect of attention, as is 'glocalization': how global mechanisms and structures are perceived on a local level (Randeria, 2003) and the relation between global capitalism (space) and historical aspects (time) as explained in political ecology.

DATA GATHERING AND PROCESSING

As in most research, the methodology basically exists out of two processes: gathering data and analysing those data according to a theory. Or writing a theory based on the structures found in the data. Both aspects of this research have changed continuously during the research, because so many adaptations had to be made to be able to continue the research and not to be stopped by the political sensitivities surrounding the topic. Whereas it is a requirement when doing this research to understand what kind of policies there are and how they work, I figured out a lot of the policies through doing field work. During an interview with Ernest Pringle for example, chairman of the subgroup Transformation of AgriEasternCape, he mentioned *District Land Committees* (DLC) a lot. I never ever heard of those before, nor did I see the term in one of the policy documents I had been reading. Looking for this specific committee, I finally found it was a government initiative, meant as bottom-up institution to speed up land reform, mentioned in the National Development Plan 2012 (NDP) (DRDLR, 2014; NPC, 2012). To illustrate the gap between policy and practice that I encountered during my own research and that has been mentioned in a lot of other research and to illustrate how people on the ground have to find their way in the daily practice of land reform and policy mazes, I will sometime explain a policy starting with practice, because that is how I found it or because that is how people find them.

In this chapter I explain where and when the research was done, what my position in the field was, while I was affiliated with Living Lands, where and how I found my respondents and cases and what choices I made to gather data.

2.1 Time and place

For this research I spent three months, April until June 2016, in South Africa; in an agricultural area that stretched along the south coast, with its west side in the Western Cape and its east side in the Eastern Cape. I was living in a house of the Non-Profit Organisation Living Lands, where also Living Lands employees, other students and South African researchers were living and working. Besides doing my own fieldwork, I also worked for and helped Living Lands with some of their projects and workshops.. Since the research regards quite a sensitive topic, the farm workers are not mentioned by name. Farm managers and government officials however are easy to identify

based on their stories and position and they are called by their name. Also this research is meant to be beneficial for the area, and researchers, farmers and government officials can work with it, which is easier when the readers know which farms are topic of the research.

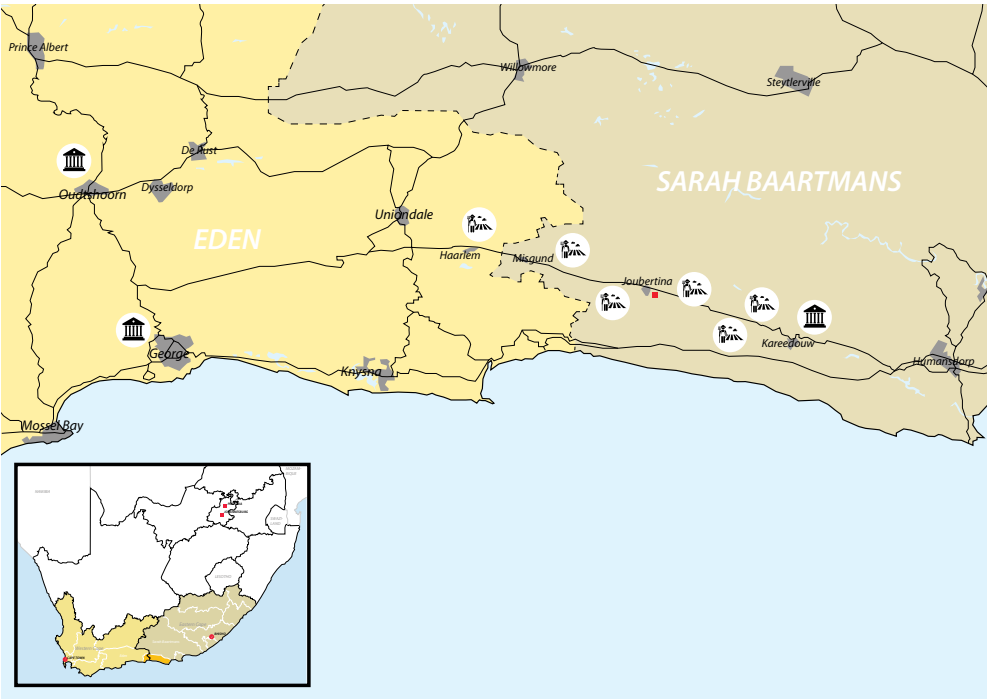


Figure 2 Research Area, with marked the area in which the farms and government officials are situated that are a part of the research

2.2 Finding people and projects

The research population and projects were all based in the Langkloof and worked with land reform or helped creating an idea of the general agricultural situation in South Africa. To get a complete overview of the various levels of society and perspectives from both policy and practice side I tried to find a diverse sample of people; people creating policies, people representing disadvantaged people, white commercial farmers who possibly have to give up or did give away a bit of their land, small scale black farmers, joint ventures; all under various policies and regulations. Many variants of reform farms are present in the Langkloof, both on the Western Cape side as on the Eastern Cape side. The inclusion of farmers and farm workers residing under various land reform policies created an idea of the actual meaning of property rights. The informants that were not directly related to a land reform projects or a farm, were in another way related to land reform, either through government or through a farmers' association, representing the interests

of farmers. Also included in the research population is a big, commercial farming company in the area, which has nothing to do with land reform, but puts a lot of effort in empowering its workers. This example is not included in the analysis, but will be discussed afterwards as illustration of 'another way of working'.

First, I found my respondents through the Living Lands contact list, although it took a while for me to obtain that. So I also started searching for 'my own' people, mainly via the local government and PhD candidate Jessica Cockburn, who was also affiliated with Living Lands. I used 'snowball sampling' which is a form of non-probability sampling (Bryman, 2008: 183/184): After each interview I always asked whether people could recommend others for me to interview; this helped me getting a lot of contact details and people also directly established a connection for me. Most of the time I used the snowball sampling method, but sometimes I also used convenience sampling. Not in the sense that I interviewed a group that coincidentally was available, but when a respondent appeared via someone else or our paths just crossed, I happily used such an encounter, since it was rather difficult to get access to some of the people I wanted to meet. A third sampling method that I used is theoretical sampling, which is when data collection is influenced by emerging theory and findings (Bryman, 2008: 413). Based on theory, policies or findings in the interviews, I decided that I needed someone from a certain field of work, area or farm to hear that person's story, which made me look specifically for one person or organisation.

2.3 Methods for data gathering

Doing this research has been an iterative process. With the idea of the bundle of rights as a theoretical basis, I started my fieldwork. Soon however I found out that this theory was not completely covering the scope of the research and I needed the theory of access to create a more valid indicator. This again provided the opportunity to adapt data gathering and method of analysis. The types of questions and focus of the fieldwork were influenced by policy analysis as well. And the other way around: various policies and regulations were found through fieldwork instead of top-down, which then led to a better understanding or new focus in the analysis. The main reason for this going back and forth is to be able to adapt the questions to circumstances, find more valid and specific variables and to be able to ask more specific and detailed questions, based on the formal situation regarding land reform and theory.

The methods that I used for the fieldwork were derived from a social research background, founded in political science and anthropology. I used various qualitative research methods to gather the data, among which observation, semi-structured and unstructured interviews and group interviews.

The interviews have been unstructured and as informal as possible, even though they were interviews and not participatory observations. In the case of participatory observation, I would have been part of a group or would have participated working on the farm, during which I overserved people and talked with them instead of really interviewing them (Bryman, 2008: 402).

The reason why I wanted to engage with the people is mainly because of the sensitivity of the context and the difficult access to the 'lowest level', the workers. It was not seldom that a farm manager picked the workers that I was 'allowed' to interview for me and sometimes he would still be present during the interview. Taking up my desired role however, was quite difficult, if not impossible: the most obvious reason being my skin colour. As a white woman in South Africa, it would be highly inappropriate to join the workers in the field and I would not be able to be an anonymous worker, for the simple fact that I am not coloured or black. I could maybe have joined a farm manager for a day, but this would still not give me the perspective of a worker. This is why I decided to interview them, but even my request to interview workers, was at some farms received with surprise. Another reason was that it was quite dangerous to wander around by myself in the area, instead of making appointments for farm visits. There is a lot of violence, drug abuse and cases of rape. Personally I think that when I would work on a farm and go home afterwards, the danger would not be that bad. Going home to my Living Lands house however, would not provide the full experience of going home to one of the townships, which is also not the safest environment. A final reason is time. I should have made different choices and try to participate on a few farms, instead of doing interviews on a lot of farms. Participatory observation does take a lot of time (Bryman, 2008:468).

To come as close to a naturalistic approach (Bryman, 2008: 466) as possible I wanted to make the interviews as relaxed and informal as possible. I visited people on their farm, did interviews in the orchards and tried to establish a conversation rather than following a questionnaire. There are several reasons for this choice of qualitative interviewing. This method provides the opportunity to get as much as possible personal insights and meanings, which is what I am looking for. Also the (historical context is best to be found through qualitative depth interviews (Marsh and Stoker, 2010:255). The main concern has been to make people feel comfortable to talk and trust me while telling their politically sensitive stories. I asked open questions, so I would not be a change agent or prompt my own ideas into the interviews. I mostly just used a topic list based on the analytical model, although I did make a detailed questionnaire in collaboration with Living Lands, about which I will explain more later. Some of the interviews were done with my Living Lands co-researcher Jessica Cockburn. One reason was because we found out that we could learn from and use each other's questions, perspectives and information. The other reason was to prevent a stakeholder fatigue, since more than one project and research were going on and have been done in the area and people were getting tired of answering questions, without seeing anything in return.

Although participant observation turned out to be unrealistic, I did use observation as a method while attending meetings and workshops. Some of those were organized by Living Lands, others by governmental parties and one by one of the farmers in order to explain about how to implement a new land reform policy in the area. They provided opportunities to observe the relations in the area and gather information, and to get to know both people and policy

procedures. During these meetings, but also on informal trips in the surrounding or talking to colleagues and locals, observation proved to be a valuable tool to get a grip on the environment and a feeling with the people surrounding me. Thinking about Theory-U, the theory with which Living Lands works and that will be explained below, I could say that I did incorporate parts of that. I used for example *presencing* in my research through open observation. I always made notes and tried to place and understand them in the context, without judging. Also I discussed findings and observations with colleagues and locals, to help me understand and get to know their opinion. Many observations are indirectly part of this research, because they shaped the way I interpreted interviews and got an understanding of the hierarchies and relations in the area.

The last method I used, was group interviews. This allowed for people to interact, to see who responded and to see how others reacted to the answers of the other. In total there were four group interviews, two with farm workers, one with the management of a land reform project, and one with a land reform project farm manager, workers and shareholders. Concerning the last interview, on Drie Krone Farm, the fact that the interview was with a group, was a surprise to me and it was a highly inconvenient, awkward situation. Regardless the awkwardness, or maybe thanks to it, this interview was one of the most interesting ones, as will be clear in the case analysis. Regarding secondary data gathering, I used government websites, policy documents and reports and articles from research institutes and agricultural organisations. This information was used as theoretical and formal frame for the fieldwork. I also used reports and articles to 'check' whether or not my findings differ a lot from other comparable researches, because I was rather new in the field of South African and reform and sometimes wanted to verify my findings.

2.4 Writing the thesis

Not all interviews are used in the analysis. To get a clear focus on land reform and to be able to pay attention to property rights and access, I choose a few land reform case studies to analyse. The interviews that were conducted on the farming company were not included, even though there is also a reform project affiliated with them. The conditions for this farm, because of their affiliation with the company, are quite different from the conditions of 'regular' land reform projects. This farm does however provide a good example of a collaboration with a commercial farmer, which is, as will be argued, a possible option for future land reform.

Interviews with commercial farmers are also not analysed as individual cases. A few quotes are used as illustration or support for statements or findings. Including all interviews with commercial farmers would create a completely new perspective in the research and make it too broad. This is also the reason why there is not a separate chapter in which interviews with government officials or experts are analysed. This thesis specifically focuses on land reform and pays attention to the previously disadvantaged and farm workers. The selection for land reform farms is made based on which interviews provided the most information and were the clearest illustration of different policies and implementations, hierarchies and procedures.

The policy analysis is also based on a selection of policies regarding land redistribution. Restitution and tenure security have been left out as much as possible, to create a better understanding of one of the pillars of land reform. Also agricultural development frameworks have mostly been left out. This reveals the gap there is in land reform policies and the necessity to clearly relate policies and departments together in order to get a comprehensive policy network.

2.5 Collaboration with Living Lands

The research I was doing was facilitated by Living Lands, an in South Africa based NPO that is working towards collaboration in sustainable landscapes (livinglands.co.za). Their approach is based on awareness-based technologies, Theory U and social learning. With their approach they aim to:

- “Build **collective awareness and understanding** of the socio-ecological needs, challenges, values, norms, and behaviours of individuals and organisations on the landscape;
- Create **collective intelligence** surrounding the socio-ecological and economic opportunities and constraints present on the landscape;
- Produce **collective action** to create and mainstream a common vision for a living landscape and growing a locally-driven learning network.” (www.livinglands.co.za/what-we-do/)

This means that their work, compared to the analytical model, is in the social unit, property object side, with a focus on ecology and the relation with social aspects.

Theory U is a method and framework for change, it is about awareness based learning. The first most important aspect observing, after that reflection and retreatment is needed to be able to act. The method takes communities, government and institutions into account. The learning

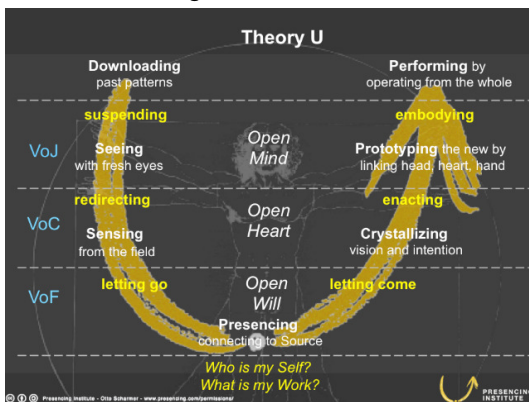


Figure 3 Theory U - Presencing Institute

principle is based on 'emerging future possibilities' instead of learning from the past. This includes a way of listening –the left side of the 'U' – that goes from listening based on old values towards the ultimate goal of 'presencing' which is a combination of sensing the future possibilities and acting in the presence (Presencing, 2016). The goal of this method for Living Lands is to engage all stakeholders in the socio-ecological system *'on a deeper level of inner reflection in order to identify and create viable community-based responses.'* (livinglands.co.za).

Although this sounds promising, taking into account different levels, listening to them, learn towards the future and inclusion of the community, there are some implications for working with this method, especially in an environment and with projects Living Lands is working:

"[...] it is crucial that people's attitudes are open-minded to innovation, the process, and other people.

[...] this bottom-up approach needs to be based on mutual understanding and respect between the land/water users, regulatory authorities, and local participatory governance institutions." (Living Lands, What we do, 2016)

These conditions however are hard to fulfil in a land that has not recovered from Apartheid and where the reform of agricultural land is one of the priorities of the government. To come to this awareness based type of learning, including all stakeholders and referring to their 'deeper level of inner reflection' a few more basic steps need to be taken. A deeper understanding of the effects of the land reform has to be created and the meaning of the reformed property rights has to be understood.

Despite these remarks, Living Lands did ask me to include parts of their method in my questionnaire, since according to them, I was part of Living Lands as long as I worked with them. This meant that although I wanted to set up the interviews that I was about to do as conversations rather than interviews, I had to create a detailed questionnaire which was revised and adapted extensively, mainly with regards to the framing and the formulation of the questions. It is beneficial to go over and through questions so thoroughly, both to find out what works and what does not work, as well as to get acquainted to the questions so they come more natural in an interview. However in practice I did not use the formulations as desired by Living Lands for two reasons: The first and most important is that because land reform is such a sensitive topic, I did not want to push people into answering questions they did not feel comfortable with; instead I 'sensed' what was possible in the conversation and let the questions and the answers come naturally. The second reason is that for me it did not feel appropriate to make people who are struggling to survive, reflect on themselves. That is not my position, as a white, European – Dutch even – woman. It would be a highly paternalistic, arrogant, Western elite approach. The methods used by Living Lands are not appropriate for this situation and their ideological approach disturbs effectiveness, despite

the fact that generally my attitude towards their approach is rather positive. The questionnaire as desired by Living Lands, can be found in Appendix III.

As said, besides doing my own fieldwork, I worked for and helped Living Lands with their projects and organized workshops and meetings. It was helpful to meet new people, get acquainted to the environment and observe the daily practices, but at the same time quite time consuming and it took a while before I got my own research going. Whereas Living Lands did already have connections and could help me start my research, they also enormously held me back and tried to control what I was doing, even to the extent that I found out they willingly kept me away from certain people, because they were afraid my research would be too sensitive. As said, it took a while for me to obtain the contact details from Living Lands, which slowed me down in starting my interviews. Although we talked about what information I needed, I only found out after weeks, via Jessica, where the documents were stored and where I could find the contact lists, that were necessary information for me. Although they wanted to know everything I was doing and wanted me to use their formulations for the questionnaire, at a certain moment I just started with what I wanted to do and contacted people, since I was afraid I would run out of time. Later a few new colleagues and fellow research students and myself, communicated these difficulties to the 'caretakers', Living Lands' word for directors, and made a document with 'things a student needs to know', with all the living- and working information, where to find important documents, research and contact details.

I have to add to this that the difficulties I, and the people living in the same house, had with collaborating with Living Lands were quite directly related to the two people working for Living Lands in the Langkloof. The other Living Lands people supported me and listened to our problems with the two people we were living with.

2.6 Reflection and position in the field

Besides the aspects that are already mentioned in the previous paragraphs, there were still some aspects of this research and the collaboration that I would like to highlight specifically. As explained, Living Lands has a quite outspoken method. Not only regarding the reflection part, but also regarding ecology. Without making a statement about that, I do want to say that some of the farmers I worked with, mainly the bigger, commercial farmers, were rather explicit in their opinion about Living Lands, in such a way that my co-interviewer Jessica Cockburn and I, at a certain point decided not to mention that we were affiliated with Living Lands anymore. We both emphasised that we were researchers and not change agents. We told our interviewees that we did not come to distort relations or to tell people what was wrong or right, we were here to learn from them and listen to their stories. We mentioned our University and the research that we were doing, but since we both did our own research, independent from Living Lands, we concluded that it would have a negative influence on our research when we would mention our connection with

Living Lands. On the other hand, there were some emerging farmers who were very enthusiastic about Living Lands, but started asking for help, money or farming trips to the Netherlands.

Because of Living Lands' activities in the Langkloof, a lot of the farmers in the area were interviewed before. They did not see any changes in their circumstances or are just very busy farming, which made the motivation for them to participate in yet another research quite small. The fact that I wanted to know about the meaning of property rights for black, poor and workers as well, increased the willingness of black farmers to tell me their story, but made some white farmers rather sceptical. With my colleague I therefore decided to combine some of our interviews. We got very enthusiastic responses, since both of us tried to create a nice conversation rather than an interview and people liked talking with us, sharing experiences and seeing that we really listened to their story. In the end however we got in a little discussion with our Langkloof Living Lands colleagues, since they sent an email about stakeholder fatigue and their fear that two interviewers would be intimidating, whereas we specifically choose for this method consume their time only once. Besides we created an atmosphere of tea drinking cosiness which can hardly be called intimidating.

This atmosphere was necessary because of the sensitivity of the topic, which I highlighted before. This sensitivity however created some tensions with Living Lands and some white farmers. Because I wanted to know to what effect the land reform policies have on the ground, for the people they concern, the black emerging farmers, the previously disadvantaged and workers; I also wanted to talk to them. This turned out to be a highly unusual proposal and during my research presentation in one of my first weeks in South Africa, I was overwhelmed by questions about that, people raising doubts about how it would affect their work relations and how I was planning to do this. This made me even more convinced that it would be necessary to approach those people. We discussed my approach, I had to ensure that I would not ruin working relations for them and also had to explain to almost every farmer (black and white) why I wanted to talk to workers and what I would ask them. This also shows that a participatory approach in the fields would be rather unlikely, but made the opportunities I got to talk to workers even more interesting.

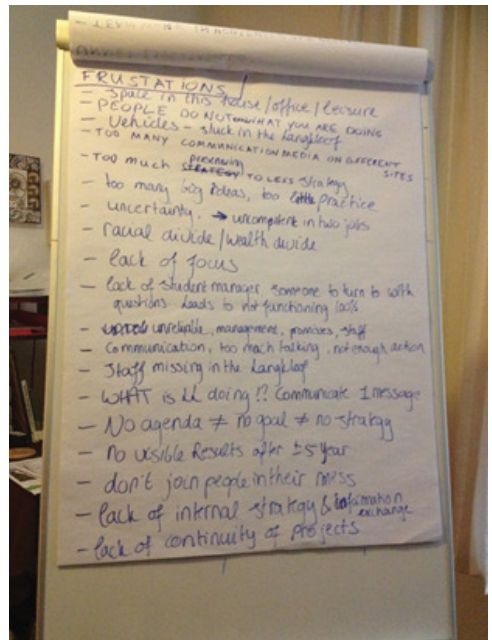
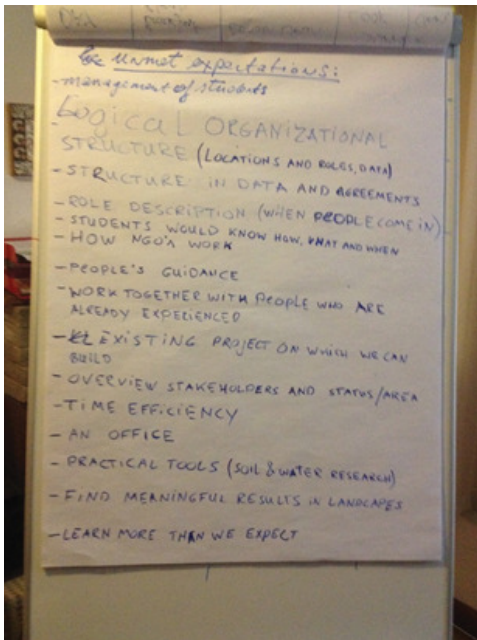


Image 2&3 List of frustrations and unmet expectations of both Living Lands employees and students. During a meeting, in order to talk about aspects that did not work, we jointly created this list.

FROM APARTHEID TO BLACK EMPOWERMENT

So far there has already been mentioned a lot about policies to end the legacy of Apartheid and various articles about land reform have been discussed. A general idea of land reform and its successes and fallacies must be familiar by now, but the policies that are shaping the rights, on which land reform are based, still need to be discussed. A policy analysis both provides answers about the basis of land reform, but also about hierarchical structures, power imbalances and political and institutional levels, and are part of categorical relations.

3.1 The basis of land reform: White Paper on South African Land Policy

In the *White Paper on South African Land Policy* (DLA, 1997) the three pillars, the basis of the reform are explained: restitution, redistribution and tenure security::

- *‘A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property, or to equitable redress.*
- *The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.*
- *A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure, or to comparable redress’* (DLA, 1997:4).

The main difference between the three pillars is that a redistribution grant can be requested by all previously disadvantaged people, whereas restitution only applies to the people who lost their land rights since the discriminatory laws in 1913. Tenure security is about all forms of landholding and to organise the administration under one and the same legally validated system (DLA, 1997).

Redistribution is further described as enabling citizens to gain access to land. ‘Access to land’ and ‘security of tenure’ are mentioned in one sentence as governments’ duties to provide for the people dispossessed of their land (1997:8). It implies that in governmental ideas and policies

the two are interconnected or that is assumed that one leads to another. This is also illustrated in the definition of the target group: the “[...]’*historically disadvantaged*’ - those who have been denied access to land and have been disinherited of their land rights.”(DLA, 1997: 34).

Furthermore in the *White Paper* the overall goals, policies and programmes of land reform are mentioned, the possible difficulties are addressed and legal frameworks, stakeholders, aims and governmental practices with regard to land reform are discussed. The basic idea, the backbone of land reform, is to repeal the legacy of the Apartheid. Farmworkers, labour tenants and women are mentioned as important beneficiaries. Local participation, gender equity, environmental sustainability and economic development are the aims of land reform. Economic arguments are access to sufficient food on household level, decrease of unemployment, opportunities for small scale production, entrepreneurship and economic opportunities through property rights (DLA, 1997:35/36), which illustrates a rather economic approach, but also the assumption that with applying for a grant to buy land, access to food and labour are intrinsically connected. The first concrete policy made on land reform, was the Settlement Land Acquisition Grant.

3.2 Redistribution and its first policy (SLAG)

The first policy is a typical example of the governmental focus on land rights and private ownership and the missing link with agriculture and access. Redistribution initially was based on a ‘willing buyer – willing seller’ principle, a market-based system, advocated by the World Bank (Cousins, 2013:48/49; Hall, 2010). People, usually in groups, could purchase land via the Settlement/Land Acquisition Grant (SLAG), which was set at 16.000 ZAR per household (Jacobs et al., 2003). The programme was not meant for the government to become buyer or owner, the government should merely assist in purchasing land (DLA, 1997:61) ‘[...] *to be used for land acquisition, enhancement of tenure rights, investments in internal infrastructure, and home improvements*’ (DLA, 1997:17). The focus thus is on the purchase of land.

Additionally it is stated in the *White Paper* that the redistribution grant should be used for not only tenure and residential purposes, but for productive uses by the urban and rural poor, farm workers, labour tenants and emergent farmers to improve their livelihoods as well (DLA, 1997: 12). Mentioning production, farm workers and emergent farmers implies there is a link between agriculture and land acquisition, whereas before it was stated this link is lacking attention (Cousins, 2013). Looking practically though, it turns out the input production costs for a commercial farm are between 80.000 and 100.000 ZAR per annum (Interview COM2, 2016), and thus the grant of 16.000 ZAR is far from enough to start a commercial enterprise. Therefore it is advised for people to find additional resources to join the commercial sector (DLA, 1997: 41). With that remark the government directly admits that this grant does not provide the access land reform is aiming for, but merely redistributes private ownership.

By 1999 it became clear that there were some unintended outcomes of the policy such as the rent-a-crowd principle, where applicants searched for passive members to join a land reform

project, so the applicants would accumulate more grant financing (Hall, 2010: 240; James, 2006:13). This is also shown by various examples in the Langkloof and is happening on some of the farms in the analysis:

'[...] it was an ANC member, [...] this person went around to individuals and said, please put your name on this list, we need 297 peoples, names on the list, so we can access funds from government to buy you a farm..' (Interview EX4, 2016).

Some adaptations were made to overcome these fallacies. The Farm Workers Equity Schemes and Commonage were introduced, with which a grant could be used to buy shares instead of land, or entire municipalities could apply to upgrade or purchase communal land (Hall, 2010: 239). With the introduction of purchasing shares, the first distinction between property rights in land and property rights in an enterprise is made. A Flexible Application of the Settlement and Land Acquisition Grant was introduced as well, which was meant for production uses rather than purchasing assets (2010:241). With these new policies the focus on private ownership becomes broader, introducing shareholding and communal ownership as part of the bundle of property rights. Both forms of ownership are discouraged in the liberal approach of property rights (Hardin, 1968; Demsetz, 1967). The changes could not prevent the new minister from placing a moratorium on SLAG, because of a lack of clarity on whether the policy achieved the land reform goals (Bannister, 2003:2).

3.3 Land Redistribution for Agricultural Development, LRAD

The elections of 1999 were followed by a land reform policy vacuum, after which Land redistribution for Agricultural Development (LRAD) was launched in 2001. This policy, and the new Minister of Agriculture and Land Affairs, Thoko Didiza (ANC), aimed at connecting land reform more to agriculture (Hall, 2010: 248). There are differences with SLAG, however they turned out

Box 1 Hall explains the exact process of ministerial and political discussion that led to the implementation of LRAD, including how it was presented: *In a five-star hotel, without inviting landless communities (2010:272).*

not to cause that much of a change in practice. The LRAD grant can be applied for by individuals rather than by households and the approval and implementation of projects was decentralized to municipal and provincial levels (Jacobs et al., 2003: 5). Another difference with SLAG is that the grant increased, but people need to be able to contribute at least ZAR 5000 themselves and write a project proposal (Jacobs et al. 2003; DoA, 2001).

'LRAD Grant: This grant, consisting of a sliding scale of matching grants, falls under the new sub-programme of Land Redistribution and Agricultural Development. The LRAD grant allows for black South African citizens to access land specifically for agricultural purposes. This grant can be accessed, on an individual basis, per sliding scale from a minimum of R20 000 to a maximum of R100 000, depending on the participants' own contribution. The grant would be used to cover expenses such as land acquisition, land improvements, agricultural infrastructure investments, capital assets, shortterm agricultural inputs and lease options.' (DLA, 2001:2)

During the first stage of land reform, it became clear that decentralization is not always working. Provincial government and municipalities had responsibilities from the beginning onwards, but are not always aware of their 'powers or how to exercise them' (DLA, 1997: 53).

It is stated that for proposals and applications training will be provided and technical assistance offered through field officers in all districts (DoA, 2001). The required contributions however, both the money and the project proposal, have proven to be difficult for applicants. For every LRAD application that comes through the Provincial Land Reform Office (PLRO), a project planner from the DLA is appointed to guide the beneficiaries through the application procedure, including drafting the proposal (Jacobs et al. 2003: 18). In practice though, none of the farmers ever mentioned a project planner and asked Living Lands for help with the proposal. Also the technical assistance from extension officers is lacking, both in the Eastern and Western Cape side of the Langkloof (Van Leynseele and Hebinck, 2009; Interview EF1, 2016; Interview GOVEC2, 2016; Interview LREC7, 2016, Interview COM1, 2016, Interview LREC1, 2016; Interview LRWC5, 2016). One of the black emerging farmers in the Langkloof gave an accurate illustration of this problem:

'And how do you work with the extension officers here in the village?

[...]The communication between us and Agriculture is ok, but you know, there is, how can I say this.. they are not on the farm. That's the problem we have with them, they really do not know what is going on on the farm. [...]

Would you expect that they visit the farm more and give you advice?

They cannot advise me, because they don't know nothing of farming. How can they have that job, because they can not.. I have to advise them, they cannot advise me. They can just do their administration. But they know nothing about farming.' (Interview translated from Afrikaans, EF1, 2016)

In both the Eastern as in the Western Cape I spoke to extension officers. Whereas the one in the Western Cape knew her way around in the political structure, was situated in a department building and had a lot of colleagues and working computers surrounding here, the extension officer in the Eastern Cape had none of this. He did mention some problems with too many beneficiaries, but as

stated above, he had no idea what was going on, he was sitting with his always drunk colleague in a brand new building without furniture and with one half working government laptop without virus protection, password or any other security. Both had no farming experience nor knowledge of farming (Interview GOVWC1, 2016; Interview GOVEC2, 2016).

Also with the LRAD grant, the rent-a-crowd principle is a problem, as stated by the Deon Heyns of the Co-op working in the Langkloof: [LRAD] 'is a monster on its own'. There is one project in the Langkloof he tells about that was bought with an LRAD grant by 530 families:

'So it was 8 and a half Million Rand, clubbed together, so there is more than 530 beneficiaries in that project now [...] You have to remember that's where the difficult part comes: That project was owned by one family, one commercial family, now there's 530 families that has to benefit from it. It's just not possible: so if they are making 1.5 million rand profit, it's 58 hectares of trees, orchards, if they are doing good, then they have to divide that. (among the 530 beneficiary families).[...] So, you're not empowering anybody, you're almost dragging them down.' (Interview EX5, 2016).

It can be concluded that the post-settlement focus and the focus on actual access, is not present in the implementation of the policies, though guidance on a local government level is included in the policies. The main purpose of obtaining the grant is, as with SLAG, obtaining a piece of land, but new forms of property rights are introduced.

3.3.1 Programs

Under LRAD one can obtain a grant for several sorts of projects, besides the regular land acquisition, such as for land improvements or machineries. It is common to establish group projects; they require the setting up of an appropriate legal entity, such as a communal property association (CPA), a trust or a closed corporation (Jacobs et al. 2003:5). Lastly there are so called safety-net projects divided over four levels of production. The first level is for people who obtain land mainly for their own consumption, this is called *safety-net*. Secondly there are *farm equity schemes*, which means that members of a group will each contribute something towards accessing the grant and will get a share of the project accordingly. The shareholders are then both co-owners and farm employees. The third level is *Production for markets*, which is meant for people that have more farming experience and probably their own tools, so they use the grant to farm on a commercial level. Finally there is *agriculture in communal areas*, which can be both on the level of safety-net as well as production for markets. It is meant for people already having access to (communal) land, but who do not have the money to farm the land. (DoA, 2001; DRDLR, n.d.). On different levels, the grant can be used to either obtain land – shared or no shared –, or to increase or gain access to people who already have (access to) land and machinery. So the grant can be used for either rights, or access, depending on what people already have themselves.

There is a not yet discussed difficulty that has been occurring since SLAG and is unchanged under LRAD: The willing buyer–willing seller principle is a highly political one, since the racial divides in the country are persisting. The choice to either sell or not sell land to previously disadvantaged can be influenced by farmers or their neighbours not willing to have black farmers in their area or on their land (Jacobs et al. 2003:15). Also the availability of both suitable land and buyers appears to be a spatial problem, since they often are not on the same place. Willing sellers cannot find buyers or buyers are not in the opportunity to purchase land in their neighbourhood.

Concluding it can be stated that even though there are changes, there are still problems with the policy itself: a focus on either rights or access, and the own contribution. And the policy implementation: mainly a lack of focus on agriculture and access in the post-settlement phase, but also the redistribution via the willing buyer – willing seller principle. In 2005 the number of hectares transferred via LRAD was 40% below target (DLA, 2005:18). In order to overcome these discrepancies the Pro-Active Land Acquisition Strategy (PLAS) was initiated.

3.4 Pro-Active Land Acquisition Strategy, PLAS

During the Land Summit of 2005 in Johannesburg several issues with the then current land reform program were discussed. The summit was demanded by the Landless People Movement (LPM) and the minister promised to answer to the demand in order to revise reform policies. Besides the claim that land reform was too slow, a comment that was heard the most was the failing, economically focussed willing seller – willing buyer approach as being core principle of the policies so far. Movements from civil society were asking to abandon this market based reform method, which was by the minister called a ‘key impediment to improve the pace of land reform’, and adopt a more pro-active state attitude (Hall, 2005). In the annual report of 2004/2005 (DLA, 2005) she called LRAD a successful programme, however for more sustainability, land reform needs

Box 2 Hall (2005) explains the background of the summit, how civil society groups came together and how all stakeholder were invited for these meetings. It was a rather different set up than the presentation of LRAD: “[...] 25 organisations - NGOs, landless groups and the South African Communist Party (SACP) - embarked on discussions to identify substantive policy proposals as well as demands for a more consultative process of policy making beyond the Summit.” (2005:622)

the cooperation of other departments, such as Housing, Water Affairs and Forestry, Environmental Affairs, provincial and local government and Public Works. Partnerships with both government and civil society were needed to make reform work (2005:12). This was repeated by the next minister of agriculture and land affairs in the annual report two years later (DLA, 2007).

These new links imply more attention to post-settlement, an approach beyond rights distribution and a refocus of the economic basis. Therefore PLAS was implemented in the entire country, after a pilot in Free State, and is perceived to have a positive influence on land reform

(DLA, 2007).

The focus changed from direct private rights to shareholding, lease contracts and *options* to obtain the ownership rights. Attention to post-settlement and access is given by linking land reform to other policies. Whereas in former policies the state assisted in land acquisition, under PLAS the market-based approach is dissolved and the state is purchasing land for beneficiaries. The beneficiaries get a lease contract with the option to purchase the land themselves. The policy is pro-poor and land reform from now on should be in line with Integrated Development Plans (IDPs) and local development strategies. Most acquisitions go through the Provincial Land Reform Offices (PLRO), but the aim of the policy, as expressed the Intergovernmental Relations Framework Act (Act No. 13 of 2005), is for various levels and departments of government to cooperate:

*‘There are seven re-settlement models: ‘These models can be implemented through **mixing and matching various grants** and services of **different government departments** e.g. agri-villages and Kibbutz type development can be implemented by **combining grants** and services from **DLA** (land acquisition), **DoA (CASP, agricultural starter packs and extension)**, **Department of Housing** (building of the houses) and **local government for municipal services**.’ (DLA 2007:12)*

The intertwining of departments, grants and models is illustrated with one quote. Multiple departments, grants, levels and combinations are possible, as I highlighted with the bold phrases. This however does not provide for a clear, readymade, program for people to understand at once. They have to investigate the possibilities for their situation themselves.

Also for the state there are several ways for the state to acquire land. *Expropriation*, in case the market is not offering enough suitable land. Via *auctions*, so land can be easily acquired cheaply by the minister or a delegate. The PLRO or beneficiaries could also approach landowners themselves to ask whether or not they would be interested in selling their land, which would be regular *market transactions* or *negotiated transfers*. The state can also actively look for suitable *existing public land*, or via *financial institutions* such as the Land Bank, which has an arrangement that the DLA is the first to hear when suitable land becomes available. And the last option is an often occurring phenomenon in the Langkloof: *donations*; this means that the state approaches farmers to donate (part of) their land for land reform purposes, mostly the land then goes to their own workers. These donations are free from tax, to encourage the farmers to cooperate. Once land is acquired, management companies can be installed and there can be caretaker arrangements. A lease trial period could established as well, after which, in case the beneficiaries did well, they get the opportunity to purchase, with for example an LRAD grant (DLA, 2006).

After SLAG and LRAD, PLAS is broadened from sole private ownership, to lease and sharing rights of state owned land. A linkage with development plans and between departments should take care of post settlement arrangements. But this method is more like delegating the

responsibilities instead of including a new focus in land reform. Also the policies are becoming scattered and the structures unclear.

3.5 Current policies and future plans

After the instalment of the Zuma administration in 2009, land reform was identified as a core priority and a Comprehensive Rural Development Programme (CRDP) was announced. This programme has a holistic broad policy trajectory covering rural development, agrarian transformation and land reform, with the Agrarian Transformation System as its strategy (DRDLR, 2009a, 2009b; DRDLR, 2014). Quite soon after the launch of this programme, there were critiques:

'An early assessment of the CRDP pilots found the following weaknesses: lack of an agreed overall vision and strategic plan; insufficient conceptual understanding of the CRDP; lack of clarity on the constitutional mandate and legislative framework; lack of alignment and integration of budgets; failure to integrate relevant government policies and programmes; lack of clarity on authority and accountability; uncertainty and confusion as to who is leading the pilots; insufficient community participation; and lack of clear time frames or a functioning system of monitoring and evaluation.' (Cousins, 2016b:59)

After Zuma's election, there were no new policies established immediately, but in 2009 moratoriums on share-equity schemes and in 2010 on LRAD were initiated (Cousins, 2013; PLAAS & CLS, 2014). In 2011 the Green Paper on Land Reform was presented.

3.5.1 The Green Paper on Land Reform

The tone of the land reform ideas was changed. Whereas in the *White Paper* it is mentioned that land reform should make an end to the legacy of Apartheid, in the *Green Paper* of 2011, the new basis, there are many hostile references to the Apartheid and how much that period destroyed of the South African people and culture. It is mentioned that South Africa is a mess and that a new approach to land reform is needed to undo this mess:

'Colonialism and Apartheid brutalized African people, turning them hostage to perennial hunger and want, and related diseases and social strifes and disorders. Rural development, agrarian change and land reform must be a catalyst in the ANC government's mission to reverse this situation. It took centuries to inflict it upon black people and it is going to take quite a while to address it, but it shall be done. That long road necessarily starts with the crafting of a new pragmatic but fundamentally altered land tenure system for the country. Not to do so would perpetuate the current social and economic fragmentation and underdevelopment.' (DRDLR, 2011: 2)

The new government is not hesitating to adopt the same methods as were used in the Apartheid:

'If there could be anything positive which come from Apartheid, it is (a) the political courage and will to make hard choices and decisions; and, (b) the bureaucratic commitment, passion and aggression in pursuit of those political choices and decisions. We are in the mess we are in today because of these two sets of qualities – political courage and will to make hard choices and decisions, and bureaucratic commitment, passion and aggression in pursuit of those political choices and decisions. We need them now to pull the country out of the mess.' (DRDLR, 2011: 3)

It is remarkable that so many years after the Apartheid and after years of governmental attempts to overcome the legacy of it, there is a renewed attention to the so called mess that was, as stated in the Green Paper, caused by Apartheid.

Programs

Envisioned programme aspects related to land redistribution are a Recapitalisation and Development Programme (RDP) (DRDLR, 2013); instalment of a Land Management Commission (LMC), a Land Valuer-General⁵ and a Land Rights Management Board (LRMB), with local management committees; and properly aligned common property institutions (CPIs) (DRDLR, 2011). Especially the LRMBs and LMCs, of which the last exists of representatives of residents of rural areas, are meant to communicate and discuss legal reforms and could be a bridge between the national level and the people on the ground. The LRMB however has the power to among others establish and dissolve, set norms and delegate powers to the LMC's, which reduces their use as local decision organ. As stated in the *Green Paper's* conclusion, there is the perception that the land reform failure is not to blame to one wrong policy, but that it is a total system failure and does not pay enough attention to protection of rights of farm workers. The proposed recapitalisation programme aims to get 100% of the reform farms productive through risk-sharing partnerships with commercial farmers (DRDLR, 2011:5), despite the moratorium on share-equity schemes. The RDP does not change the structural error as mentioned in the Green Paper (Cousins, 2011). It does however propose a method to policy wise focus on post-settlement and increased access. Risk sharing is a 'stick' in the bundle of property rights, as also mentioned by Tienstra and Roth (2013), meaning that in policies, property rights and access have begun to be seen as issues to be dealt with separately. The RDP also reintroduces an economic, commercial approach, which was not aligned with beneficiaries farming experiences and farm dwellers ambitions and does not take social relations into account (Van Leynseele and Hebinck, 2009; Aliber and Cousins, 2013). This is illustrated by one of the critiques on the *Green Paper*.

⁵This was planned to be operational in 2015 (Nkwinti, 2015).

Critiques

According to Cousins (2013) there are quite a lot of relevant issues not discussed in the *Green Paper*, among which the issue that, quite often land reform beneficiaries have no experience with agriculture and do not know how to effectively use the land. Despite the fact that both in the LRAD and in the PLAS policy it was mentioned that beneficiaries need to use the land for agricultural purposes, farm fulltime and be prepared to take training and show their farming capabilities for extension of lease contracts. (Lahiff, n.d.; EX2 Interview, 2016; EX3 Interview, 2016). Also not addressed are the questions: How land can be acquired for redistribution and which land is prioritized by whom, how can projects be better designed who should benefit and what changes land reform should bring about (Cousins, 2013).

3.5.2 New policies

In 2015 Jacob Zuma introduces a new approach in his State of the Nation Address (SONA) and minister Gugile Nkwinti of DRDLR does the same in his 2015 speech (Zuma, 2015; Nkwinti, 2015). A 50-50 policy, Strengthening of Relative Rights of People Working the Lands (SRR), and a Regulation of Landholdings Bill are mentioned. It is proposed to link land reform policies to the National Development Plan (NDP) (NPC, 2012) – chapter 6, *an integrated and inclusive rural economy* is the proof of this – besides the linking with IDPs, which was already part of the PLAS policy. With regard to this NDP linkage, the Rural Economy Transformation Model was introduced and will be implemented through the Agrarian Transformation System, with Agri-Parks as main driver. The Agrarian Transformation System, was adopted following the NDP and the *Green Paper* and is focused on both rural development and land reform. In the Strategic Plan 2015-2020 of the DRDLR all new policies and bills are summarized and it is planned for the DAFF and the DRDLR to be more collaborating than they were before. The focus of land reform is changing towards a more holistic rural development approach (DRDLR, strategic plan 2015-2020). The status update on land reform gives a slightly different image: There is an overwhelming amount of policy proposals and not yet operationalized policies are mentioned, that all have something to do with either reform or rural development (Purchase, 2016). This is more chaotic and unclear than holistic. Regarding land redistribution, PLAS is still the leading policy, even though RDP was meant to replace all forms of funding (Cousins, 2016a). Agri-Parks is, specifically aimed at rural development, as is RDP and the SRR is focussed on rights redistribution (Purchase, 2016). Working groups around these topics have been established, as well as for District Land Committees, which is a committee that is introduced in the NDP (Purchase, 2016; NPC 2012:207) and supports the earlier mentioned idea of more cross level government cooperation.

Two proposals will be briefly explained below. These two are concrete programmes that are currently implemented, that were explicitly mentioned in the ministerial speech, and that are also the programmes encountered in the Langkloof. These policies are illustrative of the

current government focus and the actions on the land. There is less focus on the background ideas from which they are derived, such as the Rural Economy Transformation and the Agrarian Transformation Programme and all the new legislations and bills. That would be more appropriate in a deeper policy review. In the Strategic Plan 2015-2020 as well as in the Land Reform Status Update, overviews of the current policies and (pending) legislation can be found, for those who are interested.

3.5.3 Agri Parks

While working in the Langkloof, an often heard project was the Agri-Parks idea. Both Joubertina as Haarlem want join the project (Interview EX4, 2016, COM1, 2016, GOVWC1, 2016, LRWC7, 2016). Both farmers on the Eastern Cape side as well as farmers on the Western Cape side are busy preparing themselves to apply in order to become a so called Agri-Hub. In the financial year 2015/2016 the Agri-Parks idea is initiated with the slogan: 'One District, One Agri-Park' (DRDLR, 2015-2020). The Agri-Parks are a government's initiative to review all the reform policies so far, as was suggested in the *Green Paper*. It originates in the Rural Economy Transformation Model and is a cooperation of the DAFF and DRDLR (drdlr.co.za – FAQ Agri-Park; PMG, 2015). The government defines it as: [...] *a networked innovation system of agro-production, processing, logistics, marketing, training and extension services, located in a District Municipality* (DRDLR, 2015). It consists of three components: A Farmer Production Support Unit (FPSU), an Agri-Hub Unit (AH) and a Rural Urban Market Centre Unit (RUMC). The basic idea is to create better market access and collaboration in the agrarian sector. Even though this may seem as if the programme does not have a lot to do with land reform, Minister Nkwinti made clear in his speech that Agri-Parks will ensure the rekindling of the black commercial farmers class and a guarantee that all land reform farms will become productive (Nkwinti, 2015). Whereas this policy is characterized by a post settlement and access focus, instead of rights redistribution, there are also policies with other features.

3.5.4 Policy Framework on Strengthening the Relative Rights of People Working the Land (SRR)

'The highly unequal relationship between farm owners and farm workers/dwellers, in which the latter are completely dependent on the former for sustaining livelihoods, makes it almost impossible for these vulnerable groups to fight for their rights.' (DRDLR, 2013: 17).

The structural failure that was mentioned in the *Green Paper* is expected to be addressed by this new policy. This policy focusses on the thus far neglected farm workers and dwellers and in the policy proposal, linked to the NDP, existing inequalities are highlighted. An in the rural development strategy mentioned element is to '*ensure access to basic services, food security and the empowerment of farm workers*' (NPC, 2011:219). The current lack of access to land, proper working conditions and possibility to cultivate own crops (food sovereignty) is mentioned, as well as the

irony that white farmers produce 90% of South Africa's food, but that the workers on the farm do not have access to sufficient food. Finally income inequality is stressed. In the proposal is stated that PLAS did not succeed enough in reaching farm workers and dwellers, and neither did the empowerment programmes Agri-BEE and Farm Equity Schemes succeed convincingly (DRDLR, 2013).

To create this new policy, the lack of access and fallacies of previous attempts are emphasised and therefore prospects seem hopeful for the increase of access for farm workers. It is stated that *'It is also essential that approaches to bettering the plight of those who live and work on commercial farms include measures that go beyond tenure reform to address broader aspects of socio-economic development.'* (DRDLR, 2013: 23)

A policy focus beyond tenure reform and inclusion of social-economic aspects is basically what has been argued in this thesis as necessary changes for land reform. However the cause that is given for previous failure is the neglect *'[...]to target land ownership as a key driver of empowerment and transformation [...].'* (DRDLR, 2013: 23). And thus the above mentioned, hopeful measures are addressed by *'increasing opportunities for farm workers to gain ownership of the land they live on, which is key to enjoying basic human rights of housing, health and family and cultural life, as well as critical in creating sustainable livelihoods.'* (DRDLR, 2013:23).

Herewith the focus is not beyond tenure and socio-economic aspects, but access and rights are again intrinsically intertwined in a policy. Subsequently the policy is based on the principle that agricultural land is common heritage all South Africans should have 'reasonable opportunity to gain access to land with secure rights' and all farm workers should have long term security of tenure (DRDLR, 2013: 28).

The policy is based on and linked to many documents, such as Agenda 21 of the United Nations, the Freedom Charter, the NDP and it is planned in terms in the Medium Strategic Framework (MTSF 2014-2019), which is the first 5 year cycle of the NDP. It is complemented by and related to the Sustainable Rural Settlement Plan and the Agricultural Landholding Framework. Also the limited effect of two other tenure security protecting legislations, namely the Labour Tenants Act, No. 3 of 1996 (LTA) and the Extension of Security of Tenure Act, No. 62 of 1997 (ESTA), was an incentive to create this new policy (DRDLR, 2013).

The central idea behind the 50/50 policy framework, is to provide farm workers and dwellers with a share that is a certain percentage of the farm they are working, based on the number of years they are in 'disciplined service' (DRDLR, 2013). This creates partnerships with commercial farmers again. Partnerships with commercial farmers and mentors were mentioned before in various interviews conducted in the Langkloof as solution for the lack of managing and farming experience (Interview COM1, EX2, EF1, LREC1, LRWC1, LRWC5), but were, as Cousins (2016a:8) states 'ironically' abolished by the government, since in 2009 Minister Nkwinti placed a moratorium on equity schemes. Two years later it was lifted again, without having the problems addressed that caused the moratorium. (PLAAS&CLS, 2014).

A RADICAL REDISTRIBUTIVE MODEL FOR LAND REFORM

Fig 1: "STRENGTHENING RELATIVE RIGHTS OF PEOPLE WORKING THE LAND"

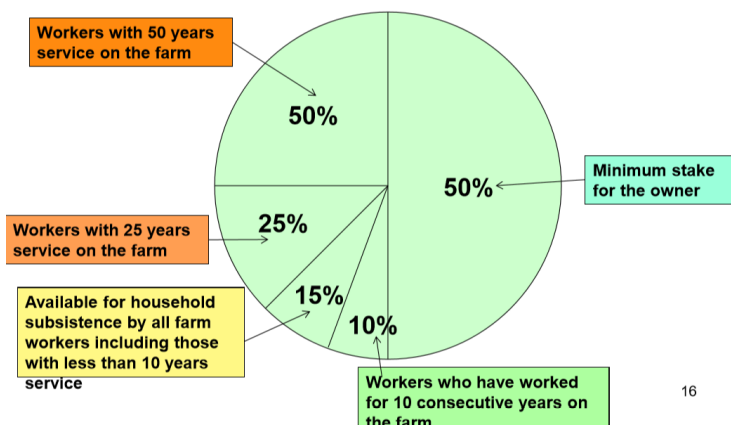


Figure 4 Distribution of equity shares ownership of land. Image including not fitting text from DRDLR. - DRDLR (2014)

The policy is visualized in the presentation of the DRDLR on September 3, 2014 on the National Land Tenure Summit. The presentation however does raise some questions. The power point slide in figure 1 summarizes how the equity shares ownership of the land shall be distributed. A minimum share of 50% will be the farm owners'. For workers who work 10 consecutive years on the farm, a share of 10% will be made available, 25 years equals 25% and 50 years equals 50%. However as is immediately clear when looking at this pie-chart: this division is not possible. The 50% share takes only a quarter of the pie and 25% not a quarter but one eighth. Now imagine what happens when more than one worker works on this farm: two workers working 25 year on the farm together would have the right to an equity share of 50%. Together with the owner, this leaves nothing for other workers. Or in case the owners' share is not included in the 50% the workers are entitled to, still two workers who work 25 years and one 50 years or five 10 years, are entitled to half of the shares, leaving nothing for others.

Altogether this is quite a controversial policy; re-introducing an equity sharing ownership, whereas the equity schemes were just abolished, providing opportunities to become shareholder, but the access to food and all other aspects mentioned has to be dealt with in other related policies. The policy unconsciously emphasises the different 'sticks' in the bundle of property rights by mentioning equity shares and ownership on land in one phrase, making it even more interesting to investigate the daily practices. Also all the linkages with other policies and strategies,

the same situation as described with PLAS, are not making the structure clearer. How this policy is for example linked to the Sustainable Rural Settlement Plan and the Agricultural Landholding Framework and who is responsible for it, is not clear. Cousins (2016a:8) states: *'The policy is illogical, costly and liable to benefit farm owners rather than workers.'*

3.6 Remarks about policies and their discrepancies

A few concluding remarks have to be made when looking at this policy overview. Land Reform has seen various forms of redistributing, different methods to change racial patterns and overcome poverty and inequalities. There are also some contradictions within the policies itself, regardless their implementation. The most important focus points, different remarks and discrepancies will be discussed.

The main important aspect to understand with regard to the case studies conducted in the Langkloof is the different sort of property rights that are present in the policies, though not explicitly mentioned. The first policies are aimed at redistributing private ownership rights to a piece of land, often focussed at groups instead of individuals. Later individuals and households could obtain shares in a business (farm) with the equity schemes, or communally own land. After these regulations, the state started to acquire land, and people got lease contracts or caretaking contracts instead of private ownership rights. It is not expressed clearly when a share means a share in land and when it means an equity share. It is not helping that the equity schemes are sometimes abolished and later promoted.

The focus in the policies is constantly on access to food, services and social economic aspects, at least those topics are mentioned as purposed outcomes of the policies. However, it is also assumed that those things will automatically occur with the redistribution of property rights, either private ownership or shareholding. In the SRR, the most recent policy, it is assumed that the cause for unsuccessful policies is a lack of focus on tenure security. The actual outcomes of the varieties of rights are not a part of this paper reality. Because some policies are not successful, there are changes, a moratorium is placed and new policies are established.

Policy implementation has become scattered since the introduction of PLAS, the governmental aim to link various departments and the aim to make land reform more all-inclusive. The Land Management Commission (LMC) and Land Rights Management Board (LRMB), as introduced in the Green Paper, are not explicitly present in the current land reform practices. Then there is also a Land Rights Management Committee (LRMC), which does not make the different roles and responsibilities clearer. The District Land Commissions (DLC) as mentioned in the NDP are, according to Ernest Pringle of Agri-SA (Interview EX2, 2016), not yet working properly. Furthermore there are many policies that in some way are related to land reform, but that are not directly related to the property rights or redistributions, or are the responsibility of other departments than the DRDLR. Rural settlements for example are the responsibility of both the Department of Land Affairs as well as the Department of Housing (Bannister, 2003). The

various broader frameworks expressed in different documents – Rural economy transformation, CRPD, Agrarian transformation; strategic plans, annual reports, development plans (both national and local), mid-term development plans – combined with all levels and actors responsible for implementation together create a complex network, which is hard to understand for both officials and experts, but especially for the previously disadvantaged.

Furthermore, although one could consider it rather subjective to mention the tone of a policy; the *Green Paper* does differ a lot from the *White Paper* written about 20 years earlier. There are more remarks about the horrors of Apartheid, even though that is longer in the past than it was when the *White Paper* was written. Moreover it is remarkable that it is mentioned in the Strategic Plan that diversity is highly valued and no-one will be discriminated, whereas at the same time a regulation of landholding and expropriation bill is adopted, limiting the amount of land owned by ‘foreign nationals’ (Nkwinti, 2015; DRDLR, 2017).

One of the discrepancies can be summarized under politics of scale. Whereas land reform policies are being developed on national level, input from ‘the ground’ is necessary to know what is needed and what is going on. And to implement the policies effectively, one has to decide at what level that has to be done instead of the ‘mixing and matching’ of policies and departments. Despite the fact that there are some policy advices and theories regarding the benefits of decentralization, this is a difficult phenomenon. There is not one such thing as ‘the correct scale’ for a problem. There always is an interplay of various stakeholders, causes and effects on different levels (Wiber and Bull, 2009; Randeria, 2003). It is stated that provinces are responsible for complementary support for land reform projects, municipalities have legislative competence with regard to allocation and management, but a lot of the councils are not aware of their powers or don’t know how to exercise them (DLA, 1997), so which scale is responsible for land reform, is not quite clear. Also a skills and resource shortage on local levels (Bannister, 2003: 10; Interview EF1, 2016) is an issue of concern with regards to local governance.

Another discrepancy is related to the goals and the reality of what can be achieved with a grant. The focus of the government is a large scale agricultural production, whereas the access to capital is not sufficient to reach this. The grants, as discussed above, are meant to be complemented with other sources of income, since they are not enough to access the commercial market. A loan from a bank however, is only possible when one has the land as collateral. Coops, as I would learn in one of the interviews, provide small loans to emerging farmers without collateral, but these are also not enough to expand.

One of the commercial farmers in the Langkloof, who states he tries to empower his workers, has some comments on the policy development of the government:

‘Now and they’ve tried all sorts of formulas. And where are we today? Government is buying land and they stay the owners of that land, put people on it and they hope that it’s going

to work. It will not. Because it's an empty put, they just are throwing money at the problem and it's not working. Uhm, because they don't look at the commercial realities, I mean if you want to do fruit farming, we are exporters, mainly our fruit, we export a lot of fruit to your country. I mean I have to be competitive in the international, I mean there's no favours in the market, there's nothing, so and it's an expensive highly technical industry so for you to be competitive, that's, right or wrong, you make it or you don't. And that's the difference so now they're putting people on land, they don't own the land so they can't go to a commercial bank and get credit and buy a new tractor or get a seasons loan to do whatever, they have to again look at government to help and ownership is also, ownership is so part of business. If you own a house, you look after it, if you stay in a government house, are you going to look after it like you would your own? Do you make a nice garden in front of your house if it's yours or not yours? It's a human principle of ownership that drives people to do things and do things properly, whatever. Unfortunately that's the reality of agriculture and so where are we today? Almost 30 years later, nowhere and they haven't obtained the goals that they set themselves and obviously they would like to [sighs] you know, get somebody to blame for their mistakes in the past. And they looking at it and trying new formulas now that are, that are according to us even further away from the solution. Like this 50-50 kind of suggestion of give 50% of your land to your labourers and things like that you know.' (Interview COM2, 2016)

As reason for why the 50-50 will not work he mentions the discrepancy in financing. The input costs are too high for a starting farmer. One of the reasons is that the markets are not corresponding. Materials have to be bought on the international market with dollars, whereas income in ZAR is generated on the national market (in case of emerging, non-exporting farmers (Interview COM2, 2016). The grants cannot compensate this, as was stated before (DLA, 1997: 41). In this commercial farmers' plea on policies, he states that both working on state land as obtaining a piece of land are not successful methods. The only solution he sees, is collaboration with commercial farmers (Interview COM2, 2016, Interview EX5, 2016, Interview GOVEC1, 2016).

DAILY PRACTICES IN THE LANGKLOOF

[...] it is not even being shared with the beneficiaries. The beneficiaries are not even aware that the land is not transferred into their name, they're not aware that it still the property of government, so that fact is conveniently kept away[...] But we know and again it's a matter of information, not being made available to the community, or the beneficiaries, it's a matter of not talking to the people in a language that they understand. (Interview EX4, 2016).

Even though it has been stated that the South African government focuses on redistributing private ownership, there are some policies, for example PLAS, that are based on equity shareholding and only the *idea* is about private ownership. The stories of the beneficiaries of the Langkloof, the daily practices on reform projects, will be discussed and the findings analysed according to the key concepts identified in the theoretical framework. The case studies are structured based on the policy or sort of grant with which they are established. To create a clear understanding of the farms as property objects, this structure was chosen, instead of a structure based on, for example, the levels of analysis. In the concluding remarks however, the findings on the different farms will be combined to emphasise the analytical concepts. The specifications of the farms that have been visited can be found in Appendix II.



Image 4 Langkloof (picture by Jessica Cockburn)

4. LRAD Farm Worker Equity Scheme - Eve Brand

There were three LRAD farms I visited, but they were all three established under different circumstances and regulations. Appelkloof was in 2002 a FWES, but in 2005 the 75% that was still owned by the previous farmers, was bought by Appelkloof trust with an LRAD grant (Interview LRWC2, 2016). Oudrif was bought by a white farmer, who then established a trust of his workers, their friends and family, which obtained the farm with an LRAD grant (Interview LREC2, 2016).

The farm in this case study is still a Farm Worker Equity Scheme where 240 beneficiaries have obtained their share through an LRAD grant. It is one of the five biggest farms in the Langkloof. On this farm I spoke to people of all levels in the farm hierarchy, so this farm provides the most complete data. The other LRAD farms will sometimes be mentioned to illustrate or support a statement, but completely combining the three of them, would be unclear. Starting with this case, will give an idea of the complexity of the other cases that follow.

A white agricultural businessman, Hannes Stapelberg, CEO of another farm, Letabakop, started and managed the project, wrote the business plan and arranged all the money and this way became 24,5% shareholder of Eve Brand. The workers trust obtained 50% and the company of which Hannes was CEO the remaining 25,5% (Interview COM1, 2016; LREC5, 2016). They started in 'the early days' so according to Hannes there were not yet policies in place, merely guidelines. His coloured personnel manager Piet explains how the farm started in 2004, which is not 'the early days', and how Hannes saw an opportunity with LRAD:

'Yes, so Hannes talked to the people, with Talwitzer, the owner as well and they have the farm.. well actually it was an auction, and what happened, yes, the Eve Brand, then Hannes saw that this is an opportunity in which he could empower us and he talked to uncle Vonnice, the owner Letabakop, and he agreed. And then they informed us, and we gave our ID's, agreed all 240, and he went to the government and there the plans started. This was approved, they came back to tell that... we got the farm and in that stage we got 50%. So Letabakop got 25,5% and Marlio, which is Hannes' and Rob's company got 24,5% and we thus got 50%, the 240 workers. Yes, that's how it started.' (Interview translated from Afrikaans, LREC5, 2016)

Not only the actual benefits coming along with property rights, but also the process of obtaining the property rights can be explained with the theory of access. Hannes' connections and negotiations with influential people – or 'access to authority' – made it possible for 240 workers to become shareholder. For them, their social identity, the fact that they are previously disadvantaged, puts them in the position to benefit from the grant that is connected to the reform policies in place. These 240 beneficiaries were reached by the policy because of Hannes, as the personnel manager explained:

'[...]he saw the opportunity to empower also our people. Then they talked to us and explained us about the empowerment project' (Interview translated from Afrikaans, LREC5, 2016).

This project is a collaboration with a commercial farmer, which is encouraged broadly (Interview COM2, 2016; EX5, 2016; GOVEC1, 2016), although there also has been a moratorium on it (PLAAS&CLS, 2014).

4.1 Social level and daily practices

The size of the share each individual beneficiary has, can be explained through a small math exercise: two companies each have around 25% and 240 beneficiaries together have the other 50%. Recently Letabakop sold its share, so now the beneficiaries own 75%. This means that 75% of the surplus the farm is making has to be divided among 240 beneficiaries. Whereas at first sight it appears they have the majority, their share per person is not that much. Their individual access to capital, in this case dividends, is 1/240th of 75%, which is around 0.3% per person.

Besides this percentage of the surplus that can be divided, a shareholding right has more meanings. As a group, the beneficiaries own the majority of the shares of the farm, but the beneficiaries do not all have the same access: their role in decision making as well as their access to labour or salary (capital) varies. It is not clear to everyone what the exact meaning of the different roles and rights are.

There are conflicting ideas about the meaning of a share and the difference between a beneficiary and a trustee, which are two terms that are used interchangeably on most farms. In the implementation plan of the PLAS policy (DLA, 2007) I found an attachment, Notes on Legal Entities, in which the meaning of a trust is explained and in which is referred to the Trust Property Control Act, 1988: *'Through a trust, a business can be carried on by trustees for the benefit of nominated beneficiaries.'* (DLA, 2007:171).

Coloured general manager Paul however, is not sure at all about the meaning and had difficulties answering the question about the difference between beneficiaries and trustees. The parts between (...) in this quote mean a conversation between Paul and his colleague:

'Ok, let me get my, beneficiaries shareholders, trustees also shareholders. Trustees managing, (Come on colleague! What is trustees?) Directors managing the beneficiaries (What is trustees!? Who is trustees? Is it the directors? What are the trustees doing?) So we using the word a lot but we don't know their duties. Ok trustees, beneficiaries getting dividends, trustees also beneficiaries, directors, not all of them (Colleague: directors are not all shareholders) so trustees all shareholders, beneficiaries and then directors, not all of them. Directors [...] of the trust is bosses or management of the beneficiaries. So beneficiaries workers, also trustees

workers , but trustees making decision and then going to meetings for the beneficiaries.'
(Interview LREC4, 2016 (partly translated from Afrikaans).

With this answer I did not quite get the difference, so in the interview with Piet, I tried again to get an answer. After a lot of questioning and asking for clarifications, Piet told a more coherent story. He told that at the general annual meeting the beneficiaries choose trustees. They form a committee that, as representatives of the beneficiaries, checks the management (Interview LREC5, 2016). Then there is a difference between workers and beneficiaries, about which Paul said:

'The way I understand it there's no ... there's no.. difference in labour circumstances. I cannot think of a difference, with regards to benefits everyone has the same.. It's just when dividends are paid out non workers are not getting anymore, cause it, ja..' (Interview translated from Afrikaans, LREC4, 2016).

He explained that not all the beneficiaries are working at Eve Brand, some are still working at the farm where they originally worked, Letabakop. According to what the Paul states, the people that are not working at Eve Brand, do not get dividends paid out. However, Piet states that all the beneficiaries, all 240, are getting dividends, they only lose their voting rights when they stop working at the farm. A voting right is thus not connected to being a shareholder only, but also to being connected to the farm. Once beneficiaries leave they lose this right. (Interview, LREC5, 2016). Workers who are not shareholder and thus do not have property rights, still have some forms of access to benefits. They do for example get school uniforms if they are bought at the moment they work there, but they do not get dividends.

On Oudrif, one of the other LRAD farms, there was a discrepancy between what the coloured manager said and the black seasonal workers stated. She stated that all workers, beneficiary or non-beneficiary, have the same rights and access to decision making and that they are so happy, even workers from other farms want to work on Oudrif. There are however way too much beneficiaries, so workers cannot become beneficiaries (Interview LREC2, 2016). The workers on the other hand, mention differences between beneficiaries and non-beneficiaries in terms of salary and living conditions and that, when they say something about this, the next week some of their salary is missing. Also they would rather work on another farm, because Oudrif does not have the same holiday regulations as on other farms and they do not get salary on rainy days, because there is no work then (Interview, LREC8, 2016).



Image 5 Workers on Oudrif after the interview

The question remains in what the beneficiaries actually have a share; is it in land, or in the business? And are they actually owners? It turns out that both the personnel manager as well as the workers do not exactly know what it means or what it is worth. Where Paul, the general manager states that people do not have a physical share, Piet, the personnel manager states otherwise:

So you actually have a share in the land? Yes.

And not in the company? Also the company. Both.

(Interview LREC5, 2016)

This is not the only aspect that is unclear with regard to property rights: One of the workers states she really wants to be a beneficiary, because she has a baby, which implies she sees her share as a security she can pass through to her child. This is part of the concrete relations that go hand in hand with being a shareholder.

Concrete relations and access

The above discussed daily practices on Eve Brand, can be theoretically explained as *concrete relations* (between 'social units' and 'property objects') and the benefits as types of access. There is a distinction on the farm between trustees, beneficiaries/shareholders who work and those who do not work on the farm, and workers who are not shareholder. They all have some kind of benefit, but these are not inherently related to whether or not they have property rights. A worker for example has access to labour, at least in high season, this provides access to salary (capital) and when school uniforms are bought for kids, also the kids of seasonal workers get this benefit.

'[...] as for example every year we have bought school uniforms for the kids...we bought those

clothes...and if there are temporary workers at that time, then they should get the same benefit as the permanent workers.' (Interview translated from Afrikaans, LREC5, 2016)

The non-shareholding workers however do not have a voting right, are not called to meetings and do not get dividends paid out.

The access to capital in the form of dividends and authority (meetings and voting) seem reserved for shareholders. Shareholders that are not working on the farm however, do not have access to labour nor to voting rights and access to meetings. *Working on Eve Brand* provides almost as much access as being a shareholder, the only difference is the voting rights and the dividends, and non-working shareholders only have the dividends, which is as much as 0.3%. They do not have access to technology – tools, water –, since that is all company property (Interview, LREC4, 2016). Of course they can use materials for their job, but those are user rights that go hand in hand with working, access to labour, instead of shareholding rights.

Another aspect that is mentioned and is part of concrete rights is the way in which the 'property object' can be inherited. Whereas here there are already some difficulties with regards to what is really possible and what people think is possible, on other farms this is an even bigger problem. One of the workers explained she sees her share as security for her kid. Her own, individual share is, as calculated, not more than 0.3%. And it is just the value of this 0.3% at the moment of passing that can be inherited and it is not, according to Piet, connected to possible growth afterwards:

But this (the inherited share) is just the 'parked' share. For example when the farm grows, they are not part of the growth process, they were at that previous point. (Interview translated from Afrikaans LREC5, 2016)

Also the voting rights and right to join meetings stop after inheritance (Interview LREC5, 2016). It can be concluded that there is a discrepancy between the idea of what a share means and the benefits people expect they can get out of it and what actually the value is and which forms of access are connected to it. The different roles on the farm and differences in property rights, connected to the type of access is represented in *Table 1*.

		type of access								
relation to the farm	property rights	controlling access	access to authority	access to technology	access to labour	access to capital	access via negotiations and other social relations	access to knowledge	access to dividends	voting right
trustee	beneficiary representative		x	x					x	x
	worker									
	non-worker									
beneficiary	beneficiary representative									
	worker				x	x			x	x
	non-worker								x	
non-beneficiary	beneficiary representative									
	worker				x	x				x
	non-worker									

Table 1 Property Rights and Access on Eve Brand

Categorical relations

There are discussions about how to deal with inheriting; whether or not and how a share can be inherited, but this will be elaborated on in other cases. The shaping of concrete rights and how people and property objects are related is discussed, in the case of inheritance regulations, at farm management level. This is a level of categorical relations that is different than the shaping of rights at governmental and institutional level, though both levels intertwine. In theory the shareholders should be able to discuss about the farm regulation, when they are discussed in general meetings, or when the board of trustees checks the management decisions. Categorical and concrete relations are very close at this point, when the same people to whom the inheritance regulations apply, have a say in the shaping of the rules.

Not only on farm level norms and regulation are created, but beyond farm level there are practices of categorical relations as well. Those take place on the legal institutional and political level.

4.2 Legal institutional and political level

The farm level with the concrete relations as discussed so far, including management, shareholders and workers, did not include the role of Hannes Stapelberg, the initiator and mentor of the farm. Nor does an analysis of this level include the role of institutions and political practices. Focussing on the legal and political level the practices of access to authority and legal resources and access to markets will be analysed. This is about access beyond the borders of the orchards.

Most of this is done by Hannes, although the personnel manager Piet also has a representative role in a farmers' association.

Three non-governmental bodies are mentioned in the interviews, which are South African Apple and Pear Producers Association (SAAPPA), HortGro and Agri Eastern Cape. These organisations can be seen as intermediate between farmers and government and belong to the (legal) institutional level. The personnel manager of Eve Brand is the representative of 'small-scale farmers' at HortGro, which is as he explains, an agricultural umbrella organisation of which SAAPPA is a specific branch. The main goal is to get the small-scale farmers into the commercial sector, mainly through knowledge transfer that goes via HortGro, to the personnel manager, who has to communicate it to other small scale farmers. All sorts of farmers, from piggery to fruit farmers, chose a representative who together form a body that communicates about problems and issues in the farming industry. Via HortGro there is a chairperson for these farmers that communicates with the government (Interview LREC5, 2016). In this way Piet has access to both authority and knowledge, which gives him the opportunity to articulate his ideas and know what is going on with regard to black farmers and reform projects. The other way around he can use this access to influence and contribute to formulation of ideas towards the government and be an actor in categorical relations. The role of the personnel manager at HortGro is not connected to his shareholding on Eve Brand, it is the institutional role in itself that does provide more access. Only the categorical relations are connected to property rights, when the topic of their meetings concerns land reform. His own increased personal access is not part of the concrete property rights, since there is no connection to a property object.

Piet is also the one, as representative of the fruit farmers, who maintains a relationship with neighbours. They come together to share information or help each other out with tools, machinery or labour (Interview, LREC5, 2016). He can make decisions about this, which gives him access to technology and labour. Via him, the rest of the farm can also benefit from this access, which can be categorized as access via negotiation and other social relations.

The communication with Agri EC and the government merely goes through Hannes. He is the one that is invited at meetings from Agri EC, which helps him, among others, with communication with the government. Hannes invites his managers to come along to meetings and farmer days (Interview COM1, 2016). Where the manager and personnel manager talk with some distance and respect about the government, Hannes is rather sceptical.

'Ja, the problem is we know them, and we inform them, what will they add to the process? Even though the local extension officer, they are not on the level that we work. They can work with a guy with horse and two chicken and three.. you know they're not what we commercial do, business people.' (Interview COM1, 2016)

Not only does he not have faith in the capabilities of the local government, he also faces some

difficulties with the provincial level. In trying to create this project, the ideas regarding the redistribution of land, did not correspond to the practice of a white man implementing them. Hannes elaborates on his experiences:

And we worked with white people when we did the moves and those people are fired because [...] issues. Because they spent the whole budget and the blacks never did anything. So we spent millions of Rands and our projects were successful and they are still successful , and we are now pinch and the money is given to people that is just sitting and is using the system to get political favours. (Interview COM1, 2016).

Hannes explains how government meetings are being postponed over and over. An example that I experienced myself, is the meeting Hannes initiated about a pack shed owned by black farmers, which was postponed twice. Because of these experiences, he tries to empower people while keeping the government as far away as possible, manoeuvring around and between current policies, even though the BEE policies are in his advantage now (Interview COM1, 2016). Hannes sees a strong mentorship as the only solution for black empowerment because he is working with 'small' people, who know how to farm, but know nothing about managing or business. They lack exposure and thus access to knowledge. The manager confirms this by stating that *"[Hannes] is still holding my hand, especially decision, decision making [...]"* (Interview, LREC4, 2016). This is different on the other LRAD farm, Oudrif, where the mentor used to be absent and the farm almost went bankrupt (Interview LREC2, 2016). The problem Hannes sees however with strong mentorship, is the attitude of the government against white mentorship; they think he is empowering just himself (Interview COM1, 2016.).

He told all this, while we were driving over the land of his new project, which is going to be quite the same structure as Eve Brand. Again he is arranging everything, from procedural and legislative aspects, to making an agricultural plan – he turns out to be an agricultural economist – and managing, calculating and paying for the agricultural renovation.

Concrete and categorical relations

On institutional and political level there are more intertwining rights and attitudes. The personnel manager has, because of his privileged role as representative various forms of access that others at the farm do not have. These however are not connected to him being a shareholder of Eve Brand. His access does provide the opportunity to contribute to shaping the concrete property relations of his fellow shareholders. As a personnel manager maintaining relations with farmers, is also not necessarily connected to his share, but to his role on the farm. Looking at his situation, more forms of access are connected to his role as representative and being personnel manager than with the shareholding in itself and are therefore not connected to property rights. His role in categorical relations, is comparable to controlling access.

Regarding Hannes; he has access to the government, that, according to him has merely negative influences on the farm. Whether or not his idea of the black-white relations are completely true, is hard to say. He said that colour or race do not matter to him, but according to the remarks about the government, it does seem to be an important aspect, not just for him, but for government officials. The fact that he is quite paternalistic about 'his small' people, even though he means well, illustrates a racial hierarchy. Access through social identity is a relevant issue here, because Hannes wants to empower black people and feels slowed down by the government because he is white. The role he has on the farm as a mentor and founder, keeps him in the position to manage the external relations, deal with policies and talk about the people on the farm as 'small people' that 'we help' and 'our shareholders'. Before the manager can take over these tasks, more knowledge, exposure and experience is needed. It is clear that the access and position Hannes has, is different than the position of the other shareholders and therefore they are not solely connected to property rights, but more to his position as mentor and entrepreneur: He had these forms of access before starting this farm, since otherwise he would not have been able to start it like this.

Also on Oudrif, the manager states that the mentor arranged everything and that they, the trust members, were not part of negotiations between the government and the mentor (Interview LREC2, 2016).

The table with property relations can be expanded, with adding the management and mentor.

Conclusion

		type of access							
relation to the farm	property rights	controlling access	access to authority	access to technology	access to labour	access to capital	access via negotiations and other social relations	access to knowledge	access to dividends
beneficiary representative	trustee		x		x				x
worker	beneficiary			x	x			x	x
	non-beneficiary				x	x			
non-worker	beneficiary								x
personnel manager Piet	beneficiary	x	x	x	x	x	x		
manager Paul	beneficiary		x	x	x			x	
mentor/founder Hannes	beneficiary	x	x	x	x	x		x	
									access to benefits (such as school uniforms)

Table2 Property Rights and Access on Eve Brand

With the farm as property object, the different sorts of rights and positions bundled in this object, become clear. Also the various social units have different rights and the – in this case – shareholding right, has various meanings for various social units. It became clear that in one farm there are different levels that are concerned with different topics and have different forms of access. A distinction can be made between the mentor who controls and decides most, the management, the beneficiaries and finally the non-beneficiaries. The last two levels intertwine, since on Oudrif the goal is to have equality on the farm and on Eve Brand workers also get benefits, even some that non-working beneficiaries do not get.

Also there are different ideas of the roles and of what the property rights, the share in the farm, means. The workers and beneficiaries are mainly concerned with matters within the orchards, and have a small, spatial focus. They think of salary and security for their kids and it is rather unclear whether they have a non-physical share in the enterprise or a physical share in the land. Some of the forms of access are related to whether or not someone is working of the farm, next to whether or not someone is a shareholder. The only benefit that is absolutely solely for shareholders, is access to dividends. The rest is related to a position on the farm, which is not guaranteed for beneficiaries.

Looking at the manager, personnel manager and mentor, it becomes clear that their positions also have an influence on types of access for other beneficiaries. Only two people on the farm, the mentor and the personnel manager, have knowledge from and connections outside the farm, whereas for the rest their life, forms of access and idea of property rights is merely in between the orchards, with as main differences the voting rights that are reserved for working shareholders; dividends that are reserved for shareholders and access to labour that is reserved for workers, both shareholders and non-shareholders.

Although LRAD was meant to link land reform more to agriculture (DLA, 2001), in practice the established trusts of the visited farms only used the grant to purchase land. The farm equity schemes under LRAD⁶ are meant to simultaneously create co-owners and farm employees. In practice, the beneficiaries are not really owners, nor all employees.

Mr. October also makes a remark with regards to access to capital and the market. In Haarlem, he says, they miss a connection to the ‘capitalistic markets’ as he calls it, which is why small-scale farming in the region has collapsed.

⁶Explained in chapter 3.3, LRAD, Programs.

5. Municipality state land – Drie Krone

'[...] I can give you, I can give you ten hectares of my land, today. I'm not going to do you a favour, I am going to bankrupt you to do it, to give you, if I give it to you for free, I am going to make you bankrupt. Because you have to farm that land, you have to get money to farm that land, you have to, you know, in our industry to get or to plant a hectare of apple trees for instance, it's a quarter of a million bucks, if you do it in a simple way, if you do it fancy and do it under nets and if you do it first world kind of systems or whatever, it's going to... I mean it's 300, 400.000 a ha. Uhm, [...] and then it's 80.000 Rand a ha is my production cost, plus it's going to be 90.000 rand a ha. It's going to be worse, if the rand keeps falling like it does and whatever the input costs are going to be above a 100.000 rand a ha very soon.' (Interview COM2, 2016)

One of the commercial farmers in the Langkloof, explained the difficulties of working on state land and starting a farm. The fact that a bank does not give a loan to state land, increases the difficulties of getting the farm started. Drie Krone is a real life example of this quote. It is a completely different farm than the thriving commercial business Eve Brand. It is a farm on state land, with a lease contract with the municipality. On this farm there is a collection of various initiatives, where all the beneficiaries have their own project. There are different kinds of farming, among others an initiative for ostrich farming – which was not approved by the government – there are horses and other animals, vegetables and medicinal plants. The farm is not really working as a farm and most of the beneficiaries are elsewhere, not working on the farm.

5.1 Social level and daily practices

The farm looks desolated and in the three months I was in the area, I barely saw people working there, although the farm started ten years ago. There is one family living on the farm land in a tiny house, but they are not beneficiaries of the farm. The interview was in an unconventional setting: whereas I thought I was going to have an interview with the farm chairperson Fusile – who is also involved in local politics – after which I would also talk to some beneficiaries, he planned everyone at the same time. Since there was nothing happening on the farm and the buildings were collapsed, we all sat in a circle in the field. There were two chairs and a crate. One older, black

Box 3 *In the small house (one livingroom/kitchen and one bedroom) a 'granddad' (opa), his daughter, her husband (who was drunk at the moment of interviewing), their two children and her sick sister were living together. They felt stuck on the farm and did not have money to go elsewhere. The daughter and opa joined the conversation. She kept asking to translate to Afrikaans, but Fusile said 'the old man' knows everything, because they regularly talk. She denied this. In the end the daughter asked my phone number, but Fusile said I should not give it to her, because he already had my number. She insisted on having it and when he did not pay attention, she told me that 'he is a very scary man'.*

lady, walking with a stick got one, I got the other one and a very old coloured man, of the family living in the tiny house, got the crate. The rest was sitting in the field. We had a little discussion about the fact that I did not want to have a chair when an old man had to sit on a crate. Fusile insisted and called me 'madam', the female equivalent of 'boss', the formal old way for a black person to address a white person, as my colleagues explained to me afterwards. He was mostly talking, leaving no room for his beneficiaries, so their presence merely seemed a bit of window dressing. It was difficult to find out what the exact structure currently is.

'Basically, what happened in the government there were negotiations between us and him and then a consultant was sent and then there was agreement that he selling the farm, if basically say selling the farm for 3.2 and then we negotiated with him what the government said: we want purchase the farm and it will end up into a 2.8 million agreement. And then there was the farm was purchased for 2.8 million.' (Interview, LREC1, 2016).

The principle of willing seller – willing buyer has probably been the basis of this transaction, although I did not speak to the former owner to verify this. It is not common for the government though to buy property, only under the PLAS regulation this is happening. Fusile does not mention any policy in the interview and speaks of 1992. Then there were no land reform policies in place yet, let alone the PLAS policy, which was implemented in 2006 (DLA, 2006). The farm is on state land and there is a lease agreement with the municipality. All projects on the farm lease a piece of land on their own and the trust facilitates the process between beneficiaries and municipality (Interview LREC1, 2016). The shareholding on the farm is arranged per project:

'Because the beneficiaries story is not only gonna benefit, you are not only gonna benefit out of working. But you are also gonna benefit on a share, on a shareholding. When there's a big project, because that is how our trust deed is saying. Our trust deed is saying that all beneficiaries, if there's funding that is coming in and there's income generation, generated out of that specific project, those beneficiaries, will benefit out of surplus, that is made by the land out of that project.' (Interview LREC1, 2016)

Not only the dividends are arranged per project, also funding is applied for individually or per project, but not by the farm as a whole. It seems as if a collective application is the ultimate goal, since Fusile wants to do a workshop for the entire farm, wants to organize the beneficiaries and have a mentor for the farm. This is not yet the case though:

'Here at this stage you can see the red net there, there start a project three years back, of medicinal plants. Ja, that medicinal plant project is on board. Basically it is just time to start, because the guys, the last week they were in Pretoria, to finalize the agreement. Because

what is happening there, the government made available 30 million for that project.'
(Interview, LREC1, 2016)

This project managed to get government funding, but I did not manage to get in touch with them to get an explanation why they did succeed and the rest still did not.

Of the trust itself only the Fusile and the lady sitting next to me are left. The rest died or left. There are plans however to re-establish a trust of five or six people, since with more than that, Fusile says it is hard to come to a decision. On Drie Krone the trust manages the farm (Interview, LREC1, 2016), instead of checking the management, as on Eve Brand.

A lot of the 99 beneficiaries are living elsewhere, there are at the moment less than 20 active beneficiaries. Fusile is placing advertisements to reach the beneficiaries and when they do not come, he will replace them. In a workshop all rules for beneficiaries will be discussed. One of the issues is that if people want to make some money, they have to contribute something to the trust and beneficiaries need to stay on the farm: *'Because you must look after you problems, you cannot leave you problems here and then the main thing is that because people are not staying here.'* (Interview LREC1, 2016).

However, people have difficulties with coming to the farm and lease land, since there is no guarantee for water, for which, according to Fusile, the municipality is responsible. Currently the water level in the dams is quite low. Also with regards to tools and machinery, as stated by Fusile and one of the guys working at the farm, they lack material. Fusile says they sent several letters to the department, but they 'only' assisted with a tractor and a plough that is not working. One beneficiary working with vegetables states he would like to have a financial 'kick start', access to water and compost. In terms of access this can be summarized as access to technology. Explaining the rest of the daily practices in terms of access and rights, clarifies the meaning of a share on Drie Krone .

Concrete relations and access

The daily practices are discussed in terms of shareholding, dividends, trust and beneficiaries, water and tools. On this farm as well, there is a difference between beneficiaries and trustees. In this case the trust is the management and facilitates the process between beneficiaries and municipality. They have a certain access to authority and the right to make decisions, call meetings and make changes in the trust deed.

It turns out that the meaning of a share for beneficiaries is ambiguous, since although it is not arranged like this at the moment, the plan is that a share not only means getting dividends from the surplus, but also means a working relation, as Fusile explained when he said that beneficiaries need to be active and present on the farm. This would imply access to capital and access to labour. The difficulty though, is that people do not get salary, but are responsible for their own project. As one of the vegetable guys explained: *'yes, for our, its only three guys, just working there for ourselves,*

eating and sending for our mamas.' (Interview LREC1, 2016). This means access to capital and labour is not self-evident when one becomes a beneficiary. Moreover, the fact that access to machinery and water – which can be summarized as necessary technology to work the land – are not (yet) arranged, means that people do not have access to technology. Because the farm is on state land and people have to lease a piece of land, they are not land owners, but have user rights. Without ownership rights, they cannot get a loan with a regular bank to start farming, which means this kind of share does not give access to capital. Only Fusile has access to authority directly via his connection with the local government, though there are hardly any results, and he is in contact with the minister.

Contrary to Eve Brand, a share on Drie Krone is not providing security and can better be defined by what kind of access is lacking and what a beneficiary has to contribute than of what benefits and access one gets from being a shareholder. A share does not only bring benefits, hardly any in this case, but merely the risks and responsibilities that are included in property rights (Roth & Tienstra, 2013).

5.2 Legal institutional and political level

Fusile is the spokesperson of the farm and is the one who does the communication with government and municipality. The day after the interview he said he would have a meeting with the minister and he is a regular guest in the municipality building. Fusile is a member of the Emerging Farmers Task Team (EFTT), together with 5 other farmers; for each ward in the district there is one representative (Interview, LREC1, 2016; Interview GOVEC1, 2016). Instead of this task team he prefers an umbrella organisation that would arrange everything for him:

'[...]but can I tell you something, you know Living Lands, your project, we asked for advice from Living Lands, say to Living Lands must assist us. That we say we want a kind of association that will be able to apply for funding and not just an association with no deed. In other words we must have the right to apply for funds, then funds come through the association. We do all things for every project. That is here. And that association must represent all the farmers in KouKamma everyone who is doing vegetables, market share, the one with animals, the one with goats, all these things, piggery, poultry, agri-tourism, all those things.' (Interview LREC1, 2016)

This umbrella organisation arranging everything is not a reality though, but a mentor could partly solve the issues for at least the Drie Krone, by being the person applying for funding. Besides the access to material goods that they are lacking, Fusile states they would need a good mentor for these political and legal issues:

'Automatically the mentor will see, will go with fund, assisting with skills, training, funding, all those things.' (Interview, LREC1, 2016)

His colleague trust member also asked me for assistance, to communicate their questions and issues for them. These wishes, for people to arrange all the complicated matters for them and communicate with the levels beyond the borders of the farm, illustrate the remark, among others made by Hannes Stapelberg, that people know how to farm, but have no idea of management and regulations (Interview COM1, 2016; Interview GOVWC2, 2016), or in some cases even do not know anything about farming (Interview EX2, 2016; Interview EX4, 2016). Fusile hopes however that Hannes Stapelberg is going to help with writing the business plan.

On the farm itself, all the rules and regulations are summed up in the trust deed, which Fusile should bring to a next meeting for me, but never did. He and his one trust colleague are have the managing rights and access to the trust deed. Fusile wants to organize a workshop in which all beneficiaries negotiate about all the rules and how to work together.

Concrete and categorical relations

Starting on farm level, the concrete rights are shaped in a workshop that still has to be organized. Categorical relations on a farm levels are intertwined with the concrete relations. People will negotiate about what rights they are going to have, but only the trust member have access to the trust deed and make decisions. This creates a difference in access and role in categorical relations between beneficiaries and trust members.

With regard to the rights and access outside the borders of the farm, only the two trust members have access to authority and have a role in non-farm related organisations. Fusile wants to establish more access through negotiation with his attempt to involve organisations like Living Lands and his meeting with the minister. He lacks access to knowledge, as his attitude of being in the position of needing person, expressing the lack of support from the government, illustrates. He as a chairperson is the opposite of Hannes's attitude; trying to arrange everything without the government and making a thriving business of the farm. Also the way he handles the people on his farm, not treating them as equals, creates a different sort of farm.

Conclusions

In terms of access and benefits it can be stated that being a shareholder at Drie Krone, does not necessarily empower. There is no guaranteed access to capital, not from funding and not from salary; there is no access to technology, there is no access to (paid) labour (at least not yet) and there are no extra benefits such as access to knowledge via farmers associations or education. This share guarantees a user right of a piece of land, that has to be paid for monthly, with all the risks and responsibilities that go hand in hand with it.

6. Expropriation constructions – Pro Active Land Acquisition (PLAS) by the state

The two farms discussed so far are established on the basis of different policies and their daily practices are quite different as well. In this chapter, a few farms, based on the same principles will be discussed and it will become clear that the same policy can also lead to quite different results and constructions.

6.1 Negotiated transfers and donations

As discussed in the policy overview, there are some methods for the government to proactively acquire land. The methods are: Expropriation, auctions, market transactions or negotiated transfers, looking for suitable existing public land, or via financial institutions or donations of farmers.

A remarkable phenomenon when approaching farms that had a part of their land made available for workers or other land reform beneficiaries, is that the former, white owners where hard to talk to, exhibited a hostile attitude or did not want to be interviewed at all. One of the farmers said they were doing internal conflict resolution with the beneficiaries and management on the farm and that I should come back in four years. There seemed to be a lot of emotion behind these transactions. Ernest Pringle from Agri Eastern Cape has an idea of the background of this attitude:

'At the moment there is limited trust and or faith from commercial farmers side as regards the land reform process and until that faith has been restored, and also commercial farmers stand at a state of perpetual insult at the hands of the government. It's hopeless for the state president to turn on and call commercial farmers, white commercial farmers in SA, thieves, because it's those that stole the ground. This does not create any form of trust between commercial farmers and this government. And until that trust is properly build up, you , this government will struggle to establish emergent commercial farmers on farms because they actually don't know anything about farming.' (Interview EX2, 2016)

In one case there was a commercial farmer who explicitly mentioned he was not interested in talking to me because of my affiliation with Living Lands. He also mentioned he had no relation whatsoever with the land reform project I was asking for, JayDee Rovon Workers Trust. Whereas when I talked to the coloured manager of that specific farm, he explained how the reform farm was a part of the commercial farm that claimed to have no relationship, and even that they were still part of the board of directors. This particular farm, even has half of its name from the farm it originated from. 80% of the 129 beneficiaries of JayDee Rovon Workerstrust comes from JayDee Farm and 20% of the Rovon Workerstrust. The government bought the farm in 2002 and all

beneficiaries got a 25.000 ZAR grant The farm is 95 hectares, which is 0.74 per beneficiary (or 0.85 ha as the manager said) (Interview, LREC7, 2016). It looks like this is a market transaction, since the government bought it. But as said, I did not speak to the former owner to confirm this and taking the emotional attitude into account, it is possible that this was not based on a willing seller – willing buyer principle.

On a second farm, Tulpieskraal Werkers Trust, the workers trust, consisting of the 27 oldest workers, got land from the government in 2006 after the farm owner of Tulpieskraal applied for them. In this case as well, the owner did not want to talk to me about it and I could not reach the trust mentor, so whether or not this land was paid for as a commercial transaction with a (PLAS) grant or the government gave it to the trust or whether it was a donation, is unclear. The coloured beneficiary manager, whom I interviewed, did not know these kind of things. They work on their purchased piece of land in their own free time, since they are still workers on Tulpieskraal. The land is 27 hectares, which is too small for 27 beneficiaries to make a living. That is why now there are seasonal workers working for a salary paid by the trust on the land, and the beneficiaries work for their own salary on Tulpieskraal (Interview LREC3, 2016). The third farm is established as part of a bigger farm in the Western Cape and is called Hoe Uitsig (High View). This is the only farm in this kind of construction where I talked with the former white former owner who is now the mentor of the land reform farm. The construction is slightly different because he bought a piece of land to give to his workers, instead of using a piece of his own farm:

'Ja I think maybe with this talks of farmers giving 50% of their land to their workers now, [...] I think I did a great thing a few years ago because that was long before they talked about that, we actually did that because we bought this farm, it was 3 years part of our farm and its actually just about half the size of the total, hectares .. so actually I have already given 50%.' (Interview LRWC1, 2016).

As said, the white owners bought the farm in 2005 and in 2007 started talking with the government about an empowerment structure. Because LRAD was stopped by that time, the farm was established under PLAS. Their own workers should be beneficiaries and in 2008 they sold the farm to the government, that first rented it out to a marketing company. They have been running the farm for three years, but the only thing that was done, was that the workers were registered in a trust. Then the beneficiaries got a strategic partner from the department, but he did not do anything and quit after six months. Because the farm did not function well, the beneficiaries asked the former owner back to help them and be their mentor. He agreed, because he wanted to see his people succeed. Part of the beneficiaries is working on his farm (the farms are neighbours) and part on their 'own' farm. The farm is about 28 hectares and there are 36 beneficiaries, who are all employed, either on High View or on the neighbouring farm of their mentor (Interview LRWC1, 2016).

The background of these farms seems quite similar, however the daily practices of management and work are different. Also the idea of what a share means and how it provide access to the beneficiaries is not the same.

6.1.1 Social level and daily practices

On JayDee Rovon Workertrust a large number of the shareholders is not working on the farm and the manager, Wilfried, does not know where they are. The farm does not offer enough work for the 129 beneficiaries, only 20 people are working there now. Most of the working people are non-beneficiaries. All beneficiaries are invited to meetings, but not all of them show up. The manager says the share means a share in land, soil, the implements and trees and is for a lifetime. People cannot claim their share, which means they cannot sell it or place a fence and claim a physical piece as their own. Wilfried's explanation for this was not immediately clear to me. He made a distinction between the CPA and the trust, stating that the soil is covered by the CPA and the trust is property holder:

'Ok and just to get things straight, the trust owns the farm but the CPA owns the land?'

COVERS the land, not owns the land

'Not owns?'

COVER the land, so we cannot sell it' (Interview, LREC7, 2016).

Basically this means that the trust must stay together and a person cannot claim his or her piece of land. When there is a profit, it first goes to maintenance of the farm, and then to beneficiaries, so there is no guarantee of dividends to be paid out at the end of each year (Interview, LREC7, 2016). The procedures around these decisions remain rather vague, since Wilfried is mainly concerned with actual farm management.



Image 6 Rules and Regulations on JayDee Rovon

On Tulpieskraal Werkers Trust the beneficiaries have a working relation with the commercial farm and besides that, have a piece of land for their own free time. There are no tools or machinery on their land and they have to hire everything from Tulpieskraal. They have an external mentor and with regard to their own piece of land have no relation with Tulpieskraal; those practices are completely separate. Currently there are seasonal workers busy preparing the land for them, who are paid by the trust. A share can be inherited, which has to be documented in a personal will and, as the chairman, explained, it is a share in the land, not just the profit (Interview LREC3, 2016), which makes sense, since as a trust, they own the land, without involvement of a CPA. Also in this case the owner of Tulpieskraal did not want to talk to me about this construction.

Hoe Uitsig is on state land and they have a lease agreement with the government. Contrary to the other two of which one is a 'hobby' farm for in the workers' free time and the other did not make a profit for three years (Interview, LREC7, 2016), the mentor here says he sees this project as a commercial enterprise. Contrary to the three beneficiaries I have been talking to, he tells a whole lot about policies, government relation, issues with shareholding, whereas the beneficiaries answer my questions with barely more words than needed. Although the mentor knows money should be invested in the farm, he also wants to pay out dividends, since otherwise people do not have a benefit from the project and it is weird to invest in land that is not yours. For his own farm a decision to invest only affects him, instead of a lot of beneficiaries not getting dividends paid out. There are 25 permanent workers on Hoe Uitsig of whom 15 are beneficiaries, and 30 permanent workers on his own farm, of whom 21 are beneficiaries of Hoe Uitsig. The beneficiaries decided for themselves that they shared some of the profit with non-beneficiary workers and that, when someone dies, they put money together for a funeral. The coloured manager of Hoe Uitsig is responsible for the day-to-day management and makes decisions about daily practices with regard to people and their work (Interview LRWC1, 2016). He explains that there are some problems with people not showing up, because they are all from the same race, they all grew up together and now he is a manager and they are not (Interview LRWC5, 2016). The three interviewed beneficiaries did not have much to say about their understanding of a share. The closest to an answer about shares is:

'And what does the share mean for you? Does it mean that you have right to a part of the farm or that you have a say in the decision making, or what does it mean to you? I am happy with what I got on the farm, I came to work here in a very late stadium and now I am part of the farm and I am [...] chairperson of the farm' (Interview, translated from Afrikaans, LREC5, 2016)

Furthermore they express they would like to have a house of their own, instead of living on the farm. They all say they know the practical things in the orchards, but mention they would still like to learn administration, trainings and work in an office. While talking with them about learning, a conversation about gender equality suddenly comes up and the one female beneficiary, who is a

chairperson, say the other beneficiaries would never accept her as a manager. It is remarkable to hear they have no idea of other reform projects or have contact with other beneficiaries on other farms, whereas their mentor works together with neighbouring farms (Interview LRWC1, 2016, Interview LREC5, 2016).

Concrete relations and access

With regards to the meaning of a share, the two interviewed managers of the JayDee Rovon Workerstrust and Tulpieskraal, which are not on state land, both say the share is also in the land. However, in both case the share cannot be made individual property, but remains with the trust. And on JayDee there is a construction with the CPA that 'covers' the land. On Hoe Uitsig, which is on state land, the mentor is very explicit about the fact that a share is a possibility to share in profits and is in no way a share in the land. In all cases, beneficiaries have access to capital with regards to dividends being paid out when a profit is made, but first, at least on JayDee Rovon Workerstrust and Hoe Uitsig, they have to invest in the farm. The mentor of Hoe Uitsig thinks it is important to pay out dividends next to investing and the beneficiaries on that farm choose to share. These are farm and person specific choices and are not connected to either having or not having a share or property rights.

On all farms a share does not mean access to labour, since on JayDee Rovon there are too many beneficiaries to employ all of them – the rent a crowd principle⁷ – , on Tulpieskraal the workers' access to labour is related to their work on the original farm and also in their case the land of the reform project is too small for them to live from. On Hoe Uitsig all beneficiaries are employed, but not all on Hoe Uitsig, also on their mentor's farm next door and there are workers that are not beneficiary. Access to labour in this case is therefore not linked to whether or not they are shareholder.

An interesting remark though is that Tulpieskraal and Hoe Uitsig are the same size with regard to the amount of hectares and almost the same amount beneficiaries, on Hoe Uitsig even more, and that Tulpieskraal is too small to live from, but Hoe Uitsig is providing salary and dividends for its workers and beneficiaries. This discrepancy can be caused because on Tulpieskraal there are no tools or capital to make improvements and the beneficiaries are full time employed on the original farm.

Access to farming equipment, technology, is also not part of being a shareholder. On Tulpieskraal beneficiaries have to rent tools, on JayDee Rovon they can use it for work, but a lot still has to be bought and that is also the case on Hoe Uitsig. On all three the farms there is a possibility to talk with trust members and make decisions together, which creates access to authority and decisions. Beneficiaries on Hoe Uitsig express they want to learn and sometimes have the opportunity to go to courses. The access to knowledge, training and courses is not present on the other farms and only on Hoe Uitsig the mentor takes care of this.

Explained in 3.2 Redistribution and its first policy (SLAG): applicants search for passive members to join a land reform project, so the applicants can accumulate more grant financing (Hall, 2010: 240; James, 2006:13).

6.1.2 Legal institutional and political level

Concerning the level beyond farm relations and daily practices there is a distinction between mentors and beneficiaries. In all three the cases, the mentor arranges all relations with the government and the beneficiaries do not know a lot about it. On JayDee Rovon Workerstrust the manager says he does have connections with the local extension officer, but that those services are very slow. He does not know who is in the CPA that covers the land or how that is arranged, and he does not have contact details of them. The board of directors, which is above the trustees, mainly consists of people from JayDee's Farm, so the original farm, but whereas the manager and one team leader of the Workerstrust are part of it as well, he does not know much about it.

The manager of JayDee Rovon is part of the Emerging Farmer Task Team (Interview LREC7). This is however the only agricultural institution that is mentioned by one of the beneficiaries, managers and chairpersons of these PLAS farms. The chairman of Tulpieskraal is quite clear and simply states that the mentor does everything for them (Interview LREC3, 2016). Also on Hoe Uitsig the mentor and former owner is the one person on the farm who is part of Agri South Africa and visits their meetings. On this farm however the relations are a bit more intertwined, because the mentor's goal is to resign within two years and make his beneficiaries independent of his help. Nevertheless currently he is the one dealing with the government and he, for example, is working with a local NGO to do an environmental audit on the farm (Interview EX3, 2016). The beneficiaries are member of the 'coop' for which they pay a membership fee, which is at the same time the annual lease for the land. He is still in the process of applying for a long term lease contract (Interview LRWC1, 2016). The beneficiaries cannot tell much about structures, policies, government or farmer organisations. The manager states the mentor is busy teaching him things. He says he is aware of regulations and the environmental audit, but cannot elaborate on this (Interview LRWC5, 2016) and possibly means he confirms his knowledge with regard to these aspects out of politeness or, as my colleague Jocelyn would explain later, because they were feeling uncomfortable and were not used to being interviewed about their personal opinions.

Furthermore with regard to legal practices, the mentor of Hoe Uitsig is thinking about the categorical relations, what kind of meaning a share actually has, how people understand this and how he should arrange inheritance on his farm:

'Ja, if it's a farm, something that you could see that you , or a car or something, but it's not, it's just a chance that you can get something, so I don't know, I actually I should have handled the beneficiaries different.. [...] I shouldn't have given 36, all the people that. I should have taken 5 or 6 or 10
And then what to do with the others?

No too bad, because now for instance this year we planning to pay out about 300.000 rand of the profit to the beneficiaries, but now that is not even 10.000 rand per person. So

actually can it make a difference in a person's life or is it just a little drop in the...[...] they live out of their wages. So they are paid for their work. They still got their normal salaries and bonuses. So this is something extra, so you can do something extra with that. And he actually hasn't worked for that, because he has been paid for his work. And that's also a little bit of a problem for some of them, to understand. Some of the beneficiaries are working here and some of them are working with me. But why are they getting something. But that's how shareholding in something works.' (Interview LRWC1, 2016).

Also politically and ideologically he has some clear ideas. Not only does he see land reform as giving previously disadvantaged people land, he is specifically happy he could help his coloured workers with it:

'I have the feeling that they feel they don't fit anywhere, the blacks are running the country and they are helping the blacks. That's why I am happy that we could have get this started and it's my people, most of them grew up with me so...' (Interview partly translated from Afrikaans, LREC1, 2016)

The mentor's way of dealing with shares, his attitude, talking about how he should have handled the arrangement – and not how beneficiaries should have arranged it – shows there is a hierarchical difference and that the political and legal relations are still above and beyond daily practices on the farm. Also on the other farms the mentors are arranging everything and are part of organisations, whereas the beneficiaries are not.

Concrete and categorical relations

Despite their share in a farm or even their management function, the coloured and black managers of these reform projects have less access to authority than their white mentors. Whereas the idea of a mentor in the NDP is to guide a reform project through the process towards becoming a success (PLAAS, 2016:61), this only seems to happen on Hoe Uitsig. The beneficiaries hardly got education and do not get a lot of technical assistance, which makes their access to knowledge and technology limited. There is a difference in meaning of a share between farms on state land (Hoe Uitsig) where a share merely means a share in the profit and farms given to or bought by a trust, of which the managers say the share is also in land and other material goods. However, also this share cannot be made physical.

Whether a share can be inherited or not is also arranged differently. On the one farm this is arranged in a personal will, on the other the mentor is the one deciding about how to shape inheritance, he is controlling this aspect of concrete relations on his farm. On JayDee Rovon Workerstrust, the CPA 'covers' the soil and the board of directors makes most decisions, but the beneficiaries are also invited to meetings. The categorical relations are thus made by people

who have little relation with the people working on the farm. The beneficiaries that are working elsewhere are invited to meetings, but have no connection with the farm and the people just working on the farm have no access to the meetings. In case of the state land, access to land and benefits is not guaranteed, since the lease contract has to be negotiated and extended. On Hoe Uitsig the mentor is doing this with the government, illustrating that the mentor in his position has more access to authority than beneficiaries with a share.

Access through social identity is quite ambiguous in these cases, since it is clear the farms are made available by the government in order to support previously disadvantaged and people thus got their share based on their race. There is however a personal twist in the case of Hoe Uitsig, where the mentor explicitly makes a distinction between black and coloured beneficiaries, even though he says for him personally it does not matter.

Conclusions

The three farms are all formed out of land and/or workers from white commercial enterprises, beneficiaries formed a trust, got a grant or, in case of Tulpieskraal, a piece of land. But the way shares and daily practices are arranged on each farm (property object) are quite different and the way people (social units) have access is not directly connected to holding a share (type of right), since in the three cases, shareholding leads to different forms of access.

Access to capital is not guaranteed, since there is not always a profit, besides when there is a profit, the farm itself also needs maintenance or tools (technology).

Access to technology is also not connected to a share, on Tulpieskraal for example they have to hire their machinery.

Access to capital in the form of salary through access to labour is also not inherently connected to being a shareholder: On one farm only 20 from the 129 beneficiaries are working on the farm. On the other two farms, the fact that the beneficiaries are employed, is not related to them being a shareholder, but this is because they are employed either on their mentor's farm or on the commercial farm from which their land originates.

Inheritance is not in all cases the same and thus not strictly connected to having a share. In none of the cases a shareholder can make his or her share into tangible, physical property, they remain an abstract phenomenon. On the farms that are not on state land, the managers do say a share means a share in the land, as being all co-owners, whereas the shareholders on state land only have a share in the business and are dependent of an extension of their lease contract. A so called share in land however, does on an individual level not provide more access than a share in a business, but the land in total, owned by a trust, can be collateral in case of applying for loans.

The categorical relations are mostly based above farm level, although beneficiaries are invited to meetings, even without being related to the farm. This differs from the access beneficiaries have on Eve Brand, since there only the beneficiaries that work on the farm have a voting right.

Access to authority is reserved for mentors, although on Hoe Uitsig the manager is learning from the mentor, in his role as manager, not as beneficiary. There is however a hierarchical gap between daily practices and the political and institutional level.

Remarkable is that on both Tulpieskraal as JayDee Rovon Workerstrust the managers of the commercial farm did not want to talk to me about the land reform project and that the managers of those reform projects knew very little about policies, government structures and agricultural organisations and institutions. It is speculative to draw conclusions from this, but in informal talks, among others with colleagues, it has been said that these projects are just to satisfy the government and as said before, many previously disadvantaged are not well educated or information is 'conveniently kept away' from them (Interview EX4, 2016).

6.2 Caretaker arrangement

Another form of proactive land acquisition by the government is via a caretaker arrangement:

'A caretaker agreement is essentially an interim holding arrangement [...]. A caretaker agreement, or lease, should never include an option to purchase. [...] agreements will not extend for more than twelve months at a time' and whether or not a caretaker has to pay a lease, depends on his agreement with the provincial DLA. (DLA, 2006:16).

The caretaker of Bo Plaas, Rowan, first was, together with 14 others, shareholder of an LRAD farm. That farm did not make it financially and there were internal conflicts. After the failure with the LRAD farm, he approached the DLA and asked for a piece of land to farm. The process was difficult, but finally he was connected to a woman in Pretoria, who made him caretaker. In total, Rowan has 30 years of farming experience and agricultural education, but still calls himself an emerging farmer.

6.2.1 Social relations and daily practices

'If you don't feel love for what you do, you won't make a success out of it [...] You have to be able to talk to a plant, you have to... I see my crops grow every day and then I feel happy. [...] Yes, I have a connection. You have a feeling. And when you do not have it, have a feeling for the farm, you can forget about it. And that is the greatest of farming. I love the farm. I don't believe I could do anything else. Because growing food for people is just ...' (Interview translated from Afrikaans, EF1, 2016).

Rowan loves to farm and puts his effort in the land. He states he has the feeling he is making a difference in the area and provides jobs. Ricardo has 15 permanent workers that are living just over the provincial border, whom he brings to the farm every morning. He works with those people, because they are from a farming community, whereas instead the people in the 'Under-Langkloof' are fruit people whom he has to learn everything, for which he does not have

the time. The vegetables he farms, he sells mostly on the local market, whereas most of the fruit producers only export and the fruits do not stay in the area. There needs to be support from the local market however, because when shops already have a supplier, they do not easily switch to a small local supplier. Competition with the commercial farmers is difficult, because on this small farm for example, there is no washing machine for the potatoes, no storage, no crates, no facilities, which increases the gap between commercial and emerging. Whereas Rowan has to bring his potatoes to the market immediately, commercial farmers can wash, store and pack them first. He makes too little profit to invest and because the farm is on state land, he cannot get a loan at the bank to finance machinery. The dams on the farm are empty, so the water rights the farm has, do not provide for water in practice. Because he does not know how long he can stay on the farm, he did not build any infrastructure on the farm. For Rowan this farm is not a short term project which he also said to the government and therefore he hopes they do not 'kick him out'.



Image 7 Full dam on Nieuwplaats, one of the Du Toit farms

Concrete relations and access

Rowan's concrete relations basically come down to user rights of the land. 'Caring rights', since he cannot use the land as he pleases, but is taking care of it for the government. He has no security with regards to the time he can stay there, nor security to apply for a loan. This causes that he has no access to capital, nor to technology to farm the land. The investments he would do, would be on government land and thus government property. He has, because of his position as a caretaker with no other farm managers or mentors, no other choice than to create access to the market himself. This market access though, is influenced by economic structures and capitalistic market relations, which will be elaborated on in categorical relations. Rowan has no security with regards to how long he can stay on the farm. He never wants to be in a joint venture again, because then he never has the chance to become an owner. He knows that on this particular farm that will not happen either, but perhaps this creates a window. The water rights for the farm

are no guarantee for water, since that still needs to be paid for, without access to capital this is rather difficult though. Making profit or getting a loan on a state farm without water, is difficult as well. And that makes the circle complete. No access to capital to pay water or technology, but technology and water are necessary to make money to pay bills to have water and technology.

6.2.2 Legal institutional and political level

Rowan bought a tractor – his only machinery – with help from the Landbank, asked permission to build a home to be able to live on his farm, even though it is not his land. The department helped out with seed and fertilizer, but they have not been on the farm. Furthermore he gets a loan from the coop, which is the only institution where emerging farmers without collateral can get a small loan or pre-payment. This is tricky however, since the debt gets bigger and bigger:

‘A little loan, then we talk about 25 000 ZAR, which is nothing. But it’s better to grab that than nothing. So year after year I go... and the application gets bigger and bigger, but the gap in backlog is very big, and with the machinery, you stay behind, you cannot grow. As an emerging farmer you cannot grow, because the help you get is too little.’ (Interview EF1, 2016).

He explains that on the West Cape side the technical assistance is better, but here on the Eastern Cape side he asked for assistance and agricultural knowledge several times, but does not get it. So every now and then he goes back to Stellenbosch, where he did his studies, to do day trainings. Access to knowledge used to be better in the Langkloof. Rowan explained that when farming company Du Toit bought farms from Kritzinger, part of a well-known farming family in the Langkloof, things changed. Kritzinger used to be the wealthiest man in the Langkloof and he helped and took care of people. People could learn and there were hardly problems in the Langkloof. But when Du Toit came in, they made their own rules and regulations and did not do anything for the emerging farmers anymore. Help from the department is rare as well. The department lady that is responsible for the land care project has no agricultural background according to Rowan. She came with chemicals, but did not bring machinery to work the land. She said he did not do enough and invested in irrelevant things instead of the necessary things such as a nursery or a pipeline for water. During the interview he asked twice in what way Living Lands will help the emerging farmers in the Langkloof.

According to Rowan his farm situation is slightly different than the other emerging farmers, because his relation with the national department is direct, and he has little to do with the local level. All state land, according to him, is arranged this way. He still knows the local extension officers, but as quoted before: they cannot be of any assistance to him.

Furthermore on local level he is part of the Emerging Famers Task Team, that calls meetings

for emerging farmers in the area. They have no communication with the farmers associations of commercial farmers. Ricardo has, on an individual basis, communication with commercial farmers and thinks it could help the emerging farmers a lot to learn from them.

Concrete and categorical relations

In terms of rights, these political and institutional practices have many meanings. The market access was mentioned under daily practices, but turns out to be more than just his way of working. It can be analysed at the political level, since Rowan's market access actually has not much to do with him working the land, but it is caught in bigger practices of political, capitalistic systems, influencing his access, his capability to sell to the local market. The concrete relations thus take place at an (inter)national economic level, shaping his concrete relation with the market. So the fact that he is a caretakers, does not provide any security or guarantee. Other farms have to deal with the market relations as well, but in most cases international export is arranged by mentors, and because he focuses on the local market for Rowan the competition with his lack of security and access is too high.

With regard to access to capital and technology, Rowan has to rely on the Landbank, the coop and to a lesser extent the national department. This institutional level decides whether or not he can continue farming. Because he cannot use the land as collateral. Again, access is not secured by being caretaker.

Rowan's access to authority he has thanks to himself. He almost begged for a piece of land and got it both through access via negotiation as well as his social identity. Though he does not speak positively about the local government, he does have a connection with them, as well as with the national department. Also his affiliation with the EFTT gives him some voice in the area. They, as a group of emerging farmers and reform projects, do not have connections with commercial farmers, whereas he, individually, does. This shows that this relation is not related to a share or property rights, but is linked to a person's own initiative. The national department though, is taking care of its caretakers, so this access is linked to his position.

It is remarkable that when Rowan's access to authority and the market is compared to the access the beneficiaries in the above three cases have, it becomes clear because that Rowan does not have the help from a mentor, and has to be self-reliant, he has the access himself, whereas in other cases the mentor is an hierarchical boundary between beneficiaries and the political level. This does not mean that other farms should not have an educating, guiding mentor. Rowan is an educated farmer, contrary to many beneficiaries on other farms, so his knowledge of management and his position in the area, and not just on the farm, is not only due to the fact that in his case there is no mentor.

Nevertheless Rowan states that the appearance of the big company in the area, is a disturbing factor and has an influence on, among others, access to knowledge, labour and capital, which confirms that various kinds of access are related to structural phenomena and are not necessarily

farm or property rights related. He preferred having one person helping him and other emerging farmers, which, together with the fact that he calls himself an emerging farmers after 30 years, illustrates that he is not comfortable with the position of arranging everything alone.

Conclusions

On this farm (property object) there is just one person (social unit) with property rights, that provide hardly any direct access. Of these property rights however the workers on that farm are also dependent, since when the caretaker arrangement stops, they will lose their jobs.

Looking at both political and institutional level as well as daily practices on the farm it can be concluded that none of the access is related to or secured by his position as a caretaker. There is no guarantee for capital, every time he has to do a new application for small loans. Market access is not guaranteed either, since it is highly influenced by marketing networks with which Rowan cannot compete. Access to technology is in this case highly influenced by access to capital, social relations and access to authority, since beside the fact that he cannot buy it, he is also not related to another farm, nor has a mentor. He does have some connections with commercial farmers with whom he could exchange machinery, but this rarely happens. Further access to authority he has thanks to the link between caretakers and the national department. It is clear that because there is no mentor involved, Rowan has to arrange his own business, which decreases the gap between farm and government, but also creates the feeling that he does not have anyone to help him.

The caretaker arrangement does not provide any form of security, not as collateral, not with regard to the duration a caretaker can stay on the land, nor with regard to market, nor to income. The only security is having the opportunity to take care of a piece of land, while having the phone number of someone from the national department.

7. Community as beneficiaries, Agri-Parks and TRANCRAA

'It took me about years to figure out what exactly is going on in terms of property and who owns what and every piece of property has got a different process that it goes through, and in, to be transferred or to be utilized by the community.' (Interview GOVWC2, 2016).

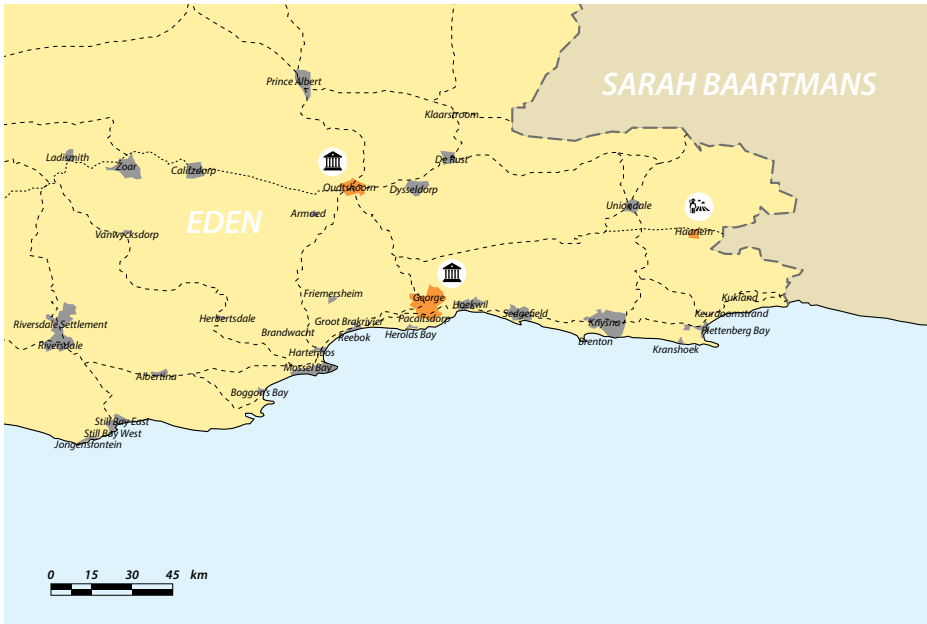


Figure 5 Municipal Map George Municipality, Klein Karoo District, retrieved from Western Cape government information about Rural Areas Act.

The community of Haarlem is situated in Eden District in the Western Cape. The town belongs to George Municipality, but is on the border with the Eastern Cape. In this community there are some processes going on concerning the transfer of land to the community and the establishment of a Communal Property Association, so the entire community can become beneficiary of one of the farms. There are however tensions within the community that are disturbing these land reform processes. To find out what is happening in this area, government officials at different levels gave their perspectives on the case and on how the government works. Furthermore the chairman of the CPA, the legal institution necessary to get the land allocated to the community and will manage the land after transfer, gave insights in the processes concerning installing the CPA. The farm manager of the 100% black farm involved in this process, explained the daily practices on the farm, as did three of the workers. And Living Lands organized a workshop in the community, maintains a connection with the 'Women's group' and was invited to do a 'Truth and Reconciliation

meeting”⁸ in Haarlem. These interviews create a level transcending image of the processes going on and the various perspectives on the meaning of rights.

The Anhalt farm was bought in 1963 by the government (during the Apartheid) and is managed by managing company Cassidra since 1993 (Interview LRWC3, 2016). This farm is therefore not a land reform project as one of the others, since it is not established as redistribution or restitution. The transfer that is about to take place, is however under an act that is aimed to repeal Apartheid legislation. This land is a Transformation of Certain Rural Areas Act (TRANCRAA), (RSA, Act No. 94, 1998) area. An important aim is to repeal the Rural Areas Act of 1987, which is an Apartheid law that regulates the governmental holding in trust of land of the coloured areas (Wisborg and Rohde, 2004; DRDLR, 1998) Both the DLA (today DRDLR) and the Municipality are responsible for the implementation of TRANCRAA.

7.1 Governmental perspectives

To create an understanding of the community, first the government perspective and perspective on the government will be discussed: Donald Gelderbloem of the of Directorate Human Settlements, Land Affairs and Planning of George Municipality; Willem Burger, District Manager of Little Karoo, chief Directorate Farmer Support and Development from the Department of Agriculture and Kim van Niekerk, extension officer of the Department of Rural Development and Land Reform. The first is situated in George, the last two in Oudtshoorn, both slightly more than 130km away from Haarlem.

7.1.1 Social relations and daily practices

With regard to the property rights debate in the community, there are some complicated processes going on, even for a government official:

‘Then you’ve got the Anhalt farm that is now in a process to be transferred to the CPA. That’s a different property. Well, there’s another piece of property that is the shed. Ah not the shed.. the.. pack shed. I’m not sure if you know where it actually is, it’s not In Haarlem, it used to be part of farm Appelkloof. Appelkloof also is a land reform farm. And that property belongs to provincial public works. Where Anhalt belongs to the national department of public works. So it’s quite confusing.’ (Interview GOVWC2, 2016)

Burger states that the community wants the pack shed, the farm Anhalt and the commonage to be transferred to them. At this moment, Burger explains, they do not have a say about the farm. He mentions both the risks and the benefits that will go hand in hand with transferring the farm to the community: A farm would create a lot of jobs, but people with the same rights will get different incomes because they have different jobs. And that will be difficult to understand and give tensions. This is also why he pleads for a separate ownership and management: same ownership

As Living Lands colleague, I strongly discouraged this Truth and Reconciliation meeting, because they were invited by one of the parties in the conflict and they did not yet know the other sides. I advised to first get to know more about the conflict, before getting involved any further.

rights, but different roles and responsibilities will create tensions. According to Gelderbloem, there is even more going on. There are conflicting land claims over the Anhalt Dam, that was built by surrounding farmers, but now claimed by the community as well as the farmers. The farmers that paid for the dam are still paying of the loan and there is an agreement that a certain amount of water goes, free of charge, to the community and the other percentage goes to the farmers. Gelderbloem thinks the best outcome is when the Department of Mineral Resources (DMR) would own, or at least manage the dam, keeping the existing water regulations. They have the expertise and financial backing that the community or farmers is lacking.

Concrete relations and access

In terms of concrete relations two levels can be distinguished: First the governmental perspective on the rights of the community in relation to the property object and second the relation of the government to the property object. The government clearly distinguishes between ownership and management rights, which, when we see the land as a bundle, are two sticks of property rights over the object, that are mentioned explicitly. The property object however, is not just one object. There is the commonage, the dam and the farm and pack shed, each with different groups opting for different property rights.

The community, nor the farmers, at this point do have ownership rights or management rights, since Cassidra has management rights over the farm and the municipality has ownership rights over both the commonage and the dam. The farm belongs to National Public Works and the pack shed to Provincial Public Works. All forms of rights mentioned here, are disputed and challenged. Furthermore the access the people of the community have to, for instance, a job (labour) and salary (capital) will differ based on the type of job, even though they all have the same rights. The creation of jobs is not linked to the farm ownership, since at this moment the farm is already operating, while the community does not have ownership rights. Access to water, which now both the community and the farmers have, can change once the ownership and management rights change, but has to do with how it will be managed, regulated and what decisions will be made and is not inherently connected to the change and division of property rights.

The focus of the government officials is on redistributing property rights and they have no trust in the capabilities of the community to manage the property or understand a difference between owning and managing and instead of increasing the access to knowledge, they prefer to keep the rights to themselves.

Access is not inherently related to rights, since with the same rights, people have different access to labour and capital. The access to water can also change independent from the changing of rights. This community can be seen as one bundle of property rights: there are several social units claiming different rights over more than one property object, yet they are all related.

7.1.2 Legal institutional and political level

In order to get the land transferred, the CPA needs to be registered within 18 months (DRDLR, 2010), but because of, among others, political challenges, this did not happen (Interview GOVWC3, 2016). The challenges are caused by two political groups, the two main political parties (DA and the ANC). The chairperson of the CPA and former mayor of Haarlem, Mr. October, quit farming and is now completely into politics, which is also the reason why there is no farmers association anymore. The two political parties both want to get benefits out of the land and also some individuals are trying to get the best out of it for themselves. They however should start cooperating in order to establish the Agri-Parks project that they want in their community (Interview LRWC7; GOVWC1, 2016).

Burger explains that the commonage is transferred to George Municipality, but that there is doubt about whether or not it should now be transferred to the CPA and how it should be managed. He wants the government to have a guiding role in management but also acknowledges there is a lot of mutual distrust between the community and the government. Besides the government, well informed farmers could also make decisions regarding management, but in this respect, Burgers admits there is a lack of coordination from government side. There are lots of trainings and courses, but it is not structured nor communicated clearly. Government is 'working in silos' and different departments do not 'synchronize their efforts', which creates a gap, and distrust, between the government and a community like Haarlem (Interview GOVWC2, 2016). In addition, Gelderbloem states that the management agreement with Cassidra should learn the community how to manage, since they are not capable yet (Interview GOVWC3, 2016).

A strong farmers association that represents all farmers would help closing the gap between the government and the community. Also a unification like that would help the farmers to improve their access to opportunities that are given by the government (Interview GOVWC2, 2016) and this way become more capable to manage the farm.

Categorical relations and access

Several government officials and bodies are deliberating about the distribution of rights and about how to manage and shape the relations in this area. Not only on governmental levels the categorical relations are decided upon, but also the internal political conflicts and lack of representing farmers association are influencing the process. The government itself is not functioning properly and lacking structure in, for example, distributing information, which influences the access to knowledge.

The access to authority could be increased with a better institutional regulation within the community, for instance a farmers' association.

Then the categorical relations are not only disputed by the community and the farmers, but also on policy level, by the TRANCRAA policy. The purpose of the policy is to transfer the land

to the community, so the concrete relations are aimed to be reshaped and with this purpose they are discussed on governmental and policy level. The government officials however, prefer when a government body, either DMR, DRDLR or the municipality, gets management rights, because of their access to knowledge (expertise) and capital (financial backing). Concerning the categorical relations, there are conflicting interests and the debate is consisting of opposing perspectives.

Government relations and institutional practices

Besides the ideas the government officials have about the Haarlem community, they also are a research topic on their own. Gelderbloem states he and the municipality have a good working relation with the DRDLR. But he knows about other municipalities that do not get full cooperation from the department, which they communicate during the quarterly municipality meetings.

Furthermore, during the interview with Gelderbloem, one of his colleagues asked about the DMR. They ended up in a short discussion about whether it was Mineral Affairs or Water Affairs or one and the same and concluded they did not know; as government officials, how the departments were currently structured. Also this colleague does not know how the process of the municipal takeover of the land and the processes went and does not know whether or not the district is still involved. Both examples illustrate Burger's claim of the government that is working in silos.

Box 4 Research remarks

- Both Burger and Gelderbloem redirected me to Itumeleng Mashune from the DRDLR, who is responsible for TRANCRAA. He replied both times; one time he said he would be out of office, the other time he redirected me to colleagues, who did either not reply or replied they were not responsible for that area. DRDLR did, although they are responsible for this project, not give any input.
- TRANCRAA and Agri-Parks are not related, but 'coincidentally' both planned in this region. The first is focussed on ownership and tenure security, whereas the other is about agricultural development.

Gelderbloem also advised me to contact Walter Hendriks in Unionsdale, who knows all the 'nitty gritty and ins and outs of the farmers'. Since it was the end of my stay, unfortunately I did not get to talk to him. Interesting though, is that no one in Haarlem, not the commercial farmers, not the land reform farmers, not the CPA, ever mentioned him when I asked with whom, from the government, they were working.

7.2 Farm, CPA and community

Besides the government perspective, there are also the relations on the farm that is in the planning to be transferred, the role of the CPA and the community as a whole. For these levels and groups I spoke to Nico du Preez, manager of the Anhalt farm; Abe October, former mayor and currently chairman of the CPA; three workers of the Anhalt farm, in short individual conversations

and the answers and opinions we collected with a workshop organized by Living Lands on April 23, 2016. At this workshop there were mainly farmers and women from the 'Vroue Forum', the women's group.

7.2.1 Social level and daily practices

On Anhalt farm, the farm manager Nico explained a few procedural things about the current situation. He states that Cassidra managed for 23 years and they are now, for a period of 2 years, the mentor. At the moment there is no trust, but there were *'465 beneficiaries, some of them are beneficiaries and some of them are not, so the must go to register again'* (Interview LRWC3, 2016). In the conversation with Abe October, former mayor and currently chairman of the CPA, it became clear that these are the beneficiaries of the CPA instead of the farm and that they possibly have to register again after transfer of the land. Furthermore with regard to management he lets Cassidra managers talk to the people on the farm about financial issues. Their head quarter is in George, around 130 km away. Nico states that the farm management will be done by the CPA. They learned about the management from Cassidra and are on this moment in the process expected to be able to stand on its own.

In the future, the entire community shall be beneficiary, which is around 3500 people. He acknowledges that not everyone can have a job on the farm and that, though invited, in practice not all of them can visit farm meetings.

The permanent staff of the farm gets plenty opportunities for trainings and even a wellness program. There are some workers who are union members, which is an organisation for farm workers. But Nico also states he has 'an open door', so people can always approach him in case of a problem, and do not necessarily have to go to the Union.

Three farm workers that I spoke to were all hopeful about the transfer of the farm to the community and had trust in the CPA. One of them hesitated when answering this question and said she is not sure yet, because she has not met all of them. However, they also, as other beneficiaries that I talked to, answered my questions without elaborating on their answer. Their appears to be a close worker community, since the women did talk easily about their daily conversation; who got married, the daily occupations of the Haarlem youth, and all the internal relations. They motivate each other and one of the women is also part of the women's group in Haarlem. They confirm that there are opportunities to grow on the farm, but that you have to work yourself up. One of the women laughed when I asked whether she would go to Nico with a problem: *'we do communicate, but you can't just step in here and tell him'* (Interview LRWC6, 2016).

My colleague Jocelyn asked a question about race, since in one of the conversations, there seemed to be a mutual trust. The woman indeed felt free to talk about it. In Haarlem there are coloured people. Sometimes there were black seasonal workers, but that was difficult, because they did not know the language and have a different culture. She did know about some interracial

relationships and she and her sister could get along with them, but currently, they are not at the farm anymore. She did not explain why.

With regard to the community, the people present at the workshop summarized the current situation and problems in Haarlem. The complete minutes can be found in Appendix IV. They identify, among others a high unemployment rate –while there are at the same time many seasonal workers – lack of access to land and water, no facilities such as transport, ATM-machines or recreational services. With regard to agriculture they state there is a lack of information, meetings and awareness creation. Also there is political interference in agriculture and organisations are not cooperating. They state that the commercial farmers are using the water while small-scale farmers are struggling. Their hopes for the community are more community meetings and collaboration, new methods of farming and access and activity on land for every family, all men and women.

As solutions mainly planning, organising an collaborations are mentioned. No one



Image 8 Writing down hopes and learnings during the workshop



Image 9 Workshop lunch



Image 10 Group discussion during the workshop



Image 11 Living Land's 'energizer'

mentioned the CPA or Agri-Parks, but 'taking ownership of the town' was mentioned.

Concrete relations and access

These 'social units', the farm manager, the workers and community, all have a different relation to the various property objects. The manager has a relation with management company Cassidra and indirectly with the government. He has plans for development of the farm, which is successful, and there is plenty of access to technology (tools and the pack shed) and capital. Although the pack shed is not theirs, but from the government, they do have access to it, access without ownership rights.

The farm workers have access to labour and education, although they are not all beneficiaries of the CPA. There is a discrepancy with regard to their access to authority, in this case the farm management, since whereas he states there is an open door, they have no idea of this policy. There are farm worker organisations, such as the Union and the Vroue Forum.

The community mainly identifies a lack of access, to labour, to capital, to transport and to knowledge. It is remarkable that 'taking ownership of the town' is seen as one of the solutions to these problems. Having the land transferred to the community, does not mean, as the farm manager said, a job on the farm. Nor does it mean that transport or ATM's appear. With regard to water access, the rights are disputed. The community states that the commercial farmers use everything, whereas Gelderbloem states that a certain amount goes, free of charge, to the community, even though those commercial farmers paid for the dam. Currently they have access to water – according to them limited – without having property rights, whereas the commercial farmers donate a bit of their access, while they paid for it. This illustrates there is no linear relation between rights and access.

The financial meaning of 'ownership of the town', the access to capital, became clear in an interview with Mr. October, the CPA chairman, which is categorized as political level.

7.2.2 Legal institutional and political level

Two aspects deserve attention: the fact that there is a Vroue Forum, in which the women in Haarlem organized themselves and the role of the CPA in this process. First of all, women in Haarlem do organize themselves. As stated by various government officials and in the workshop, the community should present itself as one and collaborate. Collaboration is also the aspect that was mentioned most as something they learned during the workshop. These women lead by example with regard to communal organisation and prove it is possible.

The CPA chairman mentions a few interesting things. He sketches the structures of current property rights; the commonage is according to him owned by Eden district, the rest is part of George municipality. Willem Burger from Eden District (Interview GOVWC2, 2016) however stated that everything is transferred to George municipality, which was confirmed by Donald Gelderbloem, George Municipality (Interview GOVWC3, 2016).

He acknowledges that there is political division in the community. Which is why it is difficult to decide who will be in charge of the millions of Rands that have to be managed, if their hope to become part of Agri-Parks becomes reality. The CPA is still not a legal entity and there are still internal struggles with regard to the dividing of roles. Also the dividends that have to be paid out when everyone becomes beneficiary of Anhalt, need to be divided. Mr. October is still struggling on how to do that. The farm makes 12 million Rands per year. When that is divided among 3500 beneficiaries (without using anything for farm maintenance) there is not much left. He is thinking about establishing a communal fund for the dividends. With the remarks made during the workshop about lack of information and collaboration, the political division and the lack of unity, communal decisions about how to invest the money, though they might have the same goals regarding jobs and services in the community, can be another source for conflicts. The workers of Anhalt though, did not give communally focused reasons for why they want to become shareholder. One woman for example said she saw her share as security for their child, and a man said he wants to use the money to send his kids to school and pay for their studies.

Mr. October also makes a remark with regards to access to capital and the market. In Haarlem, he says, they miss a connection to the 'capitalistic markets' as he calls it, which is why small-scale farming in the region has collapsed.

Categorical relations and access

Deliberation at the governmental level is about whether or not and how to transfer the land and deal with conflicting claims, on community level though, the CPA is internally divided and the chairman is struggling with how to manage the new structures. He wrote the CPA constitution by himself and therefore already decided upon important aspects on his own.

This means that the community indeed, as they already stated, have little access to authority. They say there is a lack of influence in meetings and transparency, which appears to be true, considering the fact that Mr October tends to decide by himself.

Concerning access to capital, the way Mr. October explains it, there will not be much capital for individuals. Again there is a discrepancy between what people think or hope a share will bring them and what access it will actually provide.

The Agri-Parks project could establish access to markets. Oudsthoorn has been appointed to be 'Agri-Hub' (DRDLR et al., 2000), but Haarlem could become 'Rural Urban Market Centre' (RUMC), which has as one of its main goals 'linking and contracting rural, urban and international markets' (DRDLR, 2015). The access that would be created in this case, does not have a relation with communal property rights, once the land is transferred to the CPA.

Concluding remarks

'The Haarlem case' consist of various property objects – the commonage, the farm, the pack shed and the dams – the current concrete relations, between social units and property objects, are

disputed by various 'social units': the farmers, by the community called the commercial farmers, and the community. The community's legal entity to which the property rights will be transferred, is the CPA. The rights that will possibly be transferred and make the entire community beneficiary, provide little access to the individual beneficiaries nor provide a solution for the lack of access identified by the community. Also there is a discrepancy between what the rights mean and what people hope for.

Currently the property objects belong to various governmental bodies and are managed by an external company. There are thus various property rights bundled in these objects by more than one social unit. These social units, the government bodies and management company in this case, do not necessarily have access to these property objects, but they are deciding upon the transfer of the rights and control access for the community.

There is an hierarchical gap between the government, the CPA and the community. Whereas Willem Burger stated that the government departments are not synchronized, the various actors in this case would also benefit from synchronization and cross-level communication. Their stories and ideas do not match; the community is not aware, or does not speak, of the topics the government talks about and the other way around. They have different priorities, the government want unity and an approved CPA, the community wants access and services. The Agri-Parks project is closer to fulfilling their needs and providing access than the transfer of property rights.

“BEYOND THE RESEARCH FOCUS”

Despite the broad and inclusive framework that was used to unravel and begin to understand the realities of land reform, there are a few more influencing aspects that need to be discussed, which did not fit in the case descriptions, before conclusions can be drawn.

8.1 Policies

The first aspect that needs to be taken in mind is regarding policies. The aim of this thesis was to create an understanding of the policies that deal with land reform *and* are a relevant background for the case studies conducted in the Langkloof. This is why a comprehensive selection of consecutive land reform policies with a focus on redistribution has been made. Two quotes from the *Manual for the Implementation of the Pro Active Land Acquisition Strategy* (DLA, 2007) however, summarize how a broader, more complete policy analysis can be done:

‘These models can be implemented through mixing and matching various grants and services of different government departments e.g. agri-villages and Kibbutz type development can be implemented by combining grants and services from DLA (land acquisition), DoA (CASP, agricultural starter packs and extension), Department of Housing (building of the houses) and local government for municipal services.’ (DLA 2007:12)

In this thesis broader programs focussed on agricultural transformation, rural development and recapitalization have been mentioned, yet not fully included because of the scope of the thesis. Following the advice given above, mixing and matching and looking into the policies of other department, trying to find complementing policies for the land reform strategies, could lead to a policy framework in which there is a focus on access and with post-settlement program that can be easily connected to land reform policies. In this thesis I therefore will not conclude that the policies are wrong, although there are internal discrepancies, but at most that the land reform policies are not complete. There could, for instance, be a roadmap to follow up the land reform policies, mentioning the successive processes in the post-settlement phase, so the mixing and

matching does not have to be done by each individual beneficiary for each land reform project.

The second quote is about the implementation of the policies on government level, additional to the daily practice and farm level that has been the focus of the analysis in this:

'To ensure effectiveness, efficiency in delivering land using proactive land acquisition strategy and compliance with other important legislation, various training programmes will be put in place and they would target DLA project officers, Local Government employees, commodity groups, Estate Agents and other stakeholders that would be identified from time to time.' (DLA, 2007:20)

It would be a research on its own to investigate all the government offices, if and how training has been provided, whether or not government officials know which office, organisation or department is responsible for which implementation and which policies connect to their work field. The government officials interviewed for this thesis stated that the departments and levels are working separately and that their knowledge of policies (outside their own department) is limited. Further investigation of the processes within different government levels and departments would be interesting, though time consuming, which leads to the next remark that needs to be made.

8.2 Government structure

The government structure is quite unclear and changes almost as often as the policies do. This will be illustrated with a short example; bottom-line of this tour through provincial structures and government websites and reports is to show that not only it is quite unclear to whom is referred in policies and where they can be found, but also that the policies and governmental structures change so often, that names and organisations are not matching anymore, cannot be found, have other phone numbers or can be mistaken for something else. I will therefore not claim that the government departments and stakeholders mentioned in this thesis form a complete overview of who is involved in land reform. I do want to emphasise that when for a researcher, whose daily occupation it is to unravel these structures, it is not clear; for an uneducated, rural population it is almost impossible to understand how the political level is functioning.

The provincial land reform offices (PLRO) as mentioned in among others the LRAD and PLAS policies, were difficult, if not impossible, to find with this abbreviation and name. This led to a miniature investigation within the scope of this thesis on how to find a (provincial) land reform office in the Eastern Cape. There were several candidates in this investigation that were suitable to fulfil the role of a PLRO. This only increased my doubt about who to approach for an interview:

- From the DRDLR: Provincial Shared Service Centre Offices (PSSC's) <http://www.ruraldevelopment.gov.za/contact-us/shared-service-centres/eastern-cape/pssc-offices>
- From the DRDLR: District Offices <http://www.ruraldevelopment.gov.za/contact-us/>

shared-service-centres/eastern-cape/district-offices

- From the DRDLR: Regional Land Claims Commissions <http://www.ruraldevelopment.gov.za/contact-us/land-claims-commissioner/regional-offices>
- From the Eastern Cape Province: Department of Rural Development and Agrarian Reform: <http://www.drdar.gov.za/Pages/default.aspx>

This list did not answer my question about what a PLRO actually is. What would a 'Shared Services Centre' have to do with a provincial land reform office and why would a *district* office be a *provincial* land reform office? Also 'Regional Land Claims' seems strange. The provincial department of Rural Development and Agrarian Reform made most sense. Although this was also weird, since that is the provincial government and not a provincial office of the national department. I finally found my answer in the Annual Report 2004/2005 and 2006/2007 of the Department of Land Affairs. In the picture, on the left a print screen from the website of DRDLR is shown with the contact details of District Offices. On the right a page of the Annual Report with contact details of

Eastern Cape District Offices

Name	Position	Email	Phone
Ms Nomkhitha Zokufa	Deputy Director: OR Tambo District (REID Office)	Nomkhitha.Zokufa@drdlr.gov.za	043 700 7020
Mr Patrick Maqabanga	Deputy Director: Cacadu District (REID Office)	Patrick.Maqabanga@drdlr.gov.za	041 363 7888
Ms Xoliswa Nyathi	Deputy Director: Amathole (Land Reform)	Xoliswa.Nyathi@drdlr.gov.za	0437221762
Ms Malerato Molokoane	Deputy Director: Chris Hani (Land Reform)	Malerato.Molokoane@drdlr.gov.za	0458392296
Mr Mxolisi Ngangeni	Deputy Director: Joe Gqabi (Land Reform)	Mxolisi.Ngangeni@drdlr.gov.za	0458392296
Mr Nicholas Matebesi	Deputy Director: OR Tambo (Land Reform)	Nicholas.Matebesi@drdlr.gov.za	0475329559
Mr Sebetso Thoka	Deputy Director: Alfred Nzo (Land Reform)	Sebetso.Thoka@drdlr.gov.za	0475329559
Mr Henk Prinsloo	Deputy Director: Cacadu (Land Reform)	Henk.Prinsloo@drdlr.gov.za	0413637888
Mr Solomon Zungula	Deputy Director: Amathole (REID)	Solomon.Zungula@drdlr.gov.za	0437007015
Mr Ndiliswa Maswana	Deputy Director: Chris Hani (REID)	Ndiliswa.Maswana@drdlr.gov.za	0458392296
Ms Cebisa Goboza	Deputy Director: Amathole (REID)	Cebisa.Goboza@drdlr.gov.za	0437007044
Ms Nanihla Libalele	Deputy Director: OR Tambo & Alfred Nzo (REID)	Nanihla.Libalele@drdlr.gov.za	0475329559

Figure 6 DRDLR website screenshot & image taken from Annual Report 2006/2007 pp. 2 - Contact details of the District Offices and PLRO's

the PLRO's is printed. The phone number of the Cacadu (currently Sarah Baartman) District Office and the Eastern Cape PLRO turns out to be the same.

However later I found out that nowadays the PLRO's are replaced. In the Strategic Plan 2009-2012 they are still mentioned occasionally. But in the Strategic Plan 2011-2014 the new, reorganised provincial structure is explained:

The land reform offices implement land reform programmes and projects, and administer state land in each province. Due to the reconfiguration of the department these have now been redefined as Provincial Shares Service Centres (PSSCs) and their function will be expanded to include all departmental programmes.' (DRDLR, 2011: 41)

So currently the above mentioned Shared Service Centres are indeed the former PLRO's, despite their unconventional name. The fact that the phone numbers of the Cacadu district deputy director of land reform and the PLRO of the Eastern Cape are the same is not providing an answer, but only more confusion; it is probably caused by the provincial reorganisations. Therefore this does not mean that the District Offices are the same as the PLRO's, but merely that the PLRO's cannot be found on governmental websites anymore. It would be helpful when on the departmental website at the page of PSSC's a reference to the former PLRO's would be made. But this is, of course, applicable to all changed and changing institutions.

8.3 Influences on access

Besides the relation between property rights and access that has been investigated, there were other aspects that interrelate with the situation on farms and of farm workers that need to be taken into account.

Foetal Alcohol Syndrome

In South Africa, and also in the Langkloof, there are many cases of alcohol abuse and consequently Foetal Alcohol Syndrome (FAS) and Foetal Alcohol Spectrum Disorders (FASD). In fact, in South Africa FAS occurs more than elsewhere in the world, according to the Foundation for Alcohol Related Research (FARR) (Al Jazeera, 2016). A person with FAS can among others have learning disabilities, a lower IQ, problems with interpersonal relationships and developmental disabilities due to brain damage (farrs.org.za). Health is an aspect of human capital, as discussed in 'social relations' in this thesis and in the Sustainable Livelihood Framework, that influences peoples' ability to achieve their livelihood goals. It also can have an influence on the capacity to work (DFID, 1999).

Although it was not a part of this research, and therefore there is no structural analysis of the FAS situation in the Langkloof, the alcohol (ab)use was subject in many stories and visible in daily farm- and street life. Du Toit farmer Kobus Havenga told a story of a woman who drank so much, she fell on her back, where she carried her child. The child did not survive this fall. All farmers have social issues with their workers of which alcohol is the most common cause. *Tik* (Crystal Meth) however is a relatively new phenomenon and is mostly used by the youth (Interview COR3, 2016):

'On this farm we had two people, that we could see it's not alcohol in them, so we took them for tests, and both of them test positive: The one for dagga (Weed) and the other one for Mandrax, and Tik, and Dagga. We couldn't even see it, he looked normal. So I think the drugs, the problem is bigger than we think, and it's getting bigger. That's the biggest problem. And the wine, and the wine, it's killing the people. I told my people the other day, I can divide them in three: I can put all the wine drinkers, the thin guys that don't eat and look 20 years older than they are, then you get the people that drink beer, then the people that

don't drink. But we have a lot of problems with ... and women that's drinking while they are pregnant, that's also a big problem here. The people are making babies and they can't look after them.' (Interview COR3, 2016).

The website of Joubertina, the village in the middle of the Langkloof, is also illustrative for the situation: the 'good to know'-information phone numbers are those of the 'Alcoholics Anonymous', the 'South Africa Depression and Anxiety group', the 'Christian Alcoholic Service' and the 'Life Line', which is a suicide hotline (www.joubertina.co.za/handigenommers).

The interrelation of alcohol abuse and access should be an interesting topic for further investigation. It is not necessary per se to first address the alcohol problem before people can properly benefit from their rights. This relation could also work the other way around, as Marius van der Westhuizen, commercial farmer in the Langkloof, explains: He states that as soon people get more responsibilities, get out of the 'cycle of poverty' and 'hopelessness' the problems decrease.

Social capital

Whereas it is difficult to measure or pinpoint, the interviews with previously disadvantaged were different than those with educated, mostly white, farmers and government officials. Living Lands colleague Jocelyn, who, besides the interviews she translated, informally chatted with workers and beneficiaries, told me how weird it was for some of the beneficiaries to tell their opinion and talk to me. They were not used to getting questions and especially not questions that did not ask for facts, but their perspectives. All interviews with workers and beneficiaries were a lot shorter, around 10 minutes, than the other interviews, which were usually over an hour. The answers differ a lot as well. Whereas the worker and beneficiaries plainly answered the questions in very short sentences or simply 'yes' or 'no', some farmers and government officials kept on telling stories and told everything they knew related to the topic; they told about the surrounding farms, the history of the farm and the area, while some workers had no idea of farms and people beyond the borders of the orchard they were working.

These differences can be explained as differences in social capital; defined before in the theoretical framework. Networks, connectedness and the types of relationships that are mentioned, all take time to establish. Building trust where that has been damaged for so long, may take generations. Establishing connectedness for deprived farm workers, asks for years of empowerment and access to education, knowledge and career opportunities.

The difference in social capital is something to take into account for developing empowerment programs or land reform projects. One should be aware that some people are not used to take initiative, to speak up, to be vocal and that it takes time to establish this. Furthermore, the interviews with workers and beneficiaries could have been more fruitful in a more long term study. A second appointment to follow up on questions and answers of the previous interview, after the first inconveniences of being interviewed and expressing one-self were away, could have

led to more elaboration or more personal answers.

8.4 Du Toit

Whereas the corporately owned farms have not been part of the analysis, it adds value to mention them briefly. The company has farms in both the Eastern as the Western Cape. The farm managers are Du Toit employees and manage their farm on behalf of the company. Johan Kotze, Du Toit Director in the Eastern Cape (interview COR1, 2016) stated in the interview while showing pictures of the projects that he is working actively on empowering his workers. Their salary is above minimum and people can save to renovate their houses. On some farms, Nieuwplaas for instance, workers have homes on the farm. On the website of Du Toit among others social



Image 12 Houses for workers on Nieuwplaas

development, training, health care and education are mentioned as topics they are 'immensely passionate' about.

The workers that I randomly met in orchards never said the name of the farm they worked for, but all said they were 'Du Toit workers'. Hansie Britz, one of the company's farm managers, told about recreational activities he organised for his workers and the good relationship he has with them (Interview COR2, 2016). There are also questionable aspects though. The land reform farm that is affiliated with Du Toit, Misgund-Oos, though relatively successful, is possibly 'just' window dressing. A project that sent workers' kids to tertiary education is proudly mentioned on their website, but whereas on that same page is mentioned that they have 7.500 employees, 'only' 20 kids benefitted of that specific school project. The interview with Rowan, the caretaker, shows there are not all positive opinions about Du Toit.

Discussing Du Toit briefly, merely illustrates that without property rights, previously disadvantaged can still have (more than on land reform farms) access to capital, leisure and houses.

9. Discussion of methods and results

It may be clear that many aspects have an influence on land reform in rural South Africa and that it is a highly complex and level transcending topic. Remarks about the policy analysis and the government structure have been made in previous paragraphs, but also within the scope of the research some remarks have to be made.

Because of my affiliation with Living Lands, the initial research question and topic were different and more focused on possible partnerships for restoration purposes. While living in the Langkloof, as explained in the introduction, I discovered the complexities of land reform and decided that another research focus would be more appropriate and useful. Because of this relatively late change in focus, the troublesome process to come to an agreement about this with my Living Lands colleagues and their information and contact details that were hard to find, I spent less time doing the actual research than I had hoped for.

There are two aspects that I want to mention in this regard. The first is that had I had more time, I could have done follow up interviews and I would have had more time for building up a relation of trust in this highly sensitive context; for example with the farmers who did not want to talk to me for the purpose of this research. The second aspect I want to mention is that because of the rather difficult process to come to a mutual understanding, I kept the interviews quite broad, to satisfy Living Lands as well as to serve the purpose of my own research. Looking back, I would have given the different types of access more structural attention in interviews and farm visits. With the broad approach I applied, the interviews were very informative and inclusive, but the coding afterwards to structure property rights and access, was very time consuming.

Whereas I stated that the policies and government structure are not easily accessible and hard to understand for rural South Africa, I did not make this research any easier to understand, even though that was my initial goal. I think it is highly important to communicate different regulations and policies to the previously disadvantaged in an accessible way. For instance, as I suggested in 8.1, by making an infographic of successive policies about redistributing rights, applying for grants and agricultural development. It was beyond the time and scope of this thesis to create this, but it would be a great project for Living Lands to follow up, so they provide previously disadvantaged with the access to knowledge and authority they need to deal with their complex situation. Additional to this, an infographic of restoration and sustainable agriculture practices could support 'collaboration around living landscapes', as Living Lands strives to accomplish.

CONCLUSION

The aim of this thesis was to clarify the meaning of land reform policies and new property rights for previously disadvantaged groups in South Africa. A combination of political ecology and legal anthropology leads to an investigation of the relation between nature, society and law, through an analysis of access and control over (natural) resources and the interrelation with policies (Watts, 2000; Adams, 2009; Lazarus-Black and Hirsch, 1994; Hann, 2007; Star and Collier, 1989; Von Benda Beckmann et al., 2006). A distinction between property rights and access, the *ability to benefit* (Ribot and Peluso, 2003) was made, and property rights were approached as a *bundle of rights* (Von Benda-Beckmann et al, 2006), which opposes the South Africa governmental approach of the liberal theory of rights, focussing on private ownership.

Two important arguments regarding property rights and the ability to benefit from it can be made following this thesis' focus on daily practices on land reform farms. The first is that the case studies show that redistribution of property rights is not limited to private ownership. The bundle of rights is present in 'social units' and 'property objects', but also in 'sets of rights' (Von Benda-Beckmann, 2006). People can hold various forms of property rights, such as management, voting rights, have a lease agreement or shared or private ownership rights. The rights are also bundled in land; on which various people have different rights and access. The various farms of the case studies show the variety of rights, access and right holders that can be found in one 'property object'. The meaning of a 'set of rights' held by one person, also differs a lot and can consist of many rights, obligations, risks and responsibilities or forms of access. The liberal idea about private ownership is not sufficient for the complex dynamics and different regulations on land reform. These identified bundles of rights were deconstructed in the cases (property objects) on various levels and for various holders of rights (social units) and split in categorical and concrete relations (sets of rights), so the ability of people to benefit, who controls and who maintains access, could be revealed.

The deconstruction leads to the second argument; the analysis of the sets of redistributed of property rights, reveals that the rights do not inherently lead to increased access. The new

property rights as created by the land reform policies lead to different relations people have towards the farm and on the farms itself; the concrete relations. People can be an active or a passive shareholder or be a non-shareholding worker. Their relation towards the farm tends to be the main influence of what kind of access they have. It is shown that on the case farms people with the same sort of rights have different access. On LRAD farm Eve Brand, a worker who is not a beneficiary, has more access than a beneficiary who is not working at the farm. And on stateland farm Drie Krone and PLAS farm JayDee Rovon many beneficiaries are not working on the farms and the manager does not even know who or where they are. This illustrates how access is farm specific instead of directly related to rights.

Also on farms itself the redistribution of property rights leads to different positions and, despite people having the same rights, there are differences between the positions. Some people can have leading positions or management rights, whereas others are workers. On Hoe Uitsig there are some difficulties, because one of the beneficiaries is now manager and the other beneficiaries have difficulties accepting this hierarchy.

There is a discrepancy between what people think their property right means and what access it actually provides. The mentor of PLAS farm Hoe Uitsig, as well as a government official in the area, stated that people do not understand the difference in positions, whereas they are all shareholder. Also, as illustrated by the three PLAS farms, people think they have a share in land, whereas in some cases, for instance on Hoe Uitsig, a share means a share in the enterprise. And on JayDee Rovon the land is covered by the CPA, so people can never individually claim their share. Also on Tulpieskraal, the land is owned by the trust, so there is no 'individual piece of land', even though beneficiaries of various reform farstated that they see it as their own personal security and future security for their children.

With regard to the types of access that have been investigated, especially access to capital is needed for the beneficiaries as well as for the farm, but it is related to and influenced by many aspects and not secured by redistributed property rights. Having a share does not mean access to labour, nor salary. The dividends beneficiaries are entitled to are only paid out when there is a surplus and the money does not have to be invested in the farm anymore. On JayDee Rovon and Hoe Uitsig the manager and mentor explicitly stated that surplus is used for farm maintainance and that beneficiaries do not always understand this, nor like that it decreases the dividends they hoped to get. In some cases there are so many beneficiaries that the shared dividends are hardly worth dividing. This is happening on LRAD farm Oudrif, with more than 500 beneficiaries, and it will be happening when the entire Haarlem community becomes beneficiary of the farm Anhalt.

On farm level access to capital is difficult as well. Where property rights in the form of equity shares are redistributed or there is a caretaker arrangement, as is the case on Boplaas with Rowan, people cannot apply for a loan at a regular bank, due to lack of collateral. People that do have collateral are not able to pay the high input costs back, which is what happened on Oudrif. The

farms that could pay the input costs back, have a collaborative or management partner, who takes care of the business or provides tools. A loan is most of the times additional to a grant, because the grant is not sufficient to meet the government's aim to enter the commercial sector, which is also acknowledged in land reform policies.

Besides a loan, another way to get access to capital is access to the market. There is however a discrepancy between the small-scale local market based on the ZAR, which is far less worth than the Euro and the Dollar, and the neo-liberal, commercial export market. Especially because South Africa is a main actor in the deciduous fruit export, and the Langkloof one of the most important deciduous fruit areas for South Africa. Rowan explained that as a small-scale emerging farmer there is too much competition from commercial, exporting farmers. Besides, and then a vicious cycle emerges, the commercial farmers have (access to) technology and facilities to store and cool products before exporting, whereas Rowan does not have this. Emerging farmers therefore cannot preserve, keep or store, which is why they can produce less, sell less and gain less income to buy technology to store.

Most of the previously disadvantaged lack access to knowledge; do not have any experience with these commercial structures, have a lack of management and sometimes even farming experiences. Therefore they cannot cope with this form of glocalization; how the global structures are penetrating, via the large scale farming focus from the government, their local farmers world.

There are different factors that play a role in the relation between policy and practice and why property rights do not inherently lead to increased access for the previously disadvantaged. The various levels investigated through the political ecology framework prove to be valuable for identifying these factors.

On the political level the policy analysis showed that not only some policies are intrinsically contradictory, but also that the implementation is not flawless. Property rights and access are in the policies seen as intrinsically linked and thus the focus of the DRDLR is more on the transfer of rights phase than the post-settlement phase – the phase where benefitting from the transferred rights take place. Other programs and departments focus on agricultural development and empowerment, but the government departments and levels are not working together and the policies are not linked. In Haarlem the government officials of different departments do not collaborate, though they work on the same project. And the programs that focus on post-settlement were not present on the Langkloof land reform farms, which shows that the policies focussed on agriculture, do not always follow up land reform policies. The abundance of reports and programs make the goals scattered and difficult to align. Besides, the responsibility for implementation has been decentralised, but the various levels are not all aware of what their responsibilities are and what power they have. Also within the departments, some government officials are not fit for their job or do not know how the policies or different departments work. The extension officer in Joubertina, whose job it is to give technical support to emerging farmers, had no knowledge of

farming, nor could he work with his government laptop.

On an institutional level, the categorical relations are disputed by farmer associations, organisations, officials and commercial farmers. This is mainly about whether a share can be inherited and about the difference between whether a share is a share in land or an equity share. On the farms, established under different policies, people were uncertain about the regulations regarding their farm and the structures around the property rights. On JayDee Rovon the exact construction with CPA and the trust, about who covers the land and who owns the soil, is unclear. Also in Haarlem it is difficult who will own the commonage, the farm and the dam, who will manage it and what do the rights that the community gets mean. Because those categorical relations are not clear – how access is controlled and property rights shaped – , the concrete relations – the relation between a social unit and the property object – are unclear as well. Therefore the difference in sort of shares is not only difficult for people deliberating about it, but especially for the previously disadvantaged.

The social aspects expose the lack of access to knowledge, since many beneficiaries do not have the capacities to deal with their new positions and rights on farms. They are not used to express their minds, initiate actions; the government relations are merely done by their mentors – who are teaching some of them – and despite the end of Apartheid, in social relations there are a lot of continuities (Hebinck et al. 2011).

In the last case, in which the entire Haarlem community is about to become beneficiary of a farm, all those levels are discussed. The community, though internally divided, finds itself in a process of applications, responsibilities and preparations for two intertwining land reform projects: the TRANCRAA act applies to them, but they also want to become part of Agri-Parks. They are not sure what a share will mean to them: individuals have other ideas than how the CPA chairman wants to manage the dividends. Furthermore both the government on district level as on municipality level are involved, but none of them knows the entire story.

It is not necessary to include a historical focus in the research to see the current racial divide and the influence of the past in South African daily practices. With the land reform policies the government proves to be a non-neutral actor. Whereas Nelson Mandela tried to unify the country, or as one of the interviewees said that thanks to Nelson Mandela there was no bloody massacre in 1994, currently quotes as 'Apartheid the other way around' are not uncommon and the racial divide is present in many daily practices. There appears to be distrust towards (white) commercial farmers, but also towards me as an interviewer. The other way around, a lack of trust from commercial farmers towards the government, whose policies are not in favour of the white commercial farmers, is also present. Other racist attitudes, mutual hate and (income) equality are among the daily structures of South African life and present in small, informal practices as well as big structures; from white farmers being proud of the fact that they have black workers (which makes them non-racist), to black people calling me 'madam' and my colleagues 'boss'.

Looking at what can be learned from this research, it can be said that government departments should be able to implement policies properly and refer to each other's policies. Besides the policies need to be better aligned, both intrinsically as to each other so a focus on post-settlement and access becomes an internal part of land reform instead of delegating it to other departments. Currently there are policies that focus on agricultural development. They are however not connected to land reform and were not present at the land reform farms in the Langkloof. It is therefore not self-evident that those follow automatically after the transfer of land.

Based on what works and what does not work on the farms investigated, I would recommend to start land reform projects *with* the agricultural sector, to overcome racial boundaries and establish mutual trust. Involve only as much beneficiaries as there are jobs on the farm, so property rights will be connected to access to land. Actively involve beneficiaries instead of using their names for the application list, so they get used to interrelations they are not familiar with now and get to know all the processes of farm establishment, work and management. Involve commercial farmers, since they are the backbone of South African food production and know about farming and management. Then make sure beneficiaries have collateral, so they have access to capital and can properly start farming. But even more important: establish collaborations with the commercial farmers, to overcome gaps and inequalities, but also so they can provide access to knowledge for the beneficiaries; to spend their capital properly and become independent farmers. They can explain differences in farm position despite the same rights and get the *new farmers*, instead of emerging farmers, on their own feet and become equal farmer colleagues.

This process will, irrespectively in what way it is executed, be controversial and meet a lot of resistance. The fact that the land ownership divide in the country needs to change, means that some people will lose (part of) their land. And despite the fact that their ancestors might have obtained their land illegally, this does not mean that the current farmers are willing to give up their farm. Some of the farmers I met though, made it their life goal to help 'their workers'.

For Living Lands I did not find future partnerships, but as remarked in chapter 9: good, accessible information to provide access to knowledge and authority for previously disadvantaged in order to arrange their own businesses and be independent, is important. Work *with* commercial farmers, because they are needed for South African agriculture.

*"If you want to make peace with your enemy, you have to work with your enemy.
Then he becomes your partner."*

- Nelson Mandela



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- Hortgro www.hortgro.co.za
- SAAPPA <http://www.hortgro.co.za/saappa/>

Facebook pages:

- Langkloof Landbou Genootskap <https://www.facebook.com/LangkloofLandbou/>
- Agri Eastern Cape <https://www.facebook.com/agrieasterncape/>



APPENDICES

APPENDIX I - IV

APPENDIX I - LIST OF INTERVIEWS

		Abbreviation	Function	Company	Place	Interview specifications	Date of the interview
Government	Kim Butler	GOVWC1	Extension Officer	Extension Officer DRDLR	Oudtshoorn		5/16/2016
	Willem Burger	GOVWC2	District Manager	Department of Agriculture	Oudtshoorn		5/16/2016
	Mongameli Noma	GOVEC1	Agricultural Coordinator	Kou Kamma Municipality	Kareedouw		5/27/2016
	Vukile Gqodwana	GOVEC2	Extension Officer	Extension Officer DRDLR	Joubertina		5/27/2016
	Attie Pretorius	GOVEC3	Municipality representative	Kou Kamma Municipality	Joubertina		6/6/2016
	Donnie Gelderbloem	GOVWC3	Directorate Human Settlements, Land Affairs and Planning	George Municipality	George		6/24/2016
Commercial	Hannes Stapelberg	COM1	Commercial farmer and mentor	a.o. Eve Brand	Misgund		5/19/2016
	Marius van der Westhuizen	COM2	Commercial farmer and chair of Langkloof Landbou Genootskap	Southern Fruit Producers	Misgund	With Jessica Cockburn	5/31/2016
	Donald Strydom	COM3	Commercial Farmer		Krakeel	With Jessica Cockburn	5/31/2016
	Kosie Zondagh	COM4	Commercial Farmer	Zondagh's Farm	Avontuur	With Jessica Cockburn	6/22/2016
Land reform EC	Fusile Yakhe	LR EC1	Land Reform farmer	Drie Krone	Kareedouw	group interview	6/1/2016
	Venicia Janse	LR EC2	Land Reform farm manager	Oudrif farm			6/22/2016
	Group of workers	LR EC8	Workers	Oudrif farm		group of 8 people	6/22/2016
	Booy van Rooijen	LR EC3	Part of Commercial Farm	Tulpieskraal	Joubertina		6/6/2016
	Wilfried Malgas	LR EC7	Land Reform farm manager	JayDee Rovon	Louterwater		6/8/2016
	Paul Lombard	LR EC4	Land reform farm manager	Eve Brand	Misgund		6/13/2016
	Piet Kiewiets	LR EC5	Land reform personnel manager	Eve Brand	Misgund	With Jessica Cockburn	6/21/2016
	Workers Eve Brand	LR EC9	Land Reform workers and beneficiaries	Eve Brand	Misgund	group of 3 people	6/13/2016

		Abbreviation	Function	Company	Place	interview specifications	Date of the interview
Land reform WC	Hennie Crous	LR WC1	Farmer and Land reform manager	Hoe Uitsig farm	Ongelegen		6/2/2016
	beneficiaries Hoe Oetsig	LR WC5	Beneficiaries and Workers	Hoe Uitsig farm	Ongelegen	group of 3 people	6/2/2016
	Patrick Cornelis Appelkloof	LR WC2	Land Reform farm manager	Appelkloof farm	Haarlem		6/14/2016
	Nico Du Preez Anhalt	LR WC3	Land Reform farm manager	Anhalt	Haarlem		6/14/2016
	beneficiaries Appelkloof	LR WC4	Beneficiary	Appelkloof farm	Haarlem		6/14/2016
	beneficiaries Anhalt	LR WC6	Beneficiaries and Workers	Anhalt	Haarlem		6/14/2016
	Abe October	LR WC7	Chairman	Communal Property Association	Haarlem		5/23/2016
EF	Rowan Kapank	EF1	Caretaker	Bo Plaas	near Louterwater	With Jessica Cockburn	6/1/2016
	Harry Grootboom	EF2	Emerging Farmer	Mon Desire			6/7/2016
Company	Johan Kotze	COR1	Du Toit Manager	Du Toit	Twee Riviere	With Jessica Cockburn	6/22/2016
	Hansie Britz	COR2	Du Toit farm manager	Damplaas	Misgund	With Jessica Cockburn	6/23/2016
	Kobus Havenga	COR3	Du Toit farm manager	Nieuwplaas	Louterwater	With Jessica Cockburn	6/22/2016
	beneficiaries Misgund Oos	LR EC6	Manager, foreman and trustees	Misgund Oos farm	Misgund	group of 4 people, With Jessica Cockburn	6/23/2016
Expert	Sam van der Merwe	EX1	Ex-extension officer, local expert				03/06/016
	Ernest Pringle	EX2	Agri EC	Agri Ec		conducted over the phone	6/3/2016
	Rodger Smith	EX3	Founder Local NGO	Language of the Wilderness Foundation Trust	Twee Riviere	not recorded	6/12/2016
	Yolande le Roux	EX4	Expert on Land Reform, active for the DA in local politics		Stormsrivier	Conducted by Kris and Maura, although I set up the interview partly with my questions	6/10/2016
	Deon Heyns	EX5	Humansdorp Co-op			From Jessica Cockburn	2/11/2016

APPENDIX II - SPECIFICATIONS ON LAND REFORM

<i>Business Name</i>	<i>Name of farm</i>	<i>Contact person</i>	<i>District municipality</i>	<i>Local municipality</i>	<i>Nearest town</i>
Kapank Boerderij	Bo Plaas	Rowan Kapank	Sarah Baartman	Koukamma	Joubertina
Mistico Trading	Appelkloof Trust	Patrick Cornelius	Eden District	George	Uniondale
Jay Dee Rovon Werknemers Trust	Jay Dee Rovon Werknemers Trust	Wilfried Malgas	Cacadu District	Koukamma	Joubertina
Eve Brand	Eve Brand	Paul Lombardt	Sarah Baartman	Koukamma	Joubertina
Empumelweni Trust	Drie Krone	Jugile Yaldhé	Sarah Baartman	Koukamma	Kareedouw
Tulpieskraal Werkers Trust	Tulpieskraal	Booi van Royen	Sarah Baartman	Koukamma	Joubertina
Oudrif Trust No 2	Oudrif Trust No 2	Venicia Janse	Sarah Baartman	Koukamma	Joubertina
Misgund Klein Boere Trust	Lorita	Booi Jacobs	Sarah Baartman	Koukamma	Joubertina
Hoe-Uitsig	Hoe-Uitsig	Tas	Eden District	George	Haarlem
Cassidra SOC Ltd (state)	Anhalt	Nico du Preez	Eden District	George	Haarlem

		<i>Rowan Kapank</i>	<i>Appelkloof</i>	<i>Jay Ose Rowan Werknemeerstus</i>	<i>Eve Brand</i>	<i>Drie Krane</i>	<i>Tukpietkrald</i>	<i>Oudrif</i>	<i>Misgund-Oos</i>	<i>Hee-Ulsig</i>	<i>Anhalt</i>
1	How far is the farm away from the local municipality? [km]	30	25	25	40	1	0	30	37	N/A	N/A
2	What kind of farm is it?	Ffv	SEF	BEE	BEE	SEF	BEE	BEE	BEE	BEE	BEE
3	What type of agricultural production are you engaged in?	Pf	Cf	Pf	Cf	Pf	Pf	Cf	Cf	Cf	Cf
4	Are you a joint venture?	N	Y	Y	Y	N	Y	Y	Y	Y	Y
5	In what way do you have access to land?	Ls	I	Co	I	Ls	I	I	Co	Ls	Ls
6	How many beneficiaries do you have?	0	29	129	240	99	28	500	134	37	465
7	How many trustees do you have?	0	5	8	0	4		5	10	0	N/A
8	Who is your mentor(s)?	N/A	H5	N/A	H5	N/A	GK	N/A	PK	HC	N/A
9	Previous farming experience (capacity they already have)	Pr	Sev	Sev	All	Sev	No	S	GM	N/A	All
10	Previous (formal) education and trainings	Pr	Sev	GM	All	GM	No	Sev	GM	N/A	All
11	In what areas do you need more training? (capacities they still need to develop or acquire)	GM	Sev	All	N/A	Pr	All	No	Adm	N/A	Sev
12	Has farming been the first choice of work?	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
13	Have you received assistance in the past?	Y	Y	Y	Y	Y	Y	Y	Y	N/A	N
14	From whom?	Gov	Gov	Gov	Gov	Gov	Gov	Gov	Gov	Gov	N/A
15	What was the level of satisfaction of past assistance?	-	+	0	0	-	0	-	+	0	N/A
16	How many permanent workers do you have?	15	23	37	160	0	28	33	36	24	24
17	How many permanent workers are skilled?	0	15	37	160	0	0	16	2	24	14
18	How many permanent workers are unskilled?	15	8	0	0	0	28	17	34	0	10
19	How many people work in the administration?	0	4	2	5	0	1	6	1	3	3
20	How many seasonal workers do you have?	10	105	60	56	0	0	100	144	8	120
21	How many seasonal workers are skilled?	0	0	0	50	0	0	0	0	8	0
22	How many seasonal workers are unskilled?	10	105	60	6	0	0	100	144	0	120
23	What proportion of your employees are local? [%]	60	100	100	50	0	100	30	25	98	70
24	What proportion of your employees are non-local South African? [%]	40	0	0	50	0	0	30	75	2	29
25	What proportion of your employees are foreigners? [%]	0	0	0	0	0	0	40	0	0	1
26	Are there any issues with laborers that negatively affect your business?	Itx	OK	Itx	OK	N/A	N/A	Itx	NS	OK	Itx
27	What type of land do you have?	Cr	Cr	IrP	Sev	Sev	Cr	IrP	IrC	N/A	IrC
28	How big is each type of land? [ha]	38	115	63	440	770	24	53.5	87	92	60
29	What is the total farm size? [ha]	38	669	93.8	550	776	30	305	150	569	539
30	To what extent have natural disasters affected your farming?	H	H, FI, Fr	H	FI, D, H	N/A	H	H, FI	D, H, FI	N/A	FI, D, FI
31	How much land is covered with alien plants? [ha]	2	20	0	120		2	150	5	57	N/A
32	What kind of alien plants are growing on your land?	BW	BW	N/A	BW	N/A	D	P, BW	BW	N/A	N/A
33	Has there been any clearing of alien vegetation on your farm?	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
34	Do you see it as a threat?	Y	Y	N	N	Y	Y	Y	Y	Y	Y
35	What can be done?	R	R	N/A	R	N/A	R	R	R	R	R

			Legend
1	How far is the farm away from the local municipality?	[km]	
2	What kind of farm is it?		BEE=BEE collectives; SEF=small groups of EF; Ief=individual emerging farmers; Ffv=Family Farming Venture; o=other
3	What type of agricultural production are you engaged in?		Pf=subsistence/peasant farming; Cf=commercial farming; Hg=home gardening (supplemental food)
4	Are you a joint venture?		Y=Yes; N=No
5	In what way do you have access to land?		I=individually owned; Co=corporately owned; Lp=leased from private owner; Ls=leased from state; Ill=illegally occupying; Inf=Informal occupying; o=other
6	How many beneficiaries do you have?		
7	How many trustees do you have?		
8	Who is your mentor(s)?		HS=Hannes Stapelberg; GK=Gerard Kritzing; PK=Pieter de Kock; HC=Hennie Crous
9	Previous farming experience (capacity they already have)		M=Marketing; Acc=Accounting; Pr=Production; HR=HR; Adm=Administration; GM=General management; PR=PR; Sev=Several; All=All; No=No capacity
10	Previous (formal) education and trainings		M=Marketing; Acc=Accounting; Pr=Production; HR=HR; Adm=Administration; GM=General management; PR=PR; Sev=Several; All=All; No=No previous Training
11	In what areas do you need more training? (capacities they still need to develop or acquire)		M=Marketing; Acc=Accounting; P=Production; HR=HR; Adm=Administration; GM=General management; PR=PR; Sev=Several; All=All; No=None
12	Has farming been the first choice of work?		Y=Yes; N=No
13	Have you received assistance in the past?		Y=Yes; N=No
14	From whom?		Gov=Government; Co=Co-op; O=Others
15	What was the level of satisfaction of past assistance?		+=Good; 0=Moderate; -=Poor
16	How many permanent workers do you have?		
17	How many permanent workers are skilled?		
18	How many permanent workers are unskilled?		
19	How many people work in the administration?		
20	How many seasonal workers do you have?		
21	How many seasonal workers are skilled?		
22	How many seasonal workers are unskilled?		
23	What proportion of your employees are local?	[%]	
24	What proportion of your employees are non-local South African?	[%]	
25	What proportion of your employees are foreigners?	[%]	
26	Are there any issues with laborers that negatively affect your business?		NS=Don't show up to work; Itx=Intoxicated while working; Prf=Don't perform their tasks adequately; OK=No problems
27	What type of land do you have?		Gr=Grazing (dry land); IrP=Irrigated pastures; Un=Unused land; Cr=Dry land cropping; IrC=Irrigated cultivation; Sev=Several options
28	How big is each type of land?	[ha]	
29	What is the total farm size?	[ha]	
30	To what extent have natural disasters affected your farming?		H=hail; FI=flood; Fr=frost; Fi=fire; D=drought
31	How much land is covered with alien plants?	[ha]	
32	What kind of alien plants are growing on your land?		
33	Has there been any clearing of alien vegetation on your farm?		Y=Yes; N=No
34	Do you see it as a threat?		Y=Yes; N=No
35	What can be done?		R=Remove

APPENDIX III - INTERVIEWEE QUESTIONNAIRE

Hi Zarra

Kris and I have gone through your questions and made comments and suggestions. (see below)

Please rework your questions in response to our comments and suggestions

Our suggestions for additional questions: (Some of these may give you the information you are looking for below anyway, without requiring the specific questions you have asked.

- Start by asking for the story about when and how the BEE venture was started and the history of how it has changed.
- If you were to start over again, based on your experience so far, how would you do it differently?
- What have they learned about farming and managing of farms?
- What personal learning have you derived from this experience? What learning would you like to share with others?
- What have been your own challenges? Achievements? Disappointments? Failures?
- How have you contributed to the challenges, achievements, disappointments and failures?
- What assistance would you need in order to achieve your goals/expectations? From whom?
- For Beneficiaries: How have the decisions around the financial management of the farm been communicated to you? Are they regularly informed of progress and do they understand the information that was given to them? What do they not understand or are confused about? What would they like to know? What do they think they need to learn or what support do they need in order to be able to participate effectively in the management of the farm? Do they want to participate in management/ decision making? (and what position do they currently hold in the organisation and what position would they like to hold?
- For Beneficiaries: Do they think the BEE model delivers on your expectations? Is it viable or appropriate or suitable? How has it been effective or failed?

Questionnaire Government Officials

Legal

- What kind of cooperations/ joint ventures/ BEE do you know of in this area? What are the differences in terms of land divide and farm management? Do you know what kind of regulations/ Joint Venture/Equity Sharing Contract or Trust Deed documents apply on different farms. What was your role in creating them?
- Were there any land reform projects in the area and how have these projects performed?
- Do you know of any differences between the policies of the different municipalities in the Langk-

loof? (if so, what and how do they work out?)

- How do you communicate policies and regulations to farmers? Are there working groups/ meetings/ institutions/ consultation meetings?
- Is there attention for (history of) property rights and land reform in schools/ public meetings/ information sessions? In what way is it discussed generally?
- Have policies changed over time and if so why?
- Have you changed policies over time and if so why? ☐ Are there any successes? What are your challenges? Are there any lessons you have learnt?
- How do you feel the general opinion towards government, each other, land divide and change in the landscape is?

Political

- How is your relation to farmers in your area? Are there links between farmer cooperations and government institutions? (How) do you consult farmers and people in the landscape?
- How are you consulted? How are decisions on provincial/national level communicated to you? Are you consulted/ have there ever been decisions that have been made without your approval?
- What are the relations between for example Agri Eastern Cape, the Langkloof landbougenootskap and your department?
- To what extent is it important to you that your area performs well in comparison to other areas. On what topics?
- Do you have the feeling you are able to keep up with the requirements of the market / environmentalists/ politics.
- What do you expect from institutions and farmers in terms of own initiatives, approaching you etc.?
- If you are talking about agriculture in your work area, what do you include? What is your focus? Is it Eastern Cape, the Kou-Kamma/George district, Langkloof, catchment, farm? Is that defined based on geography, regulations, environment or technical development? How are the relations between these different levels?
- How far do you plan ahead. How much time do projects generally take?

Social

- How do you look upon the way farmers organize themselves and work together in your area?
 - Do you have an idea of farmers attitude towards their farm? How do you think a farm should be managed? What do you think is a good divide in a joint venture? Does that match current policies or current practice? Or none of both?
 - How is your relation with your colleagues? Do you have activities/ meetings/ information meetings with them?
 - Do you experience difficulties or a hostile attitude towards change or the government?
-

Ideological/ historical

- Are there any environmental problems in the area/ on your farm? How would you try to deal with them?
- With whom do you prefer to cooperate/ create a cooperation? And with whom would you rather not work?
- What were the expectations when joining/starting a BEE venture?
- What does land mean to you? What values do you attach to it?
- Are there any environmental problems in the area? How would you try to deal with them?
- Do you take the environment into account?
- What does sustainability mean to you?
- What is the value of nature and conservation to you?
- What is the value of food security and economic benefits to you?
- Is it important for you to create a food sovereign area (making own decisions, being self-sustainable)

Change

- What changes do you expect land reform and restoration make in answers to the above raised questions? And what are concerns regarding future changes?
- What did you learn from this, what would you like to change yourself, how would you do that and what do you need?

Questionnaire farmers

First things first

- Can you tell me who you are, what your position on this farm is?
- Can you give an introduction of this farm? What kind of venture is it and how has it changed?

Legal

- How are land rights in the area formally structured and intertwined? – categorical rights
 - What are the ideas regarding land rights and agricultural policies of different stakeholders?
 - What are the regulations that apply on your farm/ community? (question tailored to position of interviewee, either government policies or their Joint Venture/Equity Sharing Contract or Trust Deed documents)
 - How and with whom did you draw up the agreement of the joint venture? / Where you consulted in drawing up the document? (dependent of position of interviewee)
 - How is the agreement on how benefits and shareholding are regulated?
 - What do you think of the regulations discussed above? '
-

- Do you talk to anyone (farmers/colleagues) about the regulations and current situation in the Langkloof/ on the farm?
- To what extent do the formal regulations have an influence on your daily practices?
 - o Are there institutions (verenigingen, genootskappen, schools, meetings, government gatherings, NGO's) in which policies and rights or concerns regarding the landscape are discussed or where you get informed about regulations/decisions on the farm? Do you have enough information that you understand What would you still like to know?

Political

- In what way is the political hierarchy in the area structured and how is the interaction between policy and practice?
- With whom did/do you engage in starting up the BEE, in asking questions, maintaining, communicating? (perhaps already answered before with question drawing up agreement)
- How would you describe the area you live in? What size? District, municipality, village, farm, catchment?
- If you are asked to describe your future, how far ahead do you plan?
- Is there communication between the groups (institutions, as in previous questions) you know or engage in and the government? Which government department/ official?
- How is your relations to the market? Do you need assistance to reach your targets?
- Do you know who to approach if you need information or assistance?
- What do you expect from institutions and government officials?
- What have been your challenges and achievements and what have you learned from farming/ managing so far?
- What were your expectation when joining/starting a joint venture? What do you want to accomplish with cooperating/ creating cooperation with others? How does this work out for you?

Social

- How are the relations between stakeholders and do different stakeholders organize themselves? (link legal institutions and social movements)
 - How do people position themselves towards other people and in the landscape?
 - What was the previous situation and how does the current situation differ? How would you like to see the future, what does your farm look like if you could decide everything?
 - How would you describe your relation to people you work with?
 - Commercial partners
 - BEE Beneficiaries
 - BEE Trust members
 - Farm employees
 - Govt officials
-

- Mentors
- Farmer associations
- How do you communicate with these associations and do you know how they communicate with government and other institutions?
- Do you feel part of a group/ community? Would you like to..
- Do you feel you have a say in decision making in the business and what is going on on the farm. How would you describe the divide of ownership and land management on your farm? What do you like and what don't you like about the current situation? (specifically ask to own perspective, different question than before (legal) where the I want to know about formal regulation)
- Are there any informal rules or regulations? How did they change over time? Were there discussions about this?
- At this moment, do you have the right to benefits of the farm? And do you have the ability to get those benefits, do you really have them? *based on theory of access, that's why formulated this way. How and when do you get those benefits? Is this what you expected and do you feel the benefits are distributed equally?
- The position you hold on the farm, as described before, is that the position you would like to hold? Is that possible? Why or why not? Do you feel you have the right to decide? Do you want to have the right to decide? What is necessary for you to effectively work in the position you want?
- Do you feel secure in your current position?
- Has there been outside interference on the farm? Was it in consultation with you? Do you have the idea that outside people can change things without your approval?
- Is there or has there been a legal land claim made on this farm? If yes – by whom? What is the legal basis on which they have made this claim? How do you feel about this?

Ideological/ historical

- What are the shared values of the stakeholders, regarding land reform and sustainable management? How do sustainability/ conservation and agriculture intertwine?
 - To what extent do racial aspects have a role in the tensions regarding property rights and power relations.
 - What does land mean to you? What values do you attach to it?
 - How long have you been on this farm? how do you feel towards people being here before you or coming after you? Do they have other rights on the farm/in the landscape/area?
 - Are there any environmental problems in the area/ on your farm? How would you try to deal with them?
 - Are there environmental issues and practices that are important to you?
 - What does sustainability mean to you?
 - What is the value of nature and conservation to you?
 - What is the value of food security and economic benefits to you?
-

- Is it important for you to be food sovereign (making own decisions, being self-sustainable)
- With whom do you prefer to cooperate/ create a partnership? And with whom would you rather not work?

Change

- What changes do you expect land reform and restoration make in answers to the above raised questions? And what are concerns regarding future changes?
- What were the expectations when joining/starting a BEE venture? How do you see yourself regarding to those expectations now?
- What did you learn from this, what would you like to change yourself, how would you do that and what do you need?

APPENDIX IV - MINUTES WORKSHOP LIVING LANDS



Collaborations working on living landscapes

Minutes of the Haarlem Emerging Farmers Introductory Workshop

Held on the 23 April 2016, in Haarlem Helpmeekaar Saal, Langkloof, Eastern Cape, South Africa.

Note: the workshop was conducted mostly in Afrikaans and to some extent in English.

Attendants

#	Name	Representing	Contact details
1	Maura Talbot	Living Lands	
2	Kris Marais	Living Lands	
3	Jocelynn Jacobs	Living Lands	
4	Jessica Cockburn	Living Lands	
5	Catherine Andersson	Living Lands	
6	Andreas Baele	Living Lands	
7	Zarra de Laat	Living Lands	
8	Larissa Koch	Living Lands	
9	Annie Maclane	Vroue Forum	
10	Shalance Matthys	Vroue Forum	
11	Sharol Esau	Vroue Forum	
12	Petronella Esau	Vroue Forum	
13	Lydia Mesimela	Vroue Forum	
14	Denvor Manuel	Farm Manager	
15	Esterline Witbooi	Vroue Forum	
16	Nellie Claasen	Vroue Forum	
17	Johanna Freeman	Vroue Forum	
18	Desiree Prinsloo	Vroue Forum	
19	Viona Kapank	Vroue Forum	
20	Jakkie Plaatjies	Vroue Forum	
21	Ivan Thyssen	Farmer	
22	Bridget Davids	Farmer/ Vroue Forum	
23	Abe October	Farmer	
24	Japie Witbooi	Farmer	
25	Henry Apollis	Farmer	
26	Willem Macluwe	Farmer	
27	Raymond Cornelius	Farmer	



#	Name	Representing	Contact details
28	Bet Maart	Farmer	
29	George Cornelius	Farmer	
30	Mathew Macluwe	Farmer	
31	Irene Cairncross	Farmer	
32	Frekie Meiring	Farmer	
33	D. J. October	Farmer	
34	Elton Brown	Home Security	
35	Patrick Cornelius	Farmer	
36	Henry Damons	Farmer	
37	Freek Kapank	Farmer	
38	Andrika October	Farmer	
39	Samuel October	Farmer	
40	Nicolas Janse	Farmer	
41	Lydia Thyssen	Teacher	
42	Johannes Frazenburg	Farmer	

Time 9.30-10.00

- Participants arriving and registration
- Signing the consent forms to obtain data from extension office
- Participants were asked to briefly describe what their expectations were for the workshop in Afrikaans → Jocelynn Jacobs wrote down their expectations
- The following expectations were named:
 - To receive something to take back to the community in order to alleviate unemployment
 - To gain knowledge in things that I do not know
 - To learn
 - To listen to what is going to happen in the future
 - Discover better things to improve women's lives
 - Something to give back to the community
 - To look forward and let woman stand up for themselves in the community
 - To help previously disadvantaged children in the community
 - Possible projects to implement on the farm
 - To get the small farmer back on his land
 - To see if help will be provided
 - To observe
 - Collaboration, agricultural knowledge and skills
 - To listen to what everything is about



- Help for the farming
- Help small businesses and small farmers
- Solutions to problems

Time 10.00-10.45: Welcome & Check-in

- Everyone seated themselves in the circle of chairs facing each other.
- Kris Marais opened the meeting, welcomed everybody and explained the purpose of the workshop
- Participants then took their turn to introduced themselves, how they were feeling and answered the three following questions:
 - What do you want to achieve in this workshop?
 - What will be your contribution?
 - What are your hopes?

Time 10.45-11.00: Introduction of Living Lands

- Maura Talbot briefly introduced what Living Lands does and what the plan is for the year in English
- Jocelynn Jacobs translated the description into Afrikaans

Time 11.00-12.00

- As was done in the previous workshop, this group was also asked to break into four groups of 5-6 people and discussing and reporting back on three questions
- The composition of the three groups would be changed after each question

The following are the results of the group discussions for each question. It is a summary of what the participants explained.

Question 1: What would a happy future in the Haarlem community look like?

- Job creation in the general population
- Collaboration and exchange of ideas among the different groups
- More participation of government and the Department of Agriculture
- Building structures and proper planning → making sure that they reach their goals
- Communication and Transparency with regards to the processes
- Teaching the youth agricultural practices → to get them involved to secure their own future
- Attract more women to agriculture



- Every family, all men and women must be active on their land and particularly must have access to land
- Capacity to implement different methods of farming
- More community meetings

Time 12.00-12.30: Coffee and tea break

Question 2: What is the current situation in your community?

- High unemployment rate
- Lack of planning
- Non-payment of service delivered
- Lack of access to land
- Lack of knowledge about the health status of the land (adequate testing needed)
- Youth is not involved in agricultural practices
- Haarlem has no central mechanisation centre
- Water shortages at certain times of the year
- Haarlem's commercial farmers are irrigating their lands, whereas small-scale farmers are struggling with irrigation
- Lack of grazing facilities for animals
- Infrastructure in general (especially fencing and animal housing) is weak
- Seasonal workers are employed for long periods of times during the year
- High crime rate: Youth burglaries at schools and churches due to lack of security
- Lack of recreational services for the youth
- Organisations are not cooperating and working together
- Not creating awareness of meetings and events related to agricultural affairs
- Lack of access to funding
- Poor policing leads to mob justice
- Political interference into agricultural affairs
- Lack of transport to bigger towns
- No shopping facilities and ATM machine

Time 12.15-12.30: Energizer

- Jessica Cockburn asked workshop participants to build a machine with each other in the middle of the circle



Question 3: What do we need to do to achieve the future we want?

- Collaboration and Trust building
- Having a communal goal → thriving towards one common goal
- Approach the government as a unit
- Things that worked in the past should be re-introduced, especially the water and irrigation system
- Training is need in all aspects around agriculture
- Organising themselves by establishing a forum
- Starting cooperative organisations for job creation
- Planning should be done to create the way forward in which new initiatives should be brought forward
- Self-examination to look for ways to solve problems
- Building good and positive relationships by means of team-building exercises
- Create a vision and mission to achieve their objectives
- Set standards for yourself and be positive and respect one another in the community
- Taking ownership of the town

Time 13.15-14.00

- Living Lands year plan was explained to participants that included the following points:
 - June 2016: Survey of farmers and writing up a situation assessment
 - Involving Haarlem farmers in workshops and surveys
 - Co-Initiation Workshop to begin exploration of possibilities and planning with all Emerging farmers and BEE farmers in the Langkloof → set up of 4 working groups
 - Work with Working groups to explore and come up with proposals on way forward
 - Training course – green water & energy systems for farms
 - Exploring business partnership models – review of past experience and explore new possibilities
 - Big Report Back Workshop (planned for October) and deciding on way forward
 - Moving towards mobilization and implementation
- After that the project “Switch Africa Green” (SAG) and the goal of the project was explained. GOAL: enable sustainable Agriculture amongst emergent farmers and entrepreneurs



- Specific objectives of SAG are:
 1. Everyone working together in partnerships
 2. Collective organisation is established and ready to implement
 3. Emergent farmers/ entrepreneurs fully participating and benefitting
 4. 4 collective Business Plans developed for a) agriculture, b) restoration, c) value adding and d) collective organisation
 5. Investors ready to invest
 6. Share our learning
- The next step in Living Land's project was to bring all the emergent farmers in the Langkloof together for a co-initiation workshop – to get the process started. Living Land's proposed date for this was the 7th of May. In discussion with the participants it became clear that everyone wanted to attend but that the 7th was a problematic date as this clashed with another meeting the Haarlem Communal Property Association (CPA) was having with government officials. It was suggested that the Living Lands workshop be postponed till the 14th May. Living Lands indicated that it would need to consult with the other stakeholders in the Kou-Kamma area, explore other options and come back with viable alternative options.
- One specific workshop participant raised doubts about how the Haarlem small-scale farmers as opposed to the BEE farmers fit into the Living Lands project
- It appeared that some of the projects that Living Lands is planning to do clashes with what the Department of Agriculture in the Western Cape is already doing (specifically with regard to Honeybush)



Reflection on Learning during this workshop

The table below shows all the learning which people captured on cards during the reflection activity according to main questions. One row = one participant.

1A) What have you learned: factual knowledge	1B) What have you learned: relational knowledge	2) What worked during this event?	3) What didn't work during this event?	4) What is your 'take home message'?
I learnt to build relationships	0	Explanations		
I learnt a lot	Learn to trust each other	Time to learn more, to work together		The message is very good
Collaboration	Group work	Good listeners	Time	To stand together
How to plan, and how to live by your plan	Respect - to listen to each others' suggestions	We learnt to understand each other	I was put down in the group	Work together
I learnt how to speak and so to also share with others	We learnt from each other	I learnt how to regain energy when sitting in a workshop	Everything went well because I understood everything	I can now go back and tell people in the community that it was good to be part of the workshop
The idea around conservation and green farming	How the systems work together and how we benefit	The discussions gave you a better idea of what is going on around you	Everything was presented well	That good planning works well
Working together, standing together, to trust each other	Working together, standing together, to trust each other	It taught me to work together and trust one another	All was good and well	Believe persevere and in your dreams and ambitions
Collaboration	Group work	Group work and collaboration, group work was excellent. Good inputs were given.	Everything was excellent	Through collaboration much can be achieved
That we must stand together	0	We all want the best for our community	Everything was understandable	I gained a lot of knowledge and would like to share it



1A) What have you learned: factual knowledge	1B) What have you learned: relational knowledge	2) What worked during this event?	3) What didn't work during this event?	4) What is your 'take home message'?
To share your knowledge	To work together and respect one another	Group work and each others' ideas was inspiring	Everything was fine for me	To share it with others who could not be here. To work together in the future.
Good collaboration	I experienced a lot	We don't keep to the time		I had a lot of experience (knowledge) and can share this with others
We got more information	Collaboration	Group sessions - everyone worked together	Time management was not kept well	Everyone worked well together
We got lots of information	Improve collaboration	Group sessions - everyone exchanged ideas	We didn't start on time	The community members worked well together
Learnt more about agriculture and the environment. Gained new knowledge about things that matter. Good collaboration in the community.	Understandable	Gained knowledge and experience		To focus on the future and to achieve your goals
Collaboration	Group work	Participation	We didn't start on time	Plan for the future. Information was clear.
That there are many problems and deficiencies in ons gemeenschap	Everyone worked together until the end	Collaboration and good understanding amongst each other	No problems	Learnt about collaboration, trust and good planning
I learnt the objectives of Living Lands	How the different systems and roleplayers of agriculture can fit together	Collaboration and team work everyone exchanged ideas	Time	Good communication, human relations



1A) What have you learned: factual knowledge	1B) What have you learned: relational knowledge	2) What worked during this event?	3) What didn't work during this event?	4) What is your 'take home message'?
The involvement of Living Lands	That the community of Haarlem would like to work together	Punctuality. People stuck to the times that they said in their appointment/invitation.	Everything ran positively and was helpful	That we can work together as a community and make a success of our businesses
That we can ask to receive	Work together as one	It gave us knowledge	Everything was need it	The future looks good
What Living Lands does	How big the interest in the community is	The participation tactic. Everyone could give their opinion.	Nothing	That there is still hope!
Understandable and educational	0	Good inputs	Clarity	Share information
I learnt that if we work together that anything is possible	0	It was an open discussion and it worked well	The communication - everyone wasn't always able to follow the discussions	There were many opportunities out there and we must work together
Relationships. Good collaboration and connection.		Good communication	Relatively understandable.	Information, understandable.
Collaboration	Group work	Understandable, Respect. Listening to each other.	Time	Good communication and positive human relations
There are lovely people in Haarlem		The World Café discussions worked well	Maura's session about Living Lands other work	Collaboration is the most important habit that was proposed and here in the area for the future
There is a CPA here and an existing report	People work together as a CPA and in a Women's Group	Catering, venue, process, attendance	My Afrikaans, trying to start at 9am	There is a desire to collaborate and a concern about lack of it



1A) What have you learned: factual knowledge	1B) What have you learned: relational knowledge	2) What worked during this event?	3) What didn't work during this event?	4) What is your 'take home message'?
That Haarlem is unique in the Langkloof because coloured people own land and have a sense of identity linked to the land	That people feel a great hope and possibility in their ability to collaborate and bring about positive change	Respectful discussions and most communication in Afrikaans	Too much Living Lands talking and writing on flipcharts	There are communities who believe in their social capital to inspire their situation

Time 14.00: Closing of the Workshop and Lunch





This research investigates the actual benefits people can derive from property rights in land reform in South Africa. Land reform is a government priority since the end of Apartheid in 1994. The main goal is to change the racial pattern of land ownership by transferring 30% of currently white owned land to black people to repeal the legacy of Apartheid. There are three pillars in land reform and one of them, redistribution of property rights, is central in this research. To deconstruct the meaning of these redistributed rights, the 'bundle of rights' approach is used to analyze how various rights are expressed in both 'social units' and 'property objects'. To investigate what actual benefits redistributed rights provide, 'access'-defined as the ability to benefit from a right - is used as indicator to unravel the meaning of rights. Through a policy analysis and empirical case studies, both the formal background as well as the daily practices and discrepancies between the two are revealed. The policy analysis firstly shows that the ideal of the South African government is to redistribute private ownership rights. And secondly that in the policies it is presumed that redistributing rights is inherently linked to increased access. The practice shows differently: it is argued that transferring rights is more than private ownership, as is shown through the various bundles. Case studies of land reform farms in the Langkloof, based on a variety of policies, show that redistributing property rights does not lead to increased access for the previously disadvantaged. A focus on cooperating with the agricultural sector, active and involved beneficiaries and access to among others capital and knowledge is needed to make land reform a success in phase of post-settlement, after the transfer of rights took place.