

Affirmative action -

IN AFRA newsletter number 19 we carried three views around the issue of a land claims court. The concept of a land claims court is one of the options for land reform in South Africa. Another, is the question of affirmative action. Here, we present two views of affirmative action - those of Professor Stan Sangweni, who has had wide experience in the field of rural development (see AFRA newsletter number 18 for more about him) and Mr Peter Stockil, a farmer from Winterton and member of the Natal Agricultural Union.

Professor Stan Sangweni - School of Rural Community Development



"AFFIRMATIVE action means taking special measures to enable persons

who were discriminated against on grounds of colour, race and gender to break into fields from which they have been excluded by past discrimination. Dispossession and denial of rights of black South Africans to own land have resulted in the glaring unequal distribution of land and landlessness. To address this situation will require interventions far beyond the mere repeal of apartheid land laws.

"One such intervention must include a policy of affirmative action, not as a mere option, but as a deliberate and imperative measure to restore land ownership rights of the dispossessed citizens. The beneficiaries of such an affirmative action should be the landless, black, rural poor and women who have been deprived of rights to land through a combination of legislation, patriarchal systems and customary practices.

"To remind ourselves of the magnitude and dimensions of the problem of landlessness and the urgency with which it has to be dealt, it is important to keep in mind some of the key statistics concerning the land issue in South Africa. A

total of 386 000 square km in South Africa is savannas, an arid and semi-arid region with limited agricultural capability which lies in a broad horse-show shape, south of the Limpopo and Molopo Rivers in the north and down the east coast of South Africa. It is within this broad savannas that the rural 'homelands' occupy a mere 70 000 square km of land with poor soils on high sloping ground and severely limited by low and erratic rainfall.

"15 million black people live in the 'homelands' where more than 55% of households are small-scale landholders on an average one hectare of land with below subsistence production. Some 30% of families are landless. Only 10% of 'homelanders' derive income from agriculture, while between 60% and 80% depend on earnings from labour exported to industrial/commercial white South Africa.

"Some 60 000 family units constitute the white commercial rural area of South Africa - where average farm size is 2 500 hectares.

"It is important to recall that many black South Africans owned land in white rural areas before the application of the Land Acts of 1913, 1927 and 1936 - the main instruments of dispossession. An estimated 475 000 people from black freehold areas ('black spots') were forcibly removed from white rural areas between 1960 and 1983. In Natal, more than 100 000 black

land reform option

people were removed from their lands between 1948 and the late 1980s.

"These statistics serve to underscore the urgent need for a comprehensive land reform programme to address a problem of extreme national importance.

"An affirmative action programme is therefore of crucial importance as an instrument and a driving force behind the bold land reform interventions that need to be put in place to resolve the land issue. Within such a programme of land reform and land redistribution, an affirmative action programme should include the following:

- **Respect for land:** It must be accepted by all South Africans that ownership and use of land carries with it both rights and duties. Landholders should be required by law to recognise the need for productive use of the land and the need for protection of land as a productive asset for the country as a whole.
- **Land Claims Court:** A major priority of the affirmative action programme is the need to address demands and grievances concerning land restoration and ownership rights to victims of forced removal. This will require the creation of a land claims court through which competing claims to land can be resolved. Such a court would be independent, non-racial,

non-sexist and representative and would operate according to laid down legal criteria. A land claims court should be affordable and accessible; the state would have to provide necessary financial assistance to enable those with limited means to present their cases to the court. The ad-hoc disposal of land formerly under the South African Development Trust should therefore be suspended as the present mechanism of the Advisory Commission on Land Allocation falls short of community demands for land restoration.

- **Acquisition of land:** Land acquisition for the landless and dispossessed cannot be left to the forces of the market, government will have to play a key role in the acquisition and allocation of land. The state should therefore have the power to acquire land in a variety of ways, including expropriation in accordance with the provisions set out in a new constitution and a Bill of Rights. Government should have a right to acquire land to be made accessible to those most in need.
- **Policy instruments:** A vigorous rural development dispensation is the best medium for implementing an effective and dynamic affirmative action programme. High

priority should be given to provision of packages of extension training, credit and marketing facilities and other support infrastructures to black farmers and women farmers previously denied access to these resources. The present setup where these services are provided by 10 different ministries of agriculture is ineffective and inefficient and without any policy frame.

"The system of subsidies previously provided by government led to inappropriate and unsustainable agricultural practices and contributed to debt problems facing the commercial farmers presently. There are valid reasons for removal of subsidies which kill incentive for efficient management of the land and induce environmental degradation. But subsidies cannot be removed across the board. There is a need to institute a carefully designed package of subsidies that will facilitate entry of black farmers into sustainable commercial farming. Subsidy funds should be established, for instance, to cushion the high costs and risks of credit and high costs of supply inputs and research services to the new black farmers.

"Farmers associations and cooperatives on a non-racial and non-sexist basis should be encouraged to advance the interests of all farmers. Government should support the creation of these

▼ **Affirmative action**

institutions through training programmes for their members and personnel.

"The more than one million labourers and labour tenants who work and live in the white rural areas are particularly vulnerable.

They and their families ought to be guaranteed full rights and protection under relevant labour legislation. The farmworkers and labour tenants who have had long associations with particular farms should have protected rights of occupation and use.

"The majority of families in the 'homelands' are female-headed households, with women carrying the burden of providing food and energy for the family. Rural development will require full integration of women, particularly regarding equitable access to land, water, inputs and services and equal opportunities to develop and employ their skills. Customary practices are not easily dismantled or even modified. But this can be addressed quite effectively through legal provisions to open ownership rights for women, including joint ownership and co-ownership of land to give women producers with absentee husbands legal rights to take decisions on land they manage. This will also ensure full membership and legal voting rights in organisations like farmers' associations and cooperatives."

Mr Peter Stockil - Natal Agricultural Union (NAU)



"AT THE NAU Congress held in September 1992, the farmers

debated and approved a comprehensive policy document. We believe this policy will take farmers of Natal into an exciting and challenging future. The policy document dealt with our economic policy, land ownership and use and regional government. The NAU supports the private ownership of land. To this end, the NAU would support measures which would make the privilege and responsibility of private ownership of land accessible to as many of our country men as possible. It is true to say that you look after something which you have actually had to work for better than something you have been given. We believe that private ownership is a symbol of independence, freedom, security and status. Private ownership extends credit worthiness. If something was taken away from someone else and given to someone else there is absolutely no reason why it can't be taken away from you and given to the next person. If people own their own land the community is

stable, family values are built up and health is able to be engendered into that community because there will respect for watering points and various other things which contribute to a healthy community.

"I believe that when you have got something which is your own the production capacity of that land is a pride and joy to you. Markets can be created because you have stable communities, one person is growing maize, selling it to the next guy who is growing cabbages, so you have a market built into the situation and you also have cooperation between people in that community who own their own section of land. To be able to have something which you can pass on to your children is a very important part of being proud of your land and looking after it.

"We believe the state must make more peri-urban land available for people who haven't got agricultural aspirations but have urban aspirations. This land must also be on a freehold basis. This move of population will create work and is a high economic multiplier.

"In Australia and New Zealand there is in place a policy through which disadvantaged applicants enjoy certain preferential status with the provision of loans and rates of interest when on a new agricultural venture. We believe that a points system could be worked out whereby aspirant farmers could be graded as to their eligibility for these loans. The scheme must be properly designed so as not to cause major distortions within the agricultural industry and within the land market.

"Co-ops must actively recruit aspirant farmers to their membership. This would avoid costly duplication of infrastructure and services. Many products can only be marketed through co-ops.

"How do we make land available? The first land which must be made available are the vast areas owned by the South African Development Trust (SADT). I hear that it is about 493 000 hectares in Natal. Any other state land not needed for service functions and conservation should be released for settlement. This should be done once a land claims court has completed its work. There should be a time limit after which land claims will not be adjudicated. The Sub-division of Land Act of

1970 should be amended to make land available to be sub-divided to sell to aspirant farmers. Measures must be taken to prevent land speculation.

"The method which we would look at as regards aspirant farmers is, firstly, through negotiation with groups representing aspirant farmers, a benchmark for the production capability of a small farm can be set. With the help of the Department of Agriculture, specialist farms would be sub-divided according to these criteria, making sure that all farms have access to roads and water. The price of this land should not be determined by its production capacity but also by other attributes such as distance from towns, schools, water, housing, rainfall, etc. The aspirant farmers would be made aware of the carrying capacity of the land and would be encouraged to maintain this. The land would be placed on the open market with some potential buyers having qualified for favourable financing.

"We have been talking about land which belongs to the SADT. We now refer to privately owned land which would also be able to be sub-divided into these small economic units and placed

on the open market and anybody can purchase those, also qualifying for affirmative action. One might say that with farmers sub-dividing land they might divide them up into as many small units as possible in order to get the highest price. The market will still dictate - he will have to have farms divided into the criteria which we have discussed and he might sell two of his best plots for a good price but if he's ending up with three plots which aren't any good, he will have to reduce his price in order to sell.

"We strongly believe that affirmative action should be done through an institution which is already in place - the Land Credit and Tenure Board. It is an institution which is already functioning and they should be channelled into being the vehicle for affirmative action along these lines. The Land Bank would be the place where commercial farmers would go for loans and anybody would be able to qualify depending on whether they qualify on its criteria. We, in the NAU, really believe that we stand on the threshold of a new era in Natal agriculture and we are ready to welcome aspirant commercial farmers into our ranks and we are prepared to help where we can and together feed this great nation."