

Untangling South African Land Reform Challenges: Lessons from other countries

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Abstract

South Africa has a rich history of injustices and inequalities of apartheid era emanating from land dispossession. However, when South Africa became a democratic republic it sought to redress the historical injustices and introduced a land reform programme that is aimed at securing tenure system for those with insecure tenure system, redistributing land to the landless people and restoring land to those who were dispossessed of their land. In spite of all legislation, policies and laws aimed at ensuring that land reform programme is a success, South Africa is still struggling to reform land to suit its challenges. Consequent to that, this paper seeks to examine other successful land reforms from other countries and draw lessons for South Africa to improve in delivering the long-awaited redressal of historical land injustices.

Keywords: Land injustice, Land reform, Barriers, Inclusivity, Other jurisdictions, South Africa.

Introduction

The South African land reform programme is mainly focused on redressing the historical injustices through redistributing and restoring land to those who were previously dispossessed (Cousins, 2016). However, the land that was redistributed back to Black people is often not utilised productively (Tshishonga, 2020). This is owing to a number of challenges ranging from limited resources such as funds available to enable land reform beneficiaries to utilise land productively (Buthelezi, 2018). The department of land and rural development has financial institutions such as Land and Agriculture Development Bank of South Africa (Land Bank) which are aimed at assisting land reform beneficiaries to optimally use their land productively (Vink and Kristen, 2019). However, in order for a person to qualify for loan the person must meet the requirements outlined in terms of the Agriculture Development Bank Act 15 of 2002, one of the requirements is that the borrower (land reform beneficiary) must have sufficient security that is equivalent to the amount borrowed. Which often becomes a challenge to most land reform beneficiaries due to their lack of ownership rights over the land they possess. Land redistributed to land reform beneficiaries held in Communal Property Act does not impose ownership rights over the beneficiaries, however such rights are held in custodian by the traditional leader (Bradstock, 2005). Whilst the implementation of Proactive Land Acquisition Strategy (PLAS) 2006 has necessitated to introduction of State Land Lease and Disposal Policy. Which is aimed at redistributing land to people without transferring ownership rights but furnish an

option to transfer ownership after a certain period of time. Although this could be argued that is necessary to ensure that redistributed land is used productively and if not, lease can be terminated. However, the lease approach doesn't help land reform beneficiaries to secure fund but instead disadvantages land reform beneficiaries from securing loans due to lack of security.

However, gaining access to such funds is yet another complicated and lengthy process which seems to defeat the purpose of such fund's allocation. The process of gaining financial support from the financial institutions aimed at assisting land reform beneficiaries to engage in meaningful economical activities by using their land productively, is often referred to as non-effective. Due to the nature of the process to acquire funding which is not only complicated but also impractical. In a sense that it fails to cater for the very own target beneficiaries, by imposing requirements which are can only be met by the elite or people who have property that can be held as collateral property. Unlike land reform beneficiaries who only have permission to occupy (PTO) for land held under communal property Association (CPA) or lease against land acquired through redistribution process. The criteria to require security for loans or funds sought by land reform beneficiaries to develop and utilise their land productively, defeats the purpose of providing post-settlement support services to land reform beneficiaries (Aliber, 2019).

The focus of the South African land reform programme is not a holistic approach that is sought to redress all the historical injustices that Black people suffered (Maake et al., 2016). However, its focus is mainly on availing land to land reform beneficiaries who are not further assisted to utilise their land productively, to combat hunger and starvation and consequently alleviate poverty (Magidimisha and Chipungu, 2019). When land reform beneficiaries are duly assisted not only will they alleviate poverty, but their economic activities will contribute to the economy of the country and also reduces social dependency on government grants.

Furthermore, ensuring that land reform beneficiaries utilise their land productively by engaging in projects like commercial farming, would encourage local promotion of food products produced locally. A country that exports more goods than it imports, is perceived as economically stable and possess a good credit profile internationally. As a result, should the country borrow money in one of the international institutions the interest rate on the repayment amount will be less compared to a country that imports more than it exports. Therefore, the economic status of the country is solely dependent on the economic activities that the country is continuously engaged in. Hence the need to ensure that redistributed land is utilised productively to produce goods that can be exported to other counties (Mudhara, 2004). This will improve the country's economy and also make a positive impact in the lives of land reform beneficiaries as they will consequently generate income from the international markets and fend their families.

Not only it is important that land be utilised productively to contribute in the country economy but also ensure that peoples livelihoods are maintained by ensuring that goods produced by land reform beneficiaries are sold both on local and international markets to generate income to land reform beneficiaries to fend their families. People's livelihood depends on meaningful use of land, for food to be available there

must be tilling of ground and farming, and so is many other necessities of life such as adequate housing, clean water. Including development projects are solely dependent on utilisation of land. However, despite the importance of land to people, ensuring that land is utilised productively is yet another challenge that hinders realisation of historical redressal in South Africa. The democratic government vision of democratic South Africa of equal access to land and poverty free society is a blurry sight for black South Africans. Since the introduction of the new democratic republic, historical disadvantaged people have not yet receive holistic redressed of the apartheid injustices, thus restoration of land and opportunities to participate in other sectors of corporate and commercial industries such as game farming, animal husbandry, mining, agricultural activities particularly commercial farming. Despite the well drafted policies aimed at addressing landless issues and poverty amongst Black South Africans, the lack of theoretical and practical link between redistribution of land and poverty alleviation strategies, creates a gap in actualising these two objectives through land reform programme.

South African Land Reform Challenges

Since the introduction of land reform in South Africa land has been restored and redistributed where practically possible and compensated where it was impractical to restore. Furthermore, land has been redistributed for both residential and commercial farming purposes. However, the process of acquiring and redistributing land to land reform beneficiaries has been often greeted with many challenges. Challenges such the costliness of acquiring land through programmes such as expropriation, willing buyer willing seller and acquiring land on freehold market for purposes of redistribution. Coupled with the ineffectiveness of the process of redistributing land to land reform beneficiaries. These challenges are resulted from poor implementation of policies, limited resources, lack of sustainable plan to generate funds and resources needed to acquire and redistribute land and lengthy bureaucrat processes. The state land reform is too invested in acquiring land particularly big plots for commercial farming. Whilst the intended beneficiaries are not well capacitated to farm productively nor manage a large commercial farm. Hence, a number of redistributed land has been left fallow and where there way productive use of land the projects have failed been abandoned, with very small percentage productive farms led by land reform beneficiaries. This clearly indicate the fragmented system aimed at delivering land reform objectives and thus redressal of historical injustices through restoring land to Black people and consequently alleviate poverty. Shinobi and Kristen outline the following key lessons from the previous experiences as important lesson's land reform programme should take cognisant of:

- The need for land reform to be fast paced in order to avoid excessive bureaucracy and centralisation of the process and furthermore combat legal challenges (Sihlobo, and Kristen, 2018).
- The role of the public sector must be clearly articulated (Sihlobo, and Kristen, 2018). Recognition that redistribution of land is necessary, however it is not sufficient to bring about real economic empowerment and poverty alleviation on its own

(Sihlobo, and Kristen, 2018).

The general conclusion from the above-mentioned lessons, is that the state has excelled in acquiring land, but does not necessarily ensure that such land is redistributed effectively. Despite the great need to ensure that land reform beneficiaries are favoured with restitution of their land and or are duly compensated. Programmes led by the state are generally controlled by the public sector's complicated bureaucratic inefficiencies from acquiring the land (Sihlobo, and Kristen, 2018). Therefore, the land reform progress is hindered by its own administrative processes, which seem to be lengthy and complicated to execute the intended objective of redistributing land to people who have been previously dispossessed. While it can be argued that a market-assisted land distribution programme seems to bear much effective results than the land redistribution programmes administered by the public sector (Sihlobo, and Kristen, 2018). However, it should be noted that land market is only suitable to beneficiaries who have financial muscles as opposed to the poor South African land reform beneficiaries who have no access to finance to acquire the large commercial farms made available on market.

Hence the state administered land redistribution remains their only hope of receiving land back. Although, one can suggest that perhaps the large commercial farms need to be resized into smaller portions in order to make them accessible to the few beneficiaries who could afford to buy from the market. However, the suggestion can be overlooked by the society's needs, as it is generally known that South Africa has dual agricultural system, Large commercial farms aimed at ensuring food security at the national level and the small farms which are commonly focus on informal market that is intended to service the poor class in the society (Sihlobo, and Kristen, 2018). The two systems are equally important and serve different needs within the society, perhaps instead of resizing the farms, much emphasis should be focused on encouraging rural farming and utilisation of redistributed land within rural areas. Coupling it with market venture for these small rural farmers in order to ensure that small farmers also make notable profits from their farming activities. Perhaps this could assist in combating hunger and starvation amongst land reform beneficiaries and consequently alleviate poverty.

Although there are still much bigger issues of ensuring that land reform beneficiaries are given post-settlement support to ensure that they utilise land productively. The state administrative process is not properly coordinated to ensure that land reform beneficiaries receive the much need support services. This is evident from the relationship the provincial land reform and the agriculture department have, many of the process overlap and don't seem to properly coordinate with the needed services from both structures to aid land reform beneficiaries utilised their land productively (Sihlobo, and Kristen, 2018).

The land reform has shifted from the grant system (individual/group) purchases to state purchase. Meaning the state now proactively acquires land through expropriation and from the market for purposes of leasing to land reform beneficiaries. The state keeps ownership of the land and grants short term leases to people who are interested in agricultural projects. However, this approach does not seem to be solving the problem of underutilised land or failed agricultural projects but creates more

problems to the beneficiaries who struggles to secure funding due to lack of ownership to the land. These are some of the challenges that repeatedly render the land reform programme inefficient. There is a great need for a practical and legally feasible process to ensure that land reform beneficiaries are given the necessary support to utilise land productively. Granting land reform beneficiaries lease agreements to use the land of which they do not have funds to sponsor the intended projected, and further require a security in a form of tittle deed to loan land reform beneficiary funds seems like land reform beneficiaries are set up for failure.

Land Reform in Zimbabwe

Two decades ago, the leadership of the former late president Robert Mugabe embarked on land reform program in Zimbabwe with the backing up of legislation such as fast track Land Resettlement Policy (FTLRP) 1999, aimed at acquiring land speedily for purposes of redistribution. The land reform was aimed at correcting historical injustices by claiming back land that was forcefully taken away from black Zimbabweans. The land reform program managed to secure about 4000 farms from the country's 4,500 white large-scale commercial farmers. This was achieved through the implementation of Land Acquisition Amendment Act of 2002 which put a formal structure to the on-going fast track land reform program, introduced by the FTLRP of 1999. By the end of 2002 many black Zimbabwean's had access to large scale-commercial farms through the leasehold system. The land reform program had successfully transferred land from white minority to the state, which holds the land to the benefit of black Zimbabweans. Despite the successful transfer of land, the land reform program was widely criticised for its wreaking havoc on the agricultural sector. According to Mabaye (2005) majority of land reform farmers lacked the necessary capital to invest in cash crop farming which is capital intensive as they require chemicals, fertilizers, implements, and machinery. Although the land grab was expected to have some glitches, the extent of negativity it had on agricultural sector was not anticipated. The land grab resulted in decrease of 25% of agricultural production from all sectors.

The economy output fell by half following the land seizures and the economy of the country has continued to depreciate since. According to Mabaye (2005), during the period of resettlement between 2000 and 2003, agricultural production fell by 25%. Mabaye (2005) further asserts that although a certain percentage of this drop can be accounted for to the 2002 drought (Mabaye, 2005). However, a notable portion of this drop is due to the "fast track land resettlement and invasions of 2000 to 2003 which resulted in resettled farmers not knowledgeable in commercial farming, especially large scale and in farming of some of the cash crops such as tobacco and cotton" (Mabaye, 2005). In 2019 it was recorded that the economy depreciated by 7,5 percent according to the International Monetary Fund. The decrease depicted in the Zimbabwe's economy since the introduction of land reform, clearly highlights a similar challenge in South African land reform is facing. And that is failure to utilise redistributed land productively to generate income and contribute the country's economy. Consequently, combat hunger and starvation amongst land reform beneficiaries and

alleviate poverty. Food shortage experienced over most post-land reform years in Zimbabwe is widely blamed on the loss of white farmers. This is revealed by the current state of farmer's failure to utilise land productively and generate income. Since land was expropriated from white owners and leased to Black Zimbabweans for period of 99 years, the agricultural sector has suffered production.

The land reform beneficiaries struggled to farm productively, due to lack of funding and other resources. Furthermore, land reform beneficiaries could not secure funds from investors and banks due to lack of collateral property, since the land does not belong to land reform beneficiaries but belongs to the state. The leasehold system has not inspired confidence to the financiers (Mafundikwa, 2020). If "land reform beneficiaries had title deeds or some bankable entity that is truly tradable and can be honoured by the banks, government would not have to fulfil the role of being responsible for post-settlement support services" (Mafundikwa, 2020). Land reform beneficiaries continues to struggle to farm productively even after the introduction of the "command agriculture" scheme aimed at supplying farmers with inputs, seeds, fertilisers and insecticides, and in return farmers would pay back during their harvest. Even though the scheme gave hope to Black emergent farmers, but it was not enough to ensure good production of crops. Land reform beneficiaries were still facing challenges such as lack of equipment and inputs, late delivery of inputs and sourcing funding. As a result, large number of redistributed farms are not utilised productively. Most land reform beneficiaries are experiencing hunger and starvation.

According to World Food Programme, about 56 of the country's 60 district are experiencing hunger. Hence the Zimbabwean land reform, economically is seen as a failure. However, the government seem to be committed to rectify this, the government after carrying out a land audit, it has vowed to reduce the size of underutilised farms and introduce multiple farm ownership to increase production on farms. Despite the economic challenges and failure to productively utilise the land to combat hunger and starvation, Zimbabwean's land reform is recommended for its success of recovering land from white minority to the benefit of Black majority. Although the ownership rights have not been transferred to land reform beneficiaries, but Black people still enjoy the benefits that comes with the right of ownership through the 99 years' leasehold.

However, the land reform in Zimbabwe has contributed in destroying the asset value of land in Zimbabwe and this has negatively affected the economy of the country too. Depriving land reform beneficiaries' ownership rights over land acquired for redistribution consequently renders such leased land valueless as it cannot be used as security to acquire funding nor can it be sold by financial institutions to recover their funds from land reform beneficiaries. Asset value of land is attached to ownership rights and appreciation value of the land. If the land is not held in freehold land system (system that transfers ownership rights to people and allow landowners to do as they will with their land) such land does not have much value attached to it, as it cannot be acquired as property, however it can be made available through the systems of permission to occupy or lease hold which does not transfer the ownership rights. Therefore, the land holder cannot deal as they please with the land, however they are given permission to perform certain deeds on the land either residential

or commercial use. This does not necessarily assist land reform beneficiaries who have no funds or other resources to farm productively. Furthermore, availing support services of resources such as equipment, seeds and pesticides is not adequate support services to land reform beneficiaries who lack funds, skills and knowledge of farming. However, it could be useful to farmers who are experienced and have some funds but lack farming implements.

The South African Land Reform Programme can borrow from the neighbouring country Zimbabwe few lessons that can assist in fast pacing South African land reform movement. Although there is more to avoid doing than adopting, Zimbabwe's land reform can still shed more light to South African current land system. Particularly the redistribution, a shift from redistributing land to productively utilise land that is already distributed, could be a change that South African economy and Agrarian reform much needs. The focus on redistributing land without intensifying the process that should be followed to ensure that land is used productively, results in many challenges. Availing land for redistribution and failure to couple it with support services to ensure productive utilising of such land has resulted in many plots laying fallow and underutilised. A lesson that South Africa can learn from Zimbabwe's land reform, there is a conception that Zimbabwe used to be the breadbasket of Africa before the implementation of the late President Mugabe's land reform. Although some scholars can argue that there is no evidence that Zimbabwe has ever been a breadbasket of Africa but is important to appreciate that at some point before the land reform, Zimbabwe's food security, economy and the agricultural output was stable.

This is not to state that the land reform did not have some positive impact in the country, land was successfully repossessed from the whites and held by the state for the benefit of the locals. The land reform has ensured restitution of Zimbabwean's land. Although the land was not transferred to the beneficiaries, but they were afforded long term leases (99 years lease). To this end Zimbabwe land reform has successfully expropriated land from the white minority. Zimbabwe has introduced a post-settlement support system that is sought to assisting black emergent farmers through Comprehensive Agricultural Policy Framework 2012. Although the support services are not given freely but in a form of loan, farmers are loaned seeds, pesticides and other necessary resources needed for farming. In return farmers must pay the loan with the proceeds of the products or a certain percentage of their production.

Lessons from Zimbabwe

Below are the few key lessons that South Africa must learn from Zimbabwe before embarking on the proposed expropriation without compensation.

1. That a highly visible situation in which a small number of white farmers (whose predecessors took the land by conquest) continue to own a large part of a country's most productive agricultural land will never be accepted at a fundamental level by the majority. Considering the above point, most arable and fertile land in South Africa is owned by the white minority. Hence the proposed radical approach of land expropriation without compensation is largely supported by the majority. To ensure that land is redistributed equally amongst historically disadvantage people. This is the objectives of land reform programme, however the manner in which the proposed expropriation is going to be carried out has not yet been legislated, pending

the amendment of section 25 of the constitution. Not only it is unacceptable for Black people not to own arable land, but it is also unjustifiable to provide historical disadvantaged people with land without furnishing them with support services to enable them to utilise land productively.

2. That opponents of land reform are often strong, well organised, politically well connected, and highly effective lobbyists for their cause. It is rather unfortunate that land issues are often politicised and influenced by the elite. Despite the fact that land is essential to all human beings, but often the elite or rather the minority oppress the poor, uneducated people. This has been the case in South Africa during the apartheid era, however since the introduction and implementation of land reform, not much has changed. Redistribution for agricultural purposes of land is largely focused on large commercial farms, to which only the rich affords. Moreover, land that is redistributed to Black people for residential purposes is not as arable and the large commercial farms that are sold at a higher price.

3. That neglecting to confront tenure issues in communal areas does not make them go away. South African rural lands are faced with a multiple regulations system, a legacy of apartheid era. Millions of South Africans residing in rural areas or what is known as former homelands, are faced with insecure tenure system. Rural dwellers do not have ownership to the piece of land they are occupying. Land in rural areas often falls under communal land (land that is administered by traditional leaders). Rural dwellers are given permission to occupy the land, but they do not have ownership to land, nor can they sell the land. The communal land system has a negative impact on investment opportunities as the land does not appreciate in value (in cannot be put on sale) and also creates challenges for beneficiaries who wish to utilise their land productively, they face challenges such as the lack of bond security or when applying for funding.

4. That unpopular political leaders who use the land issue to try to win votes can do untold damage to their countries. The land issue is a very sensitive issue to the society at large, it bears an uneasy history for blacks and politicians have capitalised on its sensitivity. As such political campaigns make endless promises on how they going to ensure that land is redistributed equally amongst historically disadvantage people. By doing so the politicians are aiming at gaining votes from the majority landless people, despite their lack of interest of delivering their promises. Consequent to that people vote for politicians who have no interest in ensuring that historical injustices of apartheid era are put to an end. Politicians who have no regard to the landless poor people, their interest is in advancing their businesses and looting the state money.

5. That ruling elites ('week-end farmers') often acquire land for prestige or investment, rather than for production. The focus of redistributing large commercial farms at exorbitant prices attracts the rich uninterested want to be farmers. The so called "weekend farmers" who are not necessarily interested in farming for making profit or reaching production targets but interested in acquiring land for attaining a prestige status or for purposes of making profit after re-sale of the land. These types of farmers pose a serious risk on food security, as they reduce the number of productive farms for their personal gains.

6. That a relatively successful resettlement programme may not be seen as such either

at home or abroad. The alternate objective of land reform programme is to ensure that beneficiaries are well settled after land has been redistributed to them. However, reality has shown that land reform beneficiaries are far from resettlement. Their social and economic status has not been positively affected by their possession of land; however, they still continue to live in poverty deteriorating lifestyle.

7. That the poor do eventually benefit from resettlement. Land reform that focuses on ensuring that beneficiaries life is positively impacted by redistribution of land, actively ensure that historical injustices are eradicated. Black people were not only dispossessed of their land, but an opportunity to make a meaningful livelihood was also stolen from them. Their means of survival was taken away and also their way of livelihood was disturbed. Hence it is of paramount importance to ensure that both the land and their means or survival is restored.

8. That in a complex and polarised situation it may be good to draw up a National Land Policy before it is too late.

Given the current land reform transition in South Africa, it would be wise to make thorough consultations before drafting the soon to be national land policy on expropriation. It is of paramount importance to ensure that all stakeholders are consulted, and their concerns are taken into account, in order to address the common interest of land. Having a standard land policy that reflects the intentions of legislatures, and also the expectations of the beneficiaries but not excluding the interest of other stakeholders, would ensure that land is not only changing hands but it remains productive and also assist in alleviating poverty.

Nigerian land reform

Nigeria was colonised by the British government during 1900, the said colonial government passed a number of laws governing the land use and the tenure system. Laws such as the proclamation of 1900, which was the first proclamation to be promulgated and kept record of all the land in the region. Shortly after a Nigerian land committee was established to deal with land matters. The committee contributed in the drafting of the Land and Natives Rights Proclamation (LNRP) (Gexu, and Moyo, 2018). Which came as a result of the committee's report that was later accepted by the colonial government necessitated to drafting of the LNRP. However, shortly the LNRP was soon replaced by the Land Natives Rights Ordinance of 1916 (Gexu, and Moyo, 2018). Nigeria then gained its independence and some legislative changes also took place. Legislation such as Land Tenure law of 1962 were passed to regulate the land tenure system of Nigerian land. Both the LTL and the Land Use Act of 1978 necessitated the ceasing of holding land in freehold system and created a leasehold system that granted the state rights over the land and only furnish the occupants with lease over the land they occupied (Gexu, and Moyo, 2018). Therefore, the Nigerian state is the custodian of all land within its jurisdiction. However, unlike the North of Nigeria the South was regulated by different types of tenure systems. The diverse tenure land system allowed different type of land holding, land was owned by communities, individuals, private enterprises and so on, but most importantly the land was not subject to the government administration. People could easily acquire land from the landowners by buying land directly from the landowner. This ideally meant that landowners could deal with their land anyhow they wanted without having to

involve the government. However, this type of setting exposed the countries natural resources to whomever could buy the land from the landowner. Hence the Land Use Act was aimed to regulate who gets access to land and for what purposes. This measure was taken as a necessary precaution to safeguard the country's wealth and natural resources and also to avoid exploitation. In furtherance of protecting the countries natural resources the Nigerian government also took upon itself to safeguard against malnutrition and improve the standard of living for all people by introducing policies that are sought at providing agricultural support to improve agricultural output. Consequent to this, financial resources were distributed to assist farmers with pesticides, fertilizers and other farming essential to ensure that farmers farmed productively, and production was increased (Gexu, and Moyo, 2018). Not only financial assisted was rendered but also loaning of farming machinery was made available to farmers and the period was extended to allow farmers to make meaningful production by providing them with the necessary farming equipment and supplement to ensure successful production. The support was consequent to the Green Revolution Government in the 1980's which was aimed at promoting agriculture (Gexu, and Moyo, 2018). With regard to the promotion of integrated rural development, the Nigerian government established the National Agriculture Land Development Authority from 1992 until the early 2000. The programme was intended to provide strategic public support for land development, promoting and assisting the society to better use their rural land and the available resources. For purposes of increasing profitable employment opportunities for rural citizens, achieving food security through self-reliance and raising the standard of living of rural people (Gexu, and Moyo, 2018). Nigeria's agricultural sector is one of the major sectors contributing to the economy of the country. About 50 percent of the rural population found employment in the agricultural sector. The country's total land area is estimated to be "more than 910 thousand square kilometres of which almost 80% is usable for cultivating crops and livestock production. 80% of the rural population are farmers, however the percentage of land used from the total land was previously at 33%" (Behery, 2018). About 67% of arable land was not utilised due to lack of clarity on access to land for agricultural projects. Other courses of inefficient land use were as a result of limited public investment, corruption, lack of land law reform (Behery, 2018). Where public investment was afforded it was hindered by corruption practices and as a result it did not serve purpose effectively. Moreover, the lack of land law did not help to provide a clear objective of land use system, therefore use of land for agricultural purposes is not clearly outlined nor easily accessible.

The Nigerian government was not investing to agricultural projects as expected. Considering the large number of population and the need to secure food production versus the availability of arable land (Behery, 2018). According to Behery (2018), the cause of inefficient land use is owing to stringent or rather limited public investment, corruption and lack of land reform law. One would suggest that with such quantity of arable land the government would partner with people to utilise land productively and generate income which will have a positive impact on the economy of the country. However, far more demanding issues such as ownership of land were at play. Taking into account that land ownership is a major determinant in the use

of land for agricultural purposes, the Nigerian government introduced the Land Use Act of 1978 (LUA) to ensure that "land is accessible to all farmers in a fair distribution system" (Behery, 2018). The Act created a uniform system of land titles and land control system. Section 28(2) of the LUA read together with Section 36(2) of the 1999 Constitution of Nigeria, it provides that "the owner or holder of land is entitled to be heard", furthermore, the Constitution provides protection to land occupants by providing that occupants must be heard before their right over the land they occupy are revoked. Therefore, this provision created confidence in land occupants to productively use their land with no fear of losing their investment and development on the land. Hence agricultural activities in Nigeria are not hindered by land ownership nor threatened by lack of ownership rights to productively use their land. Moreover, the government took responsibility to educate public about the laws, procedures, and reforms in order to ensure that Nigeria becomes one of the 20 largest economies in the world by 2020 (Behery, 2018). The careful implementation of Land Use Act has rendered Nigeria's land reform system as one of the remarkable land use system to date. In Nigeria, production of arable crops is essentially the integral feature of agricultural activities (Adisa, 2012). Majority of the farmers in Nigeria grow one or more arable crops for food and income (Adisa, 2012). According to Fayinka (2004), "Nigerian agricultural production is influenced by rural-based small scale arable crop producers, who are responsible for about 80% of total food requirement. Fanyika (2004) further alludes that in a study on production of some major arable crops in Nigeria, the study revealed that the standard farm size in arable crop production was 4.58 ha. This clearly indicates the high number of rural based farming of arable crops. According to the report of Central Bank of Nigeria, CBN, (2005) about 36.25 to 82.41 million hectares of arable crops were cultivated in 2004 and 2005 respectively. Rural farming in Nigeria is quite active and contributes largely to the country's agricultural outputs as indicated by the subsequent report of CBN. The report further stated that production of arable crops increased from 88.3 million tones in 2001 to 111.8 million tons in 2005. By far the most widely grown arable crop in Nigeria is maize, accounting for 6.6 and 7.5 million hectares in 2004 and 2005 respectively Fanyika, 2004).

Maize is grown most parts of the country. Furthermore, the study revealed that "most arable crop farmers rely on rainfall to produce, with farming activities normally beginning as soon as the onset of rains. Apart from being veritable sources of income for farmers; arable crops are processed into other useful items at industrial and household levels" (Adisa, 2012). The Nigerian land reform may have its own challenges, but productive use of land is not one of them. The land reform system has managed to balance the need to utilise land productively to maintain the livelihoods of land reform beneficiaries. Consequent to that the land reform system has equally managed to alleviate poverty and combat hunger and starvation amongst land reform beneficiaries. Others may argue that the land reform system has failed to guarantee people access to land by failing to prioritise clear procedure system of obtaining land in rural areas. However, it is of no good use to avail land to poor land reform beneficiaries with no strategies of assisting them to utilise land productively to generate income and fend for their families.

In Nigeria land was previously owned by communities, families, or private individu-

als and not subject to superior governor. The government only exercised control on land it occupied for its use, essentially land could only be acquired through negotiations with rightful land owners. Private ownership had complete control and freedom to mortgage, sell, lease or retain their land without consulting the government. Therefore, private ownership was as a result sources of commerce. The government in sought of equal access to land and resources introduced the Land Use Act, which is aimed primarily on reducing unequal access to land resources and land. The Act is focused on decreasing the high cost of land needed for merchandised agriculture and industrial estate. Moreover, to facilitate unfettered access to land and its resources by Nigerians in a country heavily depending on minerals and agriculture would bring about needed economic growth.

The purpose of this shift in legislation was to strengthen socioeconomic growth of the Nigerian Agricultural and Cooperative Bank established direct and indirect grant loans to support farmers. Fisheries, dairy, beef, poultry, and food crops like cassava, maize, oil palm, rice and sorghum were given priority. The Nigerian government also invested in the agricultural support policies of both the federal and state government, aiming at increasing agricultural output particularly as means of improving the standard of living and alleviating poverty. Further the government ensured that financial resources are distributed to assist farmers with pesticides, fertilisers and other essential agricultural inputs. As an additional contribution of support services to agricultural production, at government expense land development schemes and tractor hire services were also provided. The Nigerian government further introduced the Green Revolution government scheme which was launched for promoting agriculture in the 1980s. This required a National Council to coordinate the activities of the Green Revolution. The activities involved various organisations and ministries in developing agricultural processing, production, research and marketing.

Furthermore, the Nigerian government saw it fit to promote integrated rural development, and established the National Agricultural Land Development Authority (NALDA) during the years 1992 to 2000. The programme provided "strategic public support for land development, promoting and assisting better use of Nigeria's rural land and the available resources. To boost profitable employment opportunities for rural citizens, achieving food security through self-reliance and raising the standard of living of rural people. To provide baseline data for agricultural related activities and services to land users the program embarked on activities such as land preparation, soil conservation, environmental issues, bush cleaning and soil testing and capacity." During its first year of operation alone, 28 000 of hectares was cleared and developed and more than 54 000 of hectares of land was acquired. Upon the end of the program, the number of active participants in the NALDA program was 6, 811 and a sum of 17, 820 hectares had been cultivated.

At state level the government established the Agricultural Development Programmes (ADP). As one the government approach to alleviate widespread poverty and inequality in the country. The main purpose of the ADP programmes was to increase farm income and food production for rural household. Nigeria's agriculture growth rate in the first quarter of 2014 recorded at 5.53% and a decrease of 0.83% was recorded in the first quarter of 2015. Contribution of agriculture to GDP was 19.65% in the

first quarter of 2014 and a slight growth of 0.14% in the first quarter of 2015. In 2017 November third quarter, contribution of agriculture to GDP amounted to 29.15%, an increase compared to the third quarter of 2016 of 28.68% correspondingly, emphasising its increasing importance in the livelihoods of Nigerians.

Lessons Learn from Nigeria

Nigeria has great record of land use particularly in the rural areas, where the focus is on alleviating poverty amongst the local people by investing more on agricultural activities. Below are the few lessons that South Africa can draw from Nigerian land reform.

1.Capacitating emergent or local farmers to improve the livelihoods of the poor.

The land use Act in Nigeria allows all farmers to access land equally whilst the Green revolution government ensured that farmers are afforded the necessary support to farm productively. Support ranging from providing equipment's to providing financial support to emergent farmers.

2. Protection of the Natural resources, ensuring that the countries resources are not exploited.

The introduction of the Land Use Act also ensured that access to land is regulated, unlike previously in the rural areas, land was bought from the owner and the Government had no role to play in that. As a result, most of the investors would take advantage of rural people, buy their land and extract minerals. As a measure to safeguard exploitation of natural resources, the Land Use Act regulates who gains access to land and for what purposes. The protective measure of Land Use Act ensures that the natural resources of the land are used to benefit and improve the lives of the people residing in that area by creating employment opportunities.

3. Using farming activities to combat hunger and starvation and promote self-employment and entrepreneurship amongst local people.

The Green Revolution government encouraged farming activities, particularly to rural people. To date majority of rural people in Nigeria are farming for a living. Poverty and starvation are reduced amongst rural people; this is the type of reform that South Africa dreams of having. A land reform that will not only avail land to the poor but will capacitate them to use land productively to combat hunger and starvation and consequently improve their livelihood.

4. Providing comprehensive support services to local farmers to increase production.

Land reform that aims at improving the lives of historically disadvantaged people, should encompass all the necessary help that is needed change the lives of people. Generally, land reform beneficiaries are people with limited resources, therefore availing land to them with no support services would be rendering the land underutilised. Consequently, such reform will not have a positive impact on the livelihoods of the land beneficiaries.

Land Reform in Uganda

Land reform in Uganda has been high on the development agenda since early 1990's. particularly in the agricultural sector which is the most important source of income and livelihoods for Uganda's predominantly rural population. Agriculture in Uganda "contributes 43% of Gross Domestic Product (GDP), 80% of employment and 85%

of export earnings." Although food crops dominate, but only one third of food crop produced is marketed. This could be owing to a number of reasons such as the quality of food crops produced to accessibility of the agricultural market. Taking into account that majority of the farmers are poor rural people.

Access to machineries, equipment, pesticides and other necessary resources could be very challenging. However, these challenges do not deter rural people from engaging in agricultural projects for purposes of fending their families. Due to the importance of agriculture to rural livelihoods, land is the most significant asset for many Ugandan households. Therefore, access to land for Ugandans is of paramount importance, their livelihoods depend on farming and animal husbandry. Hence the land reform in Uganda is focused on issues of economic efficiency and poverty reduction. It is important that land reform addresses both land issues and the social and economic status of land reform beneficiaries. A land reform system that prioritises the social and economic status of land reform beneficiaries, prioritises poverty alleviation amongst land reform beneficiaries. Hence the need to reconcile land reform legislation with poverty alleviation strategies. Uganda land reform system prioritises productive use of land particularly in the agricultural sector, hence farm production is well recommended.

The republic of Uganda has implemented a very progressive set of statutory laws and regulations to govern land in line with the regional and international principles. Statutory land laws including the Constitution of 1995 in Uganda promotes and safeguard the rights of women and the most vulnerable citizens, and outline ways land can be allocated, transferred, used or managed. The Uganda Constitution specifically states that land in Uganda belongs to all citizens of Uganda. Furthermore, land is made available to Uganda citizens through a four-fold tenure system and thus Customary, Freehold, Mailo and Leasehold. The government statutory laws such as the Land Act of 1998 focus on ensuring that the most vulnerable citizens are afforded equal rights and access to land. Although the Land Act was enacted to regulate land management systems, it introduced the certificates of occupants in terms of Section 29 for occupants residing on someone's land (landowner). However, in 2010 an amendment to the Act made provision that any occupant who has occupied the landowner's land for more than 12 years cannot be evicted for any other reason except non-payment of rent. The Land Act further advocates that for secure and legally demonstrable rights to land must be leveraged to secure capital and attract investment. While policies and laws are important, it is also of paramount importance to ensure that implementation of legislation such as Land Act is done effectively to meet the expectations of the society and also the intentions of the legislatures. And thus to provide protection to land occupants instead of the current challenges of deterring landowners from developing their land due to (tenants or rather occupants who cannot be evicted except for default in rental. Since the government has declared occupants who have resided on the land for a period longer than 12 years. Therefore, the protection of occupants rights should not in a way deter landowners from developing and utilising their land productively, nor does it create entitlement to occupants to deal with the land as they please. But it must be implemented in a way that encourages productive use of land despite lack of real rights over the land-to-land occupants

moreover, it should instil confidence to landowners to invest and develop the land despite the occupation of land occupants.

Uganda is leading the continent in the implementation of land policies and laws, and the National Land Information System (NLIS) in Uganda is the very first of its kind in Africa. The main objective of NLIS is to “provide a secure, efficient, sustainable and cost effective land administration and registration system for the Republic of Uganda to improve service delivery in the land sector, facilitate enterprise development and strengthen public confidence in government (NLIS, 2020). Majority of Uganda’s land was unrecorded and land administration was done manually (NLIS, 2020). The manual system allowed corrupt practices to prevail in land administration processes. Consequently, service delivery was little to nothing due to the ineffective land administration system. However, the implementation of NLIS resulted in re-vamping land management and administration processes and consequently ensured speedy delivery of land and land use services. Perhaps the most important lesson that South Africa can adopt from Uganda is that an effective land reform system cannot be implemented overnight. The successful implementation of an effective NLIS is a process that in the case of Uganda has taken almost 30 years starting with the necessary policies and legislation. This is a reality that South African government must appreciate, there are quite a number of policies and laws for land reform such as (Restitution of Land Rights Act 1994, Promotion of Land Assistance Act 126 of 1993, Extension of Security Tenure Act 1997) that are progressive and can aid in ensuring that land is used productively to benefit land reform beneficiaries and alleviate poverty.

Lessons from Uganda

The need for sufficient infrastructures to support and aid land reform beneficiaries to utilise their land productively. This will not only improve the lives of land reform beneficiaries but will also contribute to meaningful development particularly in rural areas. Another key lesson from Uganda is that it is of critical importance that political parties work together to ensure equal access to land. Moreover, the necessity of complementary governance and budgetary mechanisms aimed at providing post-settlement support services to land reform beneficiaries. Investment on Comprehensive post-settlement support services would make a notable different in the use of land particularly in agricultural production. This would also strengthen the economy of country, whilst meaningfully improving the livelihood of land reform beneficiaries in South Africa. Furthermore, the need to develop and strengthen human capacity and the core importance of agricultural training to land reform beneficiaries, in order to ensure production in agricultural activities. Training and transferring skills to land reform beneficiaries will not only ensure that they farm productively but it will also capacitate land reform beneficiaries to be of better assistance to other emerging land reform farmers. The state should encourage mentorship programmes amongst land reform beneficiaries and experienced farmers. Another notable lesson from Uganda is that the state should encourage role of development partners and stakeholders to land reform beneficiaries. Creating an opportunity for land reform beneficiaries to learn from experienced partners and forge a way to participate in bigger markets and consequently make profits from farming. Lastly the state can learn that a good dissemination of information to the public simplifies process and procedures of ac-

quiring necessary services from the relevant designated offices, which will ultimately ensure speedy accessibility of land related services. Moreover, taking note of the importance of raising public awareness of all stakeholders to the general public will encourage land reform beneficiaries to gain interest in farming productively, knowing relevant stakeholders that can assist.

One of the initial most notable benefits of the NLIS in Uganda was the volume of government revenues it generated, excluding any taxes on land. The overall generation of \$193.7m in revenue at completion of the project represented an enormous 269% return on the \$72m investment. This presents a severe distinction to public investment in other sectors such as roads, railway and energy projects across Africa that have experienced protracted implementation delays, cost overruns and minimal returns on investment.

Other lessons that can be drawn from Uganda are:

1. That governments should not pass laws (however good) which they don't have the capacity or resources to implement.

It is of paramount importance to note that any law or legislation passed has its consequences or legal obligations and failure to implement it properly, it may result in more legal complicated situation. The government must ensure that they have capacity and resources for any legislation that they intend to pass, in order to achieve positive results, without complicating or withdrawing and delaying the land reform process.

2. That trying to create a whole set of new institutions is problematic.

Creating more institutions to administer land reform programme will not only complicate the process but it will also delay the process. In the case of land reform programme different institutions would create disintegration in the process by failing to coordinate with each other in order to deliver the much-needed services of redistributing land and supporting land reform beneficiaries to utilise their land productively. This may however be as a result of lengthy bureaucratic process of different institutions.

3. That new land laws need to be costed and budgeted for.

The introduction of new laws needs to be well budgeted in order to ensure proper implementation. There must be funds sets out to cover all expenses including fail attempts and the enforcement thereof.

4. That having constitutional deadlines by which to pass land laws can concentrate the mind.

Creating constitutional deadlines of passing laws, will not only force compliance to time limit but will ensure that necessary issues are legislated and attended to in time. However, it can also have negative impact of having rough sketched legislation which are drafted solely to meet time limits but not the needs of the society.

5. That the implementation stage is crucial.

Legislating issues is important, but implementation is more crucial to achieve the intentions of the legislatures and meet the needs and expectations of the society. There are laws and policies which have been drafted but poor implementation has rendered them useless to the society. Implementation is the key element to ensuring that people get the intended service they ought to receive from legislated laws.

Land Reform in Latin America (Land Reform in Mexico)

The need of land reform in Latin America was long expressed, but its adoption took longer than anticipated. The first implementation of the agrarain land reform took place after 1920 ten years after the initial discussions of land reform. The adoption of agrarain land reform was not easily acquired; it was a political power struggle with economic intentions. However, since the implementation of agrarain land reform the country has adopted an agricultural system called Chinampa. The Chinampa system is an agricultural system whereby a farmer creates artificial island built on a freshwater lake for agricultural purposes. This type of farming model dates back to early days of farming in Mexico. This historical agriculture system was adopted to deal with hydrologic and climate constraints and the pressure of food demand. The chinampa farmers have managed to create a balance between sustained yield and environmental and technological management factors. This ecosystem performance is largely depended on biological stability improvement, including different types of farming methods such as multiple cropping system and shift crops. Multiple cropping system refers to mix farming of different crops on the same land in the same growing season, whilst shift crops refers to shifting farming from one plot to another after cultivation to allow land to rehabilitate.

The chinampa system is the core farming method which expands local food production through technological innovation and has brought land under cultivation and increased labour inputs. This productive production of allowing intensive cultivation throughout the year seasons is one of the major activities that contributed to the country's economy. The chinampa farmers are not reliant on the state protection or the agriculture market or the strict application of technological innovation and capital investment, however their human settlement on chinampas zone with more resilience have indicated fair distribution of property and a power balanced distribution among the people with same social regional interest. It is clear from the above discussion that farmers need to develop an agricultural system that is suitable for the region, climate and intended crops in order to have good production.

Furthermore, farmers should adopt farming techniques such as crops shifting to ensure that there is food production for every season and further ensure that the land is rehabilitated after each harvest. This will not only increase food production, but it will also ensure that redistributed land is used optimally to alleviate poverty and combat hunger and starvation. Therefore, it is pertinent that land reform programme encompasses comprehensive post-settlement support programmes such as training and transfer of skills, including multi cropping to ensure stability of food security though out the year season. This will consequently ensure that land reform beneficiaries are equipped with different types of farming techniques to enable them to farm productively and actively participate in agricultural markets to generate income. For land reform beneficiaries to farm seasonally will not necessarily ensure that poverty is alleviated, as there will be seasons that the farm will not be generating income therefore, land reform beneficiaries will have to survive with the proceeds of the previous harvest season. Hence the need to have multi cropping to ensure continu-

ous use of the land and production on the farm throughout the year season. Multi crop farming will therefore ensure sustainability of productive use of land as the land reform beneficiary will have food crops throughout the year season and will be from time to time participating on the agricultural markets selling food crops for all seasons. Hence, the need for state to adopt different types of farming system that will ensure that land reform beneficiaries continuously farm and generate income to fend for their families.

Lessons Learn from Latin America Land Reform (Mexico)

Mexican land reform has introduced a special land tenure model called Ejido, this tenure model was aimed at providing security to former serfs (agricultural laborer's). Since its inception it has managed to provide minimum security to Serfs. The model approach could be what rural people in South Africa need to secure their insecure land tenure system as a result of previous land dispossession. When Black people were dispossessed of their land, the white minority forced blacks to work on the farms which previously belonged to them. However, when South Africa become a democratic republic, black people were freed from white slavery and land reform was introduced to restore the land that black people were dispossessed of and ensured equal distribution. Even so, the people who live in the former homelands, where the white minority relocated black people to during apartheid era, still experience insecure tenure. Hence the need to ensure that the current land reform draw notable lessons of ensuring security to the most vulnerable members of the society. Not only was the Ejido tenure system aimed at furnishing tenure security to the historically disadvantage people, but also to restore the land to its legal owners, settle the tittle and use the public land to reconstruct Indian villages. Similarly, to South African land reform that is three folded (land tenure, redistribution and restitution) although with the South African land reform more focus is placed on restitution and redistribution of land. The tenure system seems not to be getting as much attention as the other two reform principles. Despite the lack of balance in the South African land reform principles a lot can be learnt from the Mexican land reform that is sought at reducing poverty and Inequality and secure political stability. Instead of South Africa approaching reform principles as vengeance strategy to the white minority, rather focus should be fixed on improving the lives of the historically disadvantaged and cementing the peace and unity that the late president Nelson Mandela envision for the new South Africa.

Furthermore, Mexican land reform has evidently proven that a well written land reform programme is not good enough without actually putting strategies to practice. Pursuant to restoration of land to the historically disadvantaged people, the former serfs. Mexico developed an agricultural strategy to improve production of crops and ensure that food security is not threatened by the new developments of emergent farmers taking over from the oppressors. The strategy of multi cropping did not only ensure sufficient production of food but also combatted hunger and starvation amongst the historically disadvantaged people. Due to all season farming of multi-cropping the less privileged were able to generate income throughout the season and managed to fend their families. Consequently, the Chinampa reform system managed to combat hunger and starvation and ultimately reduce poverty amongst the less privileged.

Land Reform in South Korea

South Korea Land reform is identified as one of the successful cases of land reform. South Korea launched their land reform program in the 1950s and continuously implemented it in accordance with their Five-Year Plans, a series of five-year economic development plans formulated by the South Korean government since 1962. South Korea's land reform is regarded as one of the most successful, making large-scale land redistribution possible within a short period (Yejoo, 2017).

It made a huge impact on agricultural productivity, which consequently reduced poverty and ensured sustainability. In the broader context of socio-political, the land reform redressed the colonial legacy of dispossession by doing away with the long-standing landlord system, and landowners and large-scale landholders were nearly expelled (Yejoo, 2017). This anticipated the conflict between landlords and tenants, which could have led to a great state of disturbance politically. Disturbing the state-building process which was necessary for migrating during the post-colonial and post-war period in South Korea (Yejoo, 2017).

Land reform transformation was necessary and had to be implemented despite the dangers that it posed to the political state of the country, but It was necessary for a greater benefit of the society. Consequent to the radical implementation, the Land reform made a huge impact with the introduction of the Saemaul Undong (New Village Movement) in the 1970s (Yejoo, 2017). The combination of land reform and Saemaul Undong (what we would term support services) was introduced in order to improve rural economy, both rural infrastructure and income; the government re-grouped rural areas into smaller units and deployed government officials to carry out the various projects, providing credit and education among others (Yejoo, 2017).

Government officials and local leaders took initiative to close the gap that was created after the termination of the landlord system. Most notably the independent small farmers who were created by the land reform made the movement successful. However, during the first (1962-1966) and second (1967-1971) Five-Year Economic Plans, the rural economy did not experience growth rates as expected. But the government expanded its investment in agriculture, necessitated by "increasing price support and the availability of inputs such as fertiliser to encourage expanded production in the early 1970s (Yejoo, 2017). These efforts resulted in rapid increases in yields, agricultural output and farm productivity.

Agricultural transformation powered the state in utilising a large surplus from agriculture and transferring it to finance industrialisation. Land reform transformed the previous landlord class into industrialisers. At the same time, poverty-reduction in rural areas prevented the rapid influx of migrants to the cities; it contributed towards resolving poverty in urban areas, preventing rapid/unplanned urbanisation (Yejoo, 2017). More importantly, "for those who migrated into the industrial sector, the government and business were able to keep main staple food prices and industrial wages low. Consequently, business could reap high profits by keeping wages low in the industrial sector. South Korea's successful land reform became the foundation for their next Five-Year Development Plans" (Yejoo, 2017). The South Korean case may, to a

certain extent, offer some valuable lessons for South Africa.

Among South Africa's three "legs" of land reform - redistribution, land restitution and land tenure reform - land redistribution is focused to the "the disadvantaged and the poor such as labour tenants, farmworkers and new entrants to agriculture", and seek to grant access to land and opportunities for participation in economic activity in rural communities. Notwithstanding these intentions, the main purpose of land redistribution set by the government has been postponed over several times. Over the past years, less than 15% of farmland has been redistributed and this is too insignificant to change the existing structure of agriculture and the rural economy (Yejoo, 2017). Firstly, land reform requires the government's capacity to allocate resources such as finance and skills support, among others. Lack of funding, for example, for land restitution was one of the obstacles encountered by key land stakeholders in South Africa. The budget for rural development and land reform did not result in desirable socio-economic development during the period of 2017-2018. The government's expenses on agriculture, rural development and land reform was R26.53 billion, which represents less than 2% of total government expenditure. The budget allocation for restitution was increased by 2.5% - from R3.17bn in 2016/17 to R3.25bn in 2017/18 - while the funds for land redistribution declined from R1.23bn to R1.19bn. From the above illustrated trends of government budget regarding different "legs" of land reform, government focus is not on redistribution rather it is focused on restitution. Hence the current state of unsatisfactory use of redistributed land, which is due to lack of support services (resources, funds and skills training) to land reform beneficiaries. While land has been highly politicised, the importance and effects of land reform have been largely overlooked (Yejoo, 2017). South Africa is currently in a transitioning phase of land reform considering the proposed land expropriation without compensation. However, is of paramount importance that before we transition to expropriating without compensation some things have to be put in order, before more complications are created. The sole objective of land reform is to redress the historical injustices of apartheid era and ensure that the social and economic status of Black people is uplifted. However, redistributing land to historically disadvantaged people and fail to couple the redistribution with support services does not seem to be addressing the historical injustices entirely. Not to state that the land reform has not managed to change the social and economic status of people, there are some people who have benefited from land reform and have managed to utilise their land productively, but that is a small percentage of people. There are also people who have benefited from land reform particularly redistribution, however the accumulation of a piece of land has not made a social and economic benefit to them. Consequent to that a large number of land reform beneficiaries are still living in poverty-stricken lifestyle, succumbing to the harsh reality of going to bed without food. Despite their possession of redistributed land, it for this reason that the government must provide post-settlement support services. To ensure total redressal of historical injustices is afforded to land reform beneficiaries. Granting land reform beneficiaries, a fighting chance for survival in the agricultural business or any other developmental projects focused on utilising land productively.

Lessons Learn from South Korea

South Korea has invested in policy drafting to undo the injustices of the past land dispossession, policies that are aimed at correcting the undue state of dispossessed people. The implementation of policies focused mainly on clearing of slums and paying compensation to the previously disadvantaged people. Similarly, to South Africa, South Korea had people who were dispossessed of their land and forced to reside in overcrowded slums. Whilst South Korea upon its attainment of freedom it invested in relocating people to better areas where they could receive better access to all facilities such as proper clinics, schools, shopping complexes etc. On the contrary South Africa attempted to change the tenure system of the former homelands and fixed its focus on redistribution of land. Unlike South Korea, South African land reform would rather change the tenure system than to provide people with better living conditions in a resettlement area fit for people to build a meaningful life. The ultimate objective of South Korea land reform was to grant people secured land ownership, particularly the displaced households. Moreover, to provide stability to the livelihoods of household, especially the young generation having access to education and job opportunities. The focus of South Korea land reform was to improve the lives of all people by ensuring that not only are people given the land back, but they are also afforded opportunities of living better lives. South Africa can draw a lesson from South Korea and focus the land reform programme on giving more than a land back but actual solutions to the historical disadvantaged people to live a dignified life.

In pursuit of redressing historical injustices, the international land bank has asserted that to overcome land reform challenges, and to ensure that the reforms serve the purpose of sustainable growth, the following steps were suggested;

- Securing tenancy rights over individual and public lands.
- Although South African land reform has attempted to secure tenure in rural areas, however the current position is that people living in rural areas do not have ownership to land, the land is held in trust by the traditional leader for the benefit of the community, hence people in rural areas are given permission to occupy not ownership.
- Redistribution of land possession, to include the poor and deprived majority
- For the past 26 years since the implementation of land reform, about 15 % of farmland has been redistributed to the land reform beneficiaries, however a substantial amount of land that has been redistributed has not been put in to use, it is laying fallow.
- Improve land governance: enhance transparency, power decentralization, develop information systems and databases to ensure proper documentation and better mapping of lands (Behery (2018)).
- The department of rural development and land reform has established an entity called deeds registry, for the purposes of recording and documenting information system on data base regarding land. to this end the South African government has managed to keep proper records and mapping of land.
- Adopt technology innovation to enhance efficiency.
- The department of agriculture has made changes in adopting technology into the agricultural industry, in 1997 South Africa planted its first insect resistant cotton

Genetically modified (GM) crop, in 1998 GM maize was planted and in 2001 GM Soybeans were planted for the very first time (Behery (2018)). The production of GM crops showed a rapid growth over the years (Behery (2018)). However, there is room for improvement by adopting more GM crops in the agriculture industry and also investing in seed breeding to ensure that seeds withstands conditions out of their normal season conditions to ensure continues production out of seasons and consequently secure food security throughout the year seasons.

- Capacity building: providing training and knowledge transfer facilities for better administration of land (Behery (2018)).

Skills training and knowledge transfer is one of the key points that can assist land beneficiaries to better administer their land and ensure productivity in their agricultural projects. For emergent farmers or land reform beneficiaries to successfully use their land productively, they need to be trained in their respective anticipated projects in order to succeed. A farmer who has been trained and afforded knowledge in their area of farming are likely to have good production.

6.Reforms of planning to ensure efficient use of the available agricultural capacity.

The department of agriculture has attempted to assist land reform beneficiaries previously, however the funds and resources which were given to land reform beneficiaries di not yield good outcome. Instead funds misused and resources were mismanaged, and it all resulted in project fail. This could be owing to a number of reasons, such as beneficiaries lack of skills and knowledge in the undertaken agricultural project, poor management skills and so forth.

7. Empower the rule of law to guarantee farmers rights and resolve disputes.

In one of the South African government attempts to force transfer of skills and knowledge programme, known as mentorship programme, whereby a well-established farmer would be allocated a land reform beneficiary who has just started farming to mentor. The relationship between the mentor and the mentee was supposed to be that of trainer and a student, however it often ended in situation where mentors dictates and force their will to mentees. This has often resulted in conflicts where they could not be resolved, the parties had to pathways. In is in these situations where a rule of law could have played an important role, by ensuring the mentee of his rights over his project (Behery (2018)).

Implementing these reforms would enable South Africa to make use of its land resources to attract investments and achieve higher returns, which will lead to more growth and less poverty in the country.

Conclusion

The current land reform system in South Africa is a stumbling block to successful redistribution and productive use of redistributed land. The shift in land policy to Proactive Land Acquisition Strategy (PLAS) from the Market assisted approach, has unfolded many difficulties and presented land reform beneficiaries with countless challenges. The PLAS has since acquired land for an estimation of 4.3 million hectors of land since its inception in 2006. However, the state has not transferred the said hectors to beneficiaries, instead beneficiaries were given short term lease agreements. Al-

though, according to state, Land Lease and Disposal Policy the acquired land should be leased to beneficiaries for a period ranging between 5-30 years with an option to transfer ownership. However, the reality is that implementation of the policies does not depict the intentions of the legislator nor does it reflect the expectations of the beneficiaries. The very same policy put in place to assist beneficiaries fails to address the needs of beneficiaries. However, it contributes to the complicated bureaucratic process and as a result defers the aspirations of beneficiaries to acquire land and secure funding for their agricultural projects.

Despite the initiative of Department of Land Reform of venturing in Post-settlement support, by creating the Recapitalisation and Development Programme (RADP), which is focused on recapitalising poorly performing land reform projects. The initiative has not managed to resolve the issues of poor performing agricultural projects nor resolved the issue of under-utilised land. However, the initiative seems to be looting the funds aimed for acquiring land, instead of investigating the cause of failed or struggling agricultural projects and allow the relevant body, Department of Agriculture, Forestry and Fisheries and provincial departments of agriculture to address the issues, including post-supplement support. Although doing so previously has proven difficult, considering the lengthy procedure and the misalignment between the land and associated services and has often resulted in failure. Post-settlement services were ought to have been vested in one department in order to ensure easy access to beneficiaries. Consequently, ensure that the process is less bureaucratic and support services are efficiently delivered to beneficiaries. Moreover, the post-settlement services should not be limited to resources and funds but extended to skills training programmes, mentorship programmes and progress monitoring services.

The state made further initiatives to secure the land reform programme by proposing expropriation without compensation a measure sought to fast pace land reform. The proposed expropriation without compensation will largely focus on acquiring land that is state owned, and further prioritise redistribution of under-utilised, vacant and unused land as well as land held for speculation and over indebted land. Although this proposition may seem well and good but there are more severe consequences that may outweigh the good intentions of the proposal. Shortfalls such as the loss of foreign investors in agricultural projects maybe one of the harsh consequences of this approach. Notwithstanding the negative impact it may have on the food security, including loss of jobs in the agricultural sectors. Consequently, the approach will cause more harm than good to the lives of poor black who are depended on labour farming as a source of income. Moreover, the approach will not only increase the number of unemployment in the country, but it will also increase the number of unutilised lands by expropriating farmlands.

This is not to suggest that land must not be expropriated to redress the historical injustices amongst Black people, but the manner in which the expropriation must be carried out, should not threaten the food security, investors' confidence, job security and risk liquidity of land bank and other commercial banks. On the same note, government should invest in assisting land reform beneficiaries to utilise their land productively, in order to alleviate poverty in South Africa and consequently ensure sustainable development in agricultural industry.

Drawing from other international countries South Africa can use approaches such as land use system of Nigeria, whereby the state encourages rural farmers to use land and farm productively. South Africa will need to provide comprehensive support services to rural people, particularly land reform beneficiaries to ensure that they farm productively and consequently participate in the agricultural markets. Like the Nigeria local farmers who contribute about 80% of the stable crops in the country, this type of production consequently ensures that hunger and starvation is combated amongst the local people and also ensures that the state imports less goods to the country as most of the stable crops are produced locally. This positively impacts the economy of the country and the external debt of the country on international level. South Africa can also take a notable lesson from Zimbabwe that leasehold land system affects the assert value of the land. Withholding ownership rights from land reform beneficiaries does not necessarily assist land reform beneficiaries to use land productively, as it becomes a hindrance of acquiring funding from financial institutions. Furthermore, availing of post-settlement support services that does not comprises of knowledge and skills transfer but only focus on implements does not necessarily capacitate land reform beneficiaries to use land productively. Moreover, the proposed land expropriation without compensation should consider the asset value of land and strategise on how is the debt or bond held over land to be expropriated is going to be paid and who should be liable and furthermore avoid withholding ownership rights from land reform beneficiaries. As this will not assist land reform beneficiary to acquire funding nor investors, as the investor confidence would be insecure, since the land reform beneficiary lacks ownership rights over the land. Therefore, South Africa should rethink expropriation without compensation and ensure that necessary policies are put in place to give confidence to investors and also protect assert value of the land and ensure food security by encouraging productive use of redistributed land.

References

- Adisa, R. (2012). Land Use Conflict Between Farmers and Herdsmen – Implications for Agricultural and Rural Development in Nigeria, Rural Development. https://www.researchgate.net/publication/224830400_Land_Use_Conflict_Between_Farmers_and_Herdsmen_Implications_for_Agricultural_and_Rural_Development_in_Nigeria/link/02bfe5104077e0f2b100000/download.
- Aliber, M. (2019). How can we promote a range of livelihood opportunities through land redistribution? Available at: <https://www.africaportal.org/publications/how-can-we-promote-range-livelihood-opportunities-through-land-redistribution>.
- Behery, H. (2018). Land reform in Africa: Lessons from Nigeria and South Africa. <https://infomineo.com/challenges-developments-land-reform-nigeria-kenya/>.
- Bradstock, A. (2005). Changing livelihoods and land reform: Evidence from the Northern Cape province of South Available at <https://www.sciencedirect.com/science/article/abs/pii/S0305750X0500152X>.
- Buthlezi, Z.Z. (2018). The Land Question In South Africa: Debunking Misconceptions About Land Reform. Available at <https://static1.squarespace.com/static/582012afebbd1a19864d50c6/t/5b84d2eef950b7f5348f9c8f/1535431547378/Conference+Proceedings.pdf#page=476>

- Cousins, B. (2016). Land reform in South Africa is failing. Can it be saved?. Available at-<https://muse.jhu.edu/article/648944/summary>.
- Fayinka, F.A. (2004). Food Security in Nigeria: Challenges under Democratic Dispensation. <https://ecsdev.org/images/V1N2/ojo%20199-220.pdf>.
- Gexu, Z & Moyo, K. (2018). Nigeria Land Reform and Rural Transformation Overview' 2018. <https://politicaleconomy.org.za/2018/05/nigeria-land-reform-and-rural-transformation-overview/>
- Kelly, J.J. (1994). Article 27 and Mexican Land Reform: The Legacy of Zapata's Dream. https://scholarship.law.nd.edu/law_faculty_scholarship/668/.
- Maake, S.M. Manamela, M.G & Meso, K.K. (2016). South Africa's spatial arrangements and Land Reform issues traversed. Available at : <http://ulspace.ul.ac.za/handle/10386/1598>.
- Mabaye, T.M. (2005). Land reform in Zimbabwe: An Examination of Past & Present Policy, Shortcomings & Successes and Recommendations for Improvement. https://www.academia.edu/34888944/Land_Reform_in_Zimbabwe.
- Mafundikwa, I. (2020). <https://www.citizen.co.za/news/news-world/news-africa/2294244/two-decades-on-zimbabwe-takes-stock-of-mugabe-land-reform-legacy/>.
- Magidimisha, H.H & Chipungu, L. (2019). *Spatial Planning in Service Delivery: Towards Distributive Justice in South Africa*. Palgrave McMillan.
- Mudhara, M. (2004). 'Impact of land redistribution on large scale commercial agriculture. Available at <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/10201>.
- NLIS (2020). National land information system, UGANDA. Available at <https://www.ignfi.fr/en/portfolio-item/systeme-information-foncier-national-ouganda>.
- Sihlobo, W. & Kristen, J. (2018). Secret of successful land reform: don't rely on the state. Available at <https://www.businesslive.co.za/bd/opinion/2018-05-28-the-secret-of-land-reform-success-is-to-learn-lessons-from-experience/>.
- Tshishonga, N.S. (2020). Rural Development and the Struggle for Land Reform in Post-Apartheid South Africa. Available at <https://www.igi-global.com/chapter/rural-development-and-the-struggle-for-land-reform-in-post-apartheid-south-africa/248347>.
- Vink, N. & Kristen, J. (2019). Principles and practice for successful farmland redistribution in South Africa. Available at -<https://www.africaportal.org/publications/principles-and-practice-successful-farmland-redistribution-south-africa>.
- Yejoo, K. (2017). 'South Africa could model its land reform on the success achieved in South Korea. Available at <https://www.iol.co.za/capetimes/opinion/sa-could-model-its-land-reform-on-the-success-achieved-in-south-korea-10450729>.