FREEHOLD IN THE HOMELANDS: WHAT ARE THE REAL CONSTRAINTS?

INTRODUCTION

This paper is written as comment on D.R. Tapson's earlier presentation*, which argues for alternatives to freehold land as the final policy objective for land reform in the homelands. Tapson's approach correctly assumes that wage work is the core of the homelands economy, and then outlines a type of cooperative leasehold tenure arrangement to be run on a tribal basis as a more effective means of developing agriculture.

Where freehold is concerned, Tapson's position is very sound; but jettisoning freehold means coming up with workable alternatives, and the collective leasehold plan may suffer even more than existing betterment schemes from outmoded assumptions which do more harm than good to development.

The arguments given here are put forward mainly with reference to KwaZulu and the Nguni-speaking area, and largely but not entirely from a peri-urban viewpoint; they are based generally on extended field research rather than on published sources. Like Tapson's paper, this has been written under pressure of time, and is intended to contribute toward debate on the issues of rural tenure.

2. FREEHOLD AS A LAND REFORM OPTION In attacking freehold, Tapson draws attention to the fact that freehold does not appear in practice to support agricultural development. Particularly, he notes that freehold is likely to have the unanticipated effect of creating a landless rural underclass; that freehold in Zimbabwe and in Ciskei has not increased production above what is found in nearby areas under other forms of tenure; that existing freehold rural areas in the homelands tend to become informal settlements rather than farms; and that freehold does not stop land degradation either.

All this is argued very effectively, and it is easy to give wholehearted support to Tapson's assessment of the chances for improving agricultural productivity in the former reserves through freehold; in a joint publication in 1982, several colleagues and I argued for very much the same reasons against instituting freehold in KwaZulu specifically¹, on the grounds that it would be likely to be counterproductive, while other authors have made similar arguments in relation to other parts of Africa and the rest of the Third World²,³. In fact, the attraction which freehold has for development planners in Southern Africa is based on myth to a much greater extent than on its real effects.

What follows then takes issue not with Tapson's views on the issue of freehold, but with the **collective leasehold plan** which he puts forward as an alternative. Research evidence suggests that Tapson's critical reassessment of the basic assumptions involved in land reform has not gone nearly far enough; he continues to accept many of the mistaken impressions which have historically afflicted the entire land debate. This is hardly Tapson's fault, as he notes that the plan is mainly derived from the literature, and the assumptions he makes simply perpetuate some of the impressions which have been accepted into published sources⁴.

But if the basic assumptions may not be sound, it has to be asked whether the plan can work as expected, and also how serious the unintended consequences might be.

3. COLLECTIVE LEASING OF LAND AS AN ALTERNATIVE

The land reform plan which Tapson suggests is in many ways a revamped version of government betterment planning. Based on the principle of collective landholding on a tribal basis, it sets maximum productive use of the land as its major goal,

Noting that much of the arable land in the present homelands is not now in use, he proposes that all the land without exception be taken over into the public domain. Reasonably generous compensation would be paid to the dispossessed landholders of the community.

Each family would then receive a "home garden" of .1 hectare, equivalent to a plot roughly 32 metres square, and presumably a house site. All remaining arable and grazing land would be rationally demarcated and leased out to those interested in using it, at as high a rental as the market could bear.

All rent money would go to the tribe as the "de facto landlord", and then be shared out equally to all individual families.

Tapson argues that this arrangement would be simple and fair, would return money to the people and especially to the poor, and would facilitate conservation and increase productivity. In addition, it would be easily capitalized and would put land into the hands of those in a position to use it; most important of all, "... no landless class would be created, and the security role of land would not be threatened..."

Tapson's perspective is a very humane one, and his focus on the land options of the poor is a considerable advance. But this is still a very sweeping type of reform plan. If it were generally applied, it would physically and socially dislocate the entire rural population of every "homeland" in South Africa, a matter of eight million or more people.

Further, the new system of land allocation would leave the average rural household with almost no control over its own land at all.

4. LIMIT FACTORS IN RURAL LAND PLANNING For the collective leasehold plan itself, implementation should depend on establishing whether this type of initiative is compatible with the constraints that shape the existing rural land economy. But in addition, much deeper questions arise in relation to the fundamental **objectives** of rural development planning.

All land reform of this type assumes that self-reliance for the homelands is best served by maximizing productive land use and that this requires establishing a category of **commercial farmers.** All other families not prepared to make a very heavy commitment to agriculture are then cut off from any opportunity to hold or deal in land.

This is a very precarious assumption. This proposition has guided homelands land planning since its inception; but if it is wrong, then it is necessary to ask if these types of land reform plan can ever work at all.

4.1 Indigenous tenure

Tapson's view of indigenous land systems is that they need no discussion; they provide security, but are inimical to agricultural land use, and they have to go:

"The issue of whether land reform is necessary or not is not addressed here. It is assumed to be necessary so that the discussion of alternatives can be advanced..."

In almost any of the homelands, this is a dangerous line of approach. In KwaZulu specifically, community organization is welded to the land in a way which urban society has difficulty in understanding. Land rights under indigenous tenure are the entire scaffolding of community organization; and they are not held in common.

Describing indigenous land tenure as "communal" obscures the way it actually works:

The popular image of "communal tenure" has been leading land planning astray for at least 40 years. Land rights, as Tapson correctly remarks, are normally secure; but they are also essentially private. The "communal" rights which give rise to so much misunderstanding refer only to certain classes of commonage rights relating to particular resources that people may not be able to find on their own landholdings. These commonage rights do not imply in any way sharing land, or that "land belongs to the tribe", as Tapson's basic premise holds.

Land affairs under undisturbed indigenous tenure are normally conducted at the extreme local level

Instead of being centrally administered, from the top, tribal land rights characteristically emerge at the grass roots and travel upward. Although in many areas outside intervention into the administrative system has given chiefs authority they did not possess originally, the classical function of the chief in land transfers is to validate and sanction the transactions already arranged within the neighborhood, at the lowest levels of the land system.

The local-level neighborhood and kinship alliances jealously guard the sovereignty of their component families; if the chief or indunas actually intervene in land affairs without being called in by the landholders, it is usually

resented as constituting abuse of authority, and resisted as much as possible.

3. Land is the means the community uses to organize itself and to provide against the unforeseen

Starting with the local settlement cluster, a group of neighbours who mutually protect each others' landholdings, a tribe comprises a series of land-based groups. These are built up through voluntary land grants, which a landholder uses to bring his chosen associates to live by him, building up an inner community of people brought together by their need to depend on each other.

Based on mutual help, security provided at this level is one of the most important supports of the community. It depends directly on people's right to arrange their own land transfers and residence rights.

As this implies, the right to dispose of land is chiefly held by the individual landholder, who can and does make transfers of land not only to his male heirs, but also to other people of his choice.

4. Indigenous tenure allows arable land to be transferred privately to families who want to use it

Under prevailing tenure, **arable land** is relatively easily exchanged or leased. In order to make residential land transfers to people not of his own family, the landholder often has to satisfy the possible objections of his family and present neighbours, who will have to live with the new people; but this does not hold for arable land. The landholder's right to make temporary or permanent transfers of arable land to others in the area who need it more than he does is normally a private affair, involving only the families, and needing no public approval.

These transfers are a very prevalent feature of indigenous tenure. In areas where land is scarce, **rent payments** now form part of the arrangement.

It is not accurate to assume that prevailing tenure prevents agricultural land from going to those who want to use it; there is a danger here of holding the tenure system to blame for patterns of land use that are actually caused by other factors entirely.

In summary, the land system in the homelands is not simply equivalent to a stagnant collection of families holding on to land because it provides social status. The land-based organization of a rural community is to a large extent its system of **risk insurance**, its families' hedge against subsistence failure. Equally, the right to deal in residential land forms a dynamic system, which actively builds security, and provides the vehicle for leadership to emerge at the local level.

Requiring a rural community to abandon its land system means going over to an impersonal, urban-like form of organization, which does not match up with existing institutions and for which the necessary economic infrastructure is not present. Consequently, being deprived of control over land rights means a loss of coherence in the community as well.

4.2 Regional space economy

It is now clear that the economic weight of South Africa's industrial cities is creating a massive gravity flow of population into the white urban and black peri-urban areas. Significant differences at the local level develop within indigenous tenure systems as a systematic product of the

development of the regional space economy. At the same time, the regional economy has a direct demographic and economic impact on agricultural potential.

Location factors related to urbanization are a very live factor in relation to development prospects, and one of the key points here is the effect of population movements on the community.

Wide-ranging replanning for agricultural development is not likely to be feasible in the areas best situated for it

Factors of location and distance have an overwhelming effect on the local economy at different points in the homelands. For instance, peri-urban communities in Kwa-Zulu appear to be relatively prosperous, though a poverty sector appears as well⁵; by comparison, remoter regions with poor transport connections to the urban centres appear much worse impoverished⁶.

If agricultural land values are determined first by location⁷, the peri-urban areas will be those with the best potential for economic agriculture. But in densely settled areas of this type, **residential land use** will remain dominant. Population densities of more than 500 per square kilometre can be reached even in areas under rural tribal organization.

A working approximation of possible land rents in a periurban area near Durban suggests that the present population is already too large relative to arable land resources for a collective leasing plan to produce significant returns from rentals. R40 per family per year might be a maximum with fully economic land use, and R10 more probable. At this level of return, present landholders could not in fairness be asked to give up their land. In any case it is not feasible to undertake moving and resettling so many families to make room for putative agricultural development.

2. Replanning of outlying areas for agriculture is problematic for economic reasons

In or out of the homelands, outlying rural districts for the most part suffer seriously from locational disadvantages in relation to agricultural production. Cooperative leasehold planning is not necessarily excluded at the outset by the ratio of population to arable land, but agricultural development in more remote areas is difficult for other reasons.

Population density in most outlying areas is too low to provide a ready local market for large-scale crop production in the homelands. Transport infrastructure tends to be inadequate and expensive, while requirements such as seed, fertilizer, and farm equipment are difficult to obtain.

It is unrealistic to expect to establish new smallholding enterprises in outlying localities when established white farmers in similar areas, with substantial backup facilities, available capital, crop insurance, and disaster relief funding, are being forced to leave their land by economic adversity. Handicapped by the problems of starting up in addition to the costs of transport, it is difficult to see how new black farmers can compete economically in a market already supplied by established producers. To make homelands production viable in the market, prohibitively expensive subsidies and insurance schemes would probably be required.

Population movements are giving rise to new indigenous tenure systems based on trading in residential rights

Tapson describes contemporary tenure systems in the homelands as "... unhealthy travesties of the original models." This is misleading. In response to the cash economy and the urban drift of population, a new land market is developing in the rural areas. It can be demonstrated in KwaZulu and elsewhere that areas with a high inflow of population spontaneously develop new modern forms of tenure which can be described as informal-freehold systems.

These provide both for sale and for rental of land based on the right of the individual to hold and dispose of land parcels privately. They differ from formal fee-simple freehold in that they give weight to the community ethic, and do not appear to lead to the agglomeration of landholdings, the concentration of land rights in the hands of a privileged few, or the emergence of a landless underclass.

The incidence of impoverishment in rural districts may be closely linked to regional population movements and to prevailing land use patterns

As the rate of in-migration steps up, the pressure on the local tenure system increases. At the same time, the stream of out-migration leads young married heirs to leave their home areas and move closer to town in their turn.

The result is that the process of migration and population flow stretches the inheritance system of classical tenure to its limit. In the local-born landholding population, a relatively large category of **substitute heirs** emerges, who inherit land by default as the only remaining representatives of old-established families where large numbers of viable households have moved out.

This process strips the community of its strongest families, those who are able to mobilize the resources needed to make a major move. Those who remain behind when stronger households leave tend to be the poor. As substitute heirs, these families are institutionally in a weak position; in addition, their own household organization tends to be weak as well, and they are often headed by women.

Dealing in the indigenous land system, whether through sales, rentals, exchanges or voluntary grant transactions, appears strongly associated with the poor and the weak under these conditions. Research results from KwaZulu suggests that it may be weak households generally who deal most in land, using their land resources to produce both food and income, as well as to try to create land-based alliances which they can use to offset their disabilities.

In summary, the new modern tenure systems which allow for sale of land rights stand to show that homelands tenure systems can adapt very effectively to modern conditions: they deal effectively with massive shifts of population in the rural regions. The reasons why they are not adapted to agricultural strategy reflect the character of the regional space economy itself. For intrinsic reasons, wage work is the economic base of rural homelands society, and likely to remain so. This is the reality to which land tenure adapts. Some of the reasons why this is so will be examined in the next section.

The locational limits affecting homelands agriculture lead naturally to the **options that are open to rural households** facing these constraints. The household is the major decision-making unit where land use and expenditure are concerned; one of the significant problems with a collective leasing plan is that it does not take account of land strategies at this level.

Rural families evaluate competing economic options in the light of how well they fit into their total economic strategy. The single critical factor here continues to be the constraint of risk.

Against this background, most rural households are in a position to undertake some agriculture, but very few are likely to be able to manage it successfully in a way that would fit into the objectives of the leasehold plan.

To the rural household, agriculture looks too cumbersome and vulnerable to be a workable option for supporting the family

Seen from the household level, agriculture as a regular economic alternative is marginal at best. Limit factors here include the following:

- Extremely high and unpredictable risk factor in relation to weather and environment
- 2. Relatively high demand for working capital
- 3. Need for advanced technical and managerial skills
- Heavy, irregular, and inconvenient demand for labour time
- 5. Difficulty in marketing crops for cash return
- Unpredictable, highly cyclical returns instead of regular income.

A quick thumbnail estimation of maximum returns, based on costs and prices in the Northern Natal white farming economy⁸, suggests that in many outlying districts it would be theoretically necessary to manage a holding of at least 25 hectares on stringently modern and economic lines in order to get an income equivalent to what a semi-unskilled worker in a Pinetown factory could earn with lower qualifications and less work.

Even for a person with the necessary skills, either wage work or many forms of informal-sector activity were seen as preferable to farming. These need little or no capital in comparison, and have a quick cycle of turnover, giving relatively predictable levels of cash return at convenient intervals.

Homelands agriculture often acts as an emergency backstop for the household economy

For the majority of rural families, household agriculture now serves at most times as a subsidiary element in their total support package, and tends to have a low priority relative to other economic activities. But this does not mean it is economically unimportant, or that it could readily be abandoned.

The single over-riding objective of a rural household's economic planning is to obtain a **steady and reliable income**, not to obtain the maximum returns to the factors of production. Rural families commonly aim to minimize the risk that all their lines of support will fail simultaneously by multiplying their economic alternatives. In normal circumstances rural households then often let their agriculture slide in order to concentrate their efforts and their resources on their highest-paying secure combination of economic enterprises.

But while agriculture is too unmanageable and risky to rely on, it can be used as an **emergency option**. If the family's cash income drops suddenly, people fall back on agriculture and increase the labor time invested in cultivation.

Specific groups in the community are likely to make significant economic use of agriculture

Relative commitment to agricultural strategies varies within the rural community. Two significant categories emerged from study of the criterion factors for agricultural success which were put forward by KwaZulu respondents in a relatively modern community.

Successful semi-commerical cultivation was almost entirely confined to the first category, a few elite households with very sound structure and advanced developmental cycle, an older male head of household, at least one wage earner, and an estimated total income above R700 per month. In contrast, the second grouping represented the poor and disadvantaged, who were using semi-subsistence agriculture as one of their basic lines of support.

At first glance, the high-income agriculturalist group would appear to be the desired candidates for participation in communally leased land schemes. But for these families, semi-commercial cultivation seemed to rank low, usually as the last option adopted to round off a complex series of formal and informal enterprises. Like the rest of the community, they deliberately controlled their agricultural commitment in careful relation to other economic options, avoiding investing substantial amounts of money or taking on debt. They tended to lease out part of their agricultural land, and showed little interest in expanding their agricultural enterprise.

The other group, made up of **poor households with weak organization**, seemed to give agriculture a higher relative priority, and produced better than what might be expected from their limited resources. In spite of their handicaps, their rated level of agricultural success was roughly average for the community.

If allowances are made for their relative capacity, it appeared to be among the poor rather than the rich, that the greatest agricultural commitment actually occurred.

In summary, the common expectation that the serious hardships and disadvantages of the migrant labour system in South Africa must make farming the more attractive alternative have not been borne out in economic terms. However unfair, migrant labor is now an institution; it gives rural families access to the cash economy, enabling them to escape the insecurity of depending on rain-fed subsistence crops for survival.

Under modern conditions, agriculture tends to remain a marginal economic strategy in most types of area. Its demands are too great and its risks too high to allow even prosperous rural families to divert scarce resources from competing needs.

In addition, the perceived disadvantages of agriculture have little to do with tenure institutions or with the size of arable landholding available. Instead, they revolve around the kind of economic options that are viable at household level.

Development initiatives which attempt to pry homelands agriculture loose from the compelling grip of the regional space economy face formidable obstacles at this level.

5. SUMMARY AND CONCLUSIONS

Against this background, Tapson's collective leasehold plan has both advantages and disadvantages. Its most attractive aspect is the idea of returning economic land rents to rural communities hard hit by poverty.

Several issues are involved here:

- What level of rent income has to be provided to make the plan worthwhile for the landholders?
- Is it realistic to expect to reach this level of rent income?
- 3. Can these rent incomes be guaranteed or insured so that rural households could safely rely on them?

Tapson does not discuss the economic viability of the rent option, but rough estimates of the probable ceiling levels on land rents in Natal/KwaZulu suggest that great differences between localities prevail. In peri-urban areas, the density of population on the land probably makes the plan uneconomic at the outset. In the more remote areas, the picture is less clear.

A rough estimate suggests that rent incomes in the neighbourhood of R150 — R350 per family per year 8 might theoretically be possible; there is at least some informed opinion which holds that potential rent returns could ultimately run as high as R500 per year per family or more. For a guaranteed income on this level, a great many rural families in impoverished areas might willingly give up their cherished land rights and resolve to live with the consequences.

For outlying areas, the ultimate outcome would then depend on whether the plan is likely to succeed if adopted — that is, if it can bring rural agricultural production in the homelands up to the general level achieved by nearby established farms so that economic rents could be obtained. The line of analysis followed here suggests that this is not likely.

The communal lease plan's recipe for raising agricultural productivity in the homelands is based on the assumption that rural tenure and lack of capital are the root causes of low production. Allowing producers to lease larger tracts of land and giving them access to formal-sector financing would then relax the constraints.

An alternative view of the limiting factors suggests that uprooting rural communities is not necessary and may ultimately be self-defeating. Low productivity in the homelands can be traced to the following:

- Higher returns from wage work than from cultivation at an equivalent level of skill;
- High costs and uncontrollable risk of crop failure associated with agriculture;
- Inadequacy of the transport and supply infrastructure in the rural homelands;
- Uncompetitive transport costs associated with unfavourable location;
- Scarcity of necessary skills among rural homelands population;
- Incompatibility of agriculture with the goals of household economic planning.

None of these points implicates the tenure system, and there seems to be little evidence that shortage of agricultural land is a major factor. Instead, the other constraints appear to limit agricultural production before the limit of available land is reached.

If this formulation is accurate, land reform planning based on collective leasing of agricultural land is not likely to be successful in most localities in the homelands. If the present rural economy tends to avoid commitment to agriculture because it is extremely risky and uncompetitive, the position can probably be changed only by subsidies and insurances which would be prohibitively expensive and very difficult to control. If this is broadly true, then reshaping the tenure system to give more land and more capital to present producers may be misdirected effort.

It is evident that homelands communities which still retain control over their own land have a great deal to lose if existing land rights are swept away in order to promote agricultural production. If high-level economic production is not attained, then significant, reliable rent income will not be achieved either.

Accordingly, it needs to be asked if such drastic forms of land re-planning are worth their probable cost; and also, whether the goal of maximum agricultural land use should push aside other development objectives. It is suggested that encouraging the emergence of a **strong local-level economy** whose households are self-sufficient comes closer to what "self-reliance" really means in the context of the rural homelands.

It is an absolute priority that the homelands need better agricultural production urgently. But this does not necessarily imply that every square metre of arable land needs to be brought into maximum production. What is needed to meet the homelands food crisis could equally well be formulated as higher wages and an effective policy of income re-circulation to enable families in the rural homelands to buy food on the same basis as wage-earning households anywhere else.

The most effective role of homelands agriculture is likely to be as a major type of **informal enterprise** contributing to the local economy.

Seen in this light, self-reliance for the rural community suggests a different kind of approach to land, based on maximizing the household's scope to deploy its own resources. Research results suggest that any kind of communal or communalized tenure is far from the natural outcome of the spontaneous evolutionary changes now working on indigenous tenure.

Prevailing tenure appears to be moving steadily toward a condition which is close to freehold, but which recognizes the community land ethic and uses it to control some of the dangerous tendencies of laissez-faire freehold tenure. This type of advanced tenure system allows the free exchange of land rights, but discourages the concentration of land resources in the hands of the few.

This is a fair system, and it is compatible with economic planning both at the household and at the national level. It is also more flexible in relation to demographic and economic change than rigid agricultural planning schemes. It is therefore suggested that stabilizing prevailing tenure may be the most effective type of land planning in areas where indigenous tenure has been allowed to develop undisturbed.

In this type of approach, residential land use would be allowed to take over from arable cultivation when the expansion of the regional economy demanded it:

- As far as possible, all families should retain the right to hold and deal in land;
- Both residential and arable use of the land should be promoted appropriately;
- Attention should be diven to intensive forms of arable cultivation on relatively small plots;
- The right of the landholding family to lease out its land privately for either arable or residential use should be formalized;
- Attention should be given to providing the poor and disadvantaged with intermediary access to the land administration.

On the assumption that no one type of development planning will work equally well in all rural regions, it is critical to investigate the demographic structure of the local population as well as the local economy; what the prospects for agriculture really are depends on competing opportunities.

There are many possible combinations of circumstances where attempting to develop agriculture at the cost of uprooting the entire community is not justified. Equally, there may be situations where a communal leasing type of plan may be the most effective option available. This could be particularly true in areas now under close-settlement betterment planning, where the community has already lost control of its land.

Alternatively, the disruption likely to accompany communal leasing as Tapson has outlined it might be reduced by allocating .5 hectare to each family as their private holding, to be used or reallocated at their discretion; or, an equivalent type of rental plan might be undertaken and administered en bloc as a state-capitalism enterprise to obtain economies of scale in outlying districts where established farms are very large.

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- 9. Equivalent to about R16 R30 per month.

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