

LAND REFORM IN SOUTH AFRICA: OBSTINATE SPATIAL DISTORTIONS

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ABSTRACT

This theoretical paper seeks to make a significant contribution to the South African land reform discourses. The paper argues that the pace of land redistribution in South Africa is static, and therefore limits the livelihood choices of most intended beneficiaries of the land reform programme. The primacy of the programme within rural development ought to be measured and assessed through ways in which the land reform programmes conform to and improve the livelihoods, ambitions and goals of its intended beneficiaries without compromising agricultural production and the economy. Additionally, this paper highlights the slow pace of the land reform programme and its implications for the socio-economic transformation of South Africa. The paper concludes by demonstrating the need for a radical approach towards land reform which will not disrupt agricultural production, and further secure support and coordination of spheres of government. The democratic government in South Africa inherited a country which is characterised by extreme racial imbalances associated with social relations to land and overt spatial distortions. Non-white South Africans are spatially plagued with feeling the effects of colonial and apartheid legal enactments which sought to segregate ownership of resources on the basis of race. Consequently, the democratic government is mandated to formulate land reform measures to aid the reversal of colonially fuelled spatial distortions. Thus, coordination between the spheres of government, markets forces and civil society is indispensable in the accomplishment of satisfactory land reform.

Keywords: land reform, land tenure; apartheid legacy; spatial distortions



INTRODUCTION

The South African post-apartheid government inherited a country characterised by extreme racial imbalances manifest in skewed land ownership and spatial patterns (Marthin and Lorenzen 2016). Non-white citizens were and are still victims of the legacy of colonial and apartheid policies that forcibly displaced masses of ‘inferior’ indigenous African people to reserves consisting largely of barren land or arid areas with poor rainfall patterns while fertile land was allocated to white farmers for commercial agriculture. 80% of the population was confined to 13% of the land while less than 20% owned close to 90% of the land (Hart 2012). The few black people who could afford to purchase land were prohibited from buying in areas outside the reserves. This apportionment of land remained until the end of apartheid in the early 1990s and remains virtually unchanged. Notwithstanding that there other minor causes for the Bantu-European wars, but land was a fundamental issue (Ikubolajeh Logan, Tengbeh and Petja 2012). As such, the instrumentality of land in mobilising peasant participation in the liberation struggle and its status as material expression of freedom understandably engendered public anticipation of land ownership at the advent of democracy, especially in rural South Africa (Sibanda and Maposa 2014). It was, therefore, a priority for the incoming democratic government to re-design colonially distorted spatial patterns through land reform as an ideological dimension of rural development.

Whilst the legacy of historical spatial distortions remains visible and manifest in the concentration of indigent rural households in remote and unproductive former homelands, the economy’s stability has since been attributed to the constancy of the national agrarian economy. Consequently, the land issue remains simultaneously central and marginal in South African spatial policy frameworks. The latest piece of land legislature, the Spatial Planning and Land Use Management Act (SPLUMA), bears testimony to the recurrent marginalisation of the land issue by the Ministry of Rural Development and Land Reform. The downgrading of the land issue is taking place despite strong lobbying and advocacy within academic circles and political discourses invoked by Black Economic Empowerment (BEE), Economic Freedom Fighters (EFF) and Black First Land First (BLF) proponents (Marthin and Lorenzen 2016). Pro-land reform protagonists argue that there is spatial injustice, inefficiency and unsustainability, especially in rural settlements, inherited and, seemingly upheld by the post-apartheid government (Binswanger-Mkhize 2014).

With over 70% of the national population dwelling in rural settings, the facilitation and enforcement of land use and development measures aimed at igniting rural development through an agrarian economy is imperative (Hart 2012; Statistics South Africa (StatsSA) 2013). This paper contributes to land reform discourses by arguing that land reform is one of the main ideological dimensions of rural development despite the slow pace in South Africa.

LAND REFORM IN SOUTH AFRICA

The patterns of power relations in relation to resources and biasness in South Africa has been structured by the colonial and apartheid epoch characterised by primitive accumulation and dispossession of the majority of people by the minority (Gumede 2014). South Africa's overall land reform programme has three primary objectives: firstly, to return land to those unfairly dispossessed as from 19 June 1913 (effective date of the Native Land Act of 1913); secondly to reverse extreme racial imbalances in landholding, especially in rural agricultural land; and, finally, to alleviate poverty in rural areas (Department of Land Affairs 2013). To facilitate this transference of productive land, the programme has since employed land restitution to restore land rights to those who were dispossessed of them under discriminatory laws, land redistribution to make land more accessible to those who had previously been denied access, and tenure reform to give security of tenure to labour tenants, farm workers and other rural dwellers who lived on land without secure rights.

Land Restitution

The constitution provides for land restitution through the Restitution of Land Rights Act, which entitles a person or a community dispossessed of rights in land or a descendant of a person or a deceased estate of a person dispossessed of rights in land, after 19 June 1913, as a result of racially discriminatory laws or practices, to claim restoration of those rights or equitable relief such as alternative land or compensation. Whilst the Commission for Restitution of Land Rights (CRLR) has settled substantial number of households, the Land Claims Commission has encountered anticipated and yet regressive challenges. It was not spared challenges such as verification, valuation, and calculation of compensation for claimants and land owners. Collectively, these proved to be difficult demands for the Commission during the restitution process (Rugege 2004). High levels of rural poverty were capitalised on by many white farmers who enticed rural claimants with monetary compensation rather than realising the broader objectives of restitution. This continual imbalance in the distribution of land ownership calls for holistic and context-specific strategic land redistribution, especially in rural settings, where illiteracy, poverty and vulnerability pave the way for exploitation and partiality of initiatives.

Land Redistribution

The White Paper on South African Land Policy (1997) describes the purpose of land redistribution as to provide poor people with access to land for residential and productive uses, in order to improve their income and quality of life. The programme aims to assist the poor, labour tenants, farm workers, women, as well as emergent farmers (Binswanger-Mkhize 2014). These goals of land redistribution led to a

constitutional declaration that stipulates that ‘the state must take reasonable legislative and other measures, within its available resources to foster conditions which enable citizens to gain access to land on an equitable basis. However, the instrument for an enabling acquisition law vanished with the expiry of the Land Reform (Labour Tenants) Act in March 2001. The relative success of this redistribution mechanism has been largely ascribed to its ability to allow tenants to access and own land they resided on before forced displacements by using state funds to make purchases (Hart 2012). Rural development advocates have since pinpointed the provident endurance of state funding schemes such as the Settlement/Land Acquisition Grant (SLAG) farm equity schemes, municipal commonage grants. The above-mentioned programmes are likely to be backed up by the resurgence of enabling redistribution legislations spearheaded by the Land Affairs Minister’s power to expropriate land for redistribution subject to compensating the owner (Department of Land Affairs 2013).

Land Tenure Reform

Section 25 (6) of the Land Tenure Act asserts that ‘a person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress’. The legislative provision was targeted at securing land ownership by, especially, farm workers, former farm workers, sharecroppers and labour tenants who had been victimised by the notorious Prevention of Illegal Squatting Act 52 of 1951 and lived on land legally owned by others. In rural setups, customary law was (and is) the most common pathway towards land ownership which is controllable to corruption actions. Despite the efforts of the Land Reform (Labour Tenants) Act (LTA) and the Extension of Security of Tenure Act (ESTA) to offer land tenure security to labour tenants, intimidation and forced evictions continue especially on commercial farms (Senadza 2014).

EFFECTS OF LAND REFORM ON RURAL DEVELOPMENT

Rural areas are deeply marked by extreme poverty and the exodus of the rural surplus labour force into already congested cities and informal business entities, a trend which has since been ascribed to dysfunctional rural economies. Instead of idealising overnight urbanisation, industrialisation and the emergence of an economic boom in passive rural setups, rural development strategies such as land reform should, perhaps, consider the common intrinsic attachment rural dwellers have to agrarian livelihoods as exploitable social capital for rural development. However, both within academic and public domains, the land issue could be reduced to a quick reference to the *Post-*

Chimurenga land grabs and the consequent economic downfall that characterised the Zimbabwean land reform programme at the beginning of the millennium (Sibanda and Maposa 2014). Indeed, land reform after its worst execution turned the ‘bread basket of Africa’ into a ‘basket case of Africa’. Productive rural agrarian-oriented economy requires redistribution of land through a gradual rather than drastic and random expropriation. An eventual pragmatism of the land issue has been a simultaneously central and marginal process which is hugely racialised, politicised and generally sensitive. Continual holdbacks on land redistribution mean that the South African citizenry, especially rural dwellers, remain deprived of constitutional land rights as well as local economic development – an instrument for growth and employment. The delays in land redistribution also forestall rural dwellers’ efforts to attain food security (Sibanda and Maposa 2014).

Food security, as a major strategy of rural development, requires adequate agricultural land for improved food productivity (Hart 2012). Therefore, land reform that gives rural households access to agricultural land is key to food security and subsequently rural development. In GaMothapo village in the Limpopo Province, residents were beneficiaries of pieces of land divided amongst them which were previously part of a farm owned by a white organisation. These acres of fertile land were used for intensive small-scale crop farming by the villagers and the resultant benefits were clear to see. Households could produce food for consumption and for sale, which generates income that could be used for other non-farm needs and investments. Researchers also found that beneficiaries who were employed elsewhere and had no time to farm started using the pieces of land as assets for capital accumulation by renting them out to other households (Jacobs and Makaudze 2012; Lahiff 2014).

Through land redistribution projects in various villages countrywide, farms consisting of hectares of agricultural land previously owned by a single white household were transferred through the ‘willing seller, willing buyer’ principle to previously disadvantaged groups, particularly black households, most of whom had never owned land (Brooks and Kjelstrup 2014). Researchers found that for these households, obtaining and possessing land was seen as an asset in at least three ways. Firstly, beneficiaries were now farming on the land and producing commercial crops which were sold locally or to hawkers. Secondly, for some it provided an asset which they could use to further increase household assets by rearing livestock. Thirdly, land was considered an investment and families could decide to sell the land, retain it as an asset or use it as collateral (Hart 2012). It is against this background that the instrumentality of land reform as an ideological dimension of rural development cannot be ignored, despite the shortcomings associated with the programme.

SHORTCOMINGS OF LAND REFORM

Since its transition to democracy in 1994, South Africa has adopted a strongly pro-market approach to land reform, influenced by conservative forces within the country and international backing for market-assisted agrarian reform. The spirit of post-apartheid reconciliation and a free market economy gave credence to land reform through the ‘willing seller willing buyer’ approach (Aliber and Cousins 2013). The strategy was targeted at rebalancing land ownership through redistribution, restitution and tenure reform. However, the market-led approach to land reform has since been criticised for discriminating the landless, especially in rural areas where there is little or no capital to secure tenure through the ‘willing seller willing buyer’ market system. Despite the functionality of the SLAG, the system has been criticised for creating socio-economic classes shaped by land ownership (Gumede 2014). There have been debates about whether more priority should be given to the agricultural efficiency that comes with the market-led land reform or a state-led approach that prioritises peasants as well as aspiring small-scale farmers as primary beneficiaries. A plethora of studies have concluded that the main objectives of land reform revolve around poverty alleviation, racial rebalancing and equity; as such state-led land reform approaches which prioritise peasants have to be embarked on in order to enhance rural development (Brooks and Kjelstrup 2014; Lahiff 2014; Sibanda and Maposa 2014).

However, the literature has shown that the land reform initiative has been undeniably slow and rural development studies point out that various reasons for this (Gumede 2014; Lahiff 2014). The slow pace of land reform has been as a consequence of the failure to reach the set target of 30 %. Gumede (2014) argues that the slow pace of land reform is a consequence of the inability to implement related policies which include the large scale commercial farming model. Furthermore, the literature reveals that insufficient budgeting for land reform could be seen as a consequence of the unsuccessfulness of land reform programme (Anseeuw 2000). Land reform, however, has failed to meet key objectives embodied in the Constitution, because less than 10 percent of the land has been redistributed since 1994 (Umhlaba Wethu 2011), and those who have regained land rights as part of the land claims or redistribution processes have not been able to translate these into meaningful livelihoods (Hart 2012).

Furthermore, it has been observed that in order for land reform to reap the desired results there is need for area-specific policies that suit the specific context in terms of livelihoods, cultural and environmental factors (Sibanda and 2014). Meanwhile, reform experiences in South Africa show noticeable signs of misalignment of policies and peasantry ambitions and conditions (Lahiff 2014). For example, the Land Restitution Programme (LRP) model of Limpopo Province bears testimony to the fact that land reform should be framed around locally contextualised narratives, which should then provide general insights for a national plan. However, there have

been calls for re-orientation of the LRP Model towards formulation of land restitution policies from local land conceptualisation rather than from modernist (market-led) mega-narratives (Cochrane 2006). This study infers that land reform policy has to shift from a 'national template' or blue-print approach towards locality and a user-oriented planning approach. This will go a long way towards aligning land reform and specific rural livelihood activities, goals and objectives (Gumede 2014).

LAND EXPROPRIATION AND LIVELIHOOD CHOICES IN RURAL SETTINGS

The conceptual frameworks have clearly ascertained that rural livelihood strategies heavily depend upon land and land thus becomes an indispensable natural resource for rural people. Recent studies have demonstrated that land and other natural resources play a significant role in the livelihood of rural dwellers (Aliber and Cousins 2013). Land is perceived to be the core ingredient in the essential recipe for rural development, particularly for people who practice livelihood diversification largely because it is also invariably framed in terms of small-holder production (Rigg 2006). Concomitantly, problems arise when there is no understanding of rural people's land use plans and multiple livelihood strategies that are practiced on land (Kepe and Tessaro 2014). To some extent, land is integral to the rural people largely because it widens opportunities for their livelihood activities (Senadza 2014). Livelihoods and land use are divergent manifestations of power relations that are both productive and economic in improving the standard of living for rural dwellers (McCusker and Carr 2006). Numerous rural development strategies have been unsuccessful, and some have never even reached the implementation stage due to contentious issues surrounding land ownership (Kepe 2001; Ntshona, Kraai, and Kepe 2010).

THE WAY FORWARD

Even after 20 years of democracy, the South African government has been exposed for its salient inability to activate the long-overdue land reform programme (Brooks and Kjelstrup 2014). Therefore, there should be a call for a radical approach towards land redistribution which will grant landless people opportunities, without compromising the potential of agricultural production and food security, and will realise the significance of rural economies (Gumede 2014). In addition, the expropriation of land should not be given scant attention in the implementation of land reform programme. The paucity and late arrival of post-settlement support have been a major problem in land reform programmes around South Africa due to lack of coordination between departments (Binswanger-Mkhize 2014). Despite being viewed as a broad approach, land reform has been realised as a practical solution towards the poor living conditions in rural areas (Lahiff 2014). Thus, area-

specific land reform has been deemed an optimal approach to successful land reform. Conspicuously, an area-specific land reform has the potential to grant municipalities authentication towards participation within development programmes and spheres of government which entail provincial and national government. Accomplishing a local developmental state encapsulates the process of affirming and granting local people in particular the authority and power to manage their own development. In the same sentiment, rural development as an ideological dimension should be in a more bottom-up approach to development (Hart 2012).

With respect to the status quo of land reform within rural development in South Africa, impediments to land reform have been the centralisation approach to redistribution of land or the blue-print model for decision making (Aliber and Cousins 2013). Consequently, the 30% target for land reform has continued to be the focal point within the democratic dispensation. In addition, a bottom-up approach to policy design should be the focal point in achieving land reform henceforth (Aliber and Cousins 2013). Furthermore, rural development should enhance the capacity of rural people to cope effectively with their daily life experiences (tasks and challenges) and stressors to their livelihoods (Meso, Manamela and Maake 2016). Clearly, rural development could pay immense attention to a beneficiary-oriented policy as a transformational component of land reform. Undoubtedly, the bottom-up approach in rural development planning could create an enabling environment for proper planning which is associated with successful implementation of the policy (Lahiff 2014). Generally, policy needs be aligned with the ambitions of the intended beneficiaries to create adequate opportunities. Land is perceived to be the core ingredient of rural development, particularly for people who practice land-based livelihoods (Rigg 2006). However, human capital (education, skills training) has been identified in the literature as an optimal consideration within rural development, specifically for land reform, in order to ensure that redistributed land yields effective benefits and poverty reduction (Rigg 2006; Senadza 2014). In addition, rural development efforts must empower rural people, so that they can take control and determine the direction of their own development through land ownership and utilisation (Meso et al. 2016).

From one point of view, education and skills training are believed to be catalytic in bringing about transformation in the lives of the people, particularly previously deprived communities (Senadza 2014). Accordingly, agro-studies require the design of area-specific curriculums for prospective farmers in rural setups. Furthermore, lack of physical resources has been viewed to be a major compounding factor in the failure of land reform (Rigg 2006). Clearly, it can be recommended that democratic government should consider the holistic application of a state-led green revolution in an attempt to provide catalytic technological, financial and non-financial support to emerging farmers as a consequence of re-oriented land reform (Marthin and Lorenzen 2016). Originally, the green revolution has been viewed with scepticism for manifold reasons which include that is not affordable, and hence favours affluent

farmers. It is therefore suggested that rural development should ensure that green revolution is led by the government, thus providing those who cannot afford it with the necessary agricultural equipment. It is further recommended that there should be a redress of the imbalances of the past. It should also be ensured that there is equity in the application of spatial development planning and land use management systems (Marthin and Lorenzen 2016).

The democratic government has set goals to be accomplished in relation to solving the inequalities brought about by colonial settlers. These goals were meant to be achieved through land reform, hence there is a near-consensus that the programme has been undeniably slow (Senadza 2014). According to Anseeuw (2000), spatial segregation measures have engendered extreme inequalities concerning land distribution. Furthermore, those measures, combined with the limitations of commercial farm activities for black populations, have led to important inequalities between white and black farmers (Anseeuw 2000). Therefore, it is important for development programmes to be implemented in such a form 'that land can be re-orientated in order to redress the injustices of forced deportations and denial of access to land' (Lahiff, 2014). After 1994, the mandate of the ANC was to find solutions to the overpopulation of certain rural areas of the former reserves and Bantustans, to promote access to residential and farmland, and to revitalise the non-white agricultural sector and rural areas (Binswanger-Mkhize 2014).

The South African government strives to ensure that rightful indigenous beneficiaries procure assets which primarily belong them (Lahiff 2014). Section 25 of the Constitution of South Africa addresses land reform, and it addresses existing property rights as well. As presented recently through its three components (restitution, redistribution and tenure reform), land reform was aimed at giving back land to its 'rightful' owners as a way to deal with spatial arrangement designed by the apartheid regime (Binswanger-Mkhize, 2014). The major goal of the reform is to return land or offer alternative redress to people who unfairly lost their land, make land available for productive and residential purposes to the landless, and provide secure land tenure rights where they did not exist (Kepe and Tessaro 2014). Land reform, however, has failed to meet key objectives embodied in the Constitution, because less than 10 percent of the land has been redistributed since 1994 (Umhlaba Wethu 2011), and those who have regained land rights as part of the land claims or redistribution processes have not been able to translate these into meaningful livelihoods (Hall 2007). Practicing livelihoods, especially agricultural ones, has been deemed overwhelming difficult by rural dwellers due to the historical spatial arrangements and the failure of a democratic government to come up with a swift rural development strategy to accelerate the land reform programme (Marthin and Lorenzen 2016; Meso et al. 2016).

In 1997, the ANC and Department of Land Affairs identified three main programmes which are enshrined within the government's constitution regarding

land and agricultural reforms. It is believed that if these three main programmes are achieved, the re-orientation of land will be accomplished and that rural people will therefore be more productive through land-based livelihoods (Lahiff 2014). In a nutshell, it can be recommended that the South African government come up with realistic approaches towards achieving land reform. In addition, the government focuses on implementation of the policies rather than planning as well as providing sufficient budget in order to facilitate the reform through fostering the Land Redistribution and Agricultural Development Grant as a clear symbol for embracing post-acquisition support. Moreover, government should move from grants to subsidised loans for the finance of investment and inputs in order to improve accountability, incentives for careful use and returns towards government resources and decentralise decision making to provincial level (Binswanger-Mkhize 2014; Meso et al. 2016). South Africa should learn from the experiences of fast track land reform of Zimbabwe as well as the South Korean and Malaysian land reform processes, particularly as far as aspects are concerned which need to be improved and evaded in the reform process. In other words, the state needs to be more radical as indicated by the South Korean process and Zimbabwean one, albeit with sensible modifications where necessary (Gumede 2014).

CONCLUSION

The paper has partitioned the concept of Land Reform into three major components (restitution, redistribution and tenure), all rooted in the principal objectives of the programme: to return land to those unfairly dispossessed, to reverse extreme racial imbalances in landholding, especially in rural agricultural land, and finally to alleviate poverty in rural areas. Land reform has unleashed a process of radical agrarian change, with many rural dwellers enjoying enhanced land-based livelihoods and outputs. Whilst the ideal of effective land reform and the subsequent agrarian boom are meant to attain food security, income generation and sustainable settlements, progress in the pragmatic execution thereof has left a lot to be desired.

The snail's pace of the Land Reform Programme is compounded by a wide range of shortcomings, both in the internal and external environment of policy making. This paper has concluded that the most sustainable source of credibility for the land reform policy is the alignment of area-specific policies with ambitions and aspirations of the rural beneficiaries. As such, the success of land reform is, to a great extent, determined by how the programme is interpreted by the intended beneficiaries and how it conforms to and improves their livelihoods, ambitions and goals.

Furthermore, there is a near-consensus that South African land reform has overtly failed and as a result, researchers extrapolate that human capital (education) and market access should be prioritised in fulfilling the democratic mandate in this

regard. Experience from land reform programmes elsewhere in the developing world has demonstrated the importance of this type of advice. While reforming South Africa's land market is clearly an important political objective, the paper argues for poverty reduction in the form of investments that develop poor people's human capital, thereby improving their ability to access the labour market and quality infrastructure development.

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