

Governance of Land in South Africa and the Fallacious Bantustan Urbanisation*

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Abstract: Land governance has historically been contested due to its intricate connections with occupancy and settlement. For Africa, the latter phenomena have involved emotive issues of colonialism and land expropriation that came to define the access to means of capitalist production and/or absence thereof. For this reason, Africa is now synonymous with the ironic continent of mineral and biodiversity wealth amidst millions of socially excluded and impoverished people. Theoretically, the concept of extraverted subjugation invokes the idea of Africans themselves participating in the use of land resources in discriminatory ways that perpetuated enduring societal inequalities. In tribal societies, whose land governance was defined by traditional authority, such contestations have tended to be deep and volatile as part of the specific breed of accumulation and, to a large extent, capitalist development. The paper argues that land governance in a democratic South Africa's tribal non-urban settlements has simultaneously sustained the old standing fallacious Bantustan urbanisation. Populations therein, largely Black Africans, have remained estranged from territorial, socio-economic and substantive land ownerships. The persistence of communal tenure system has meant that the populations in tribal non-urban settlements would be denied access to four of the seven basic institutions of democracy, which are: access to alternatives, independent sources of information, autonomous associations and inclusive citizenship. To this extent, the paper concludes that the state has abrogated its constitutional mandate of ensuring that the right to substantive land ownership is realised by all, especially the Black Africans. The paper recommends that the communal landholding system needs to be reconstructed because it serves to deny the majority of Black Africans their fundamental rights to territorial, socio-economic and substantive land ownership.

Keywords: Governance, Land, Localism, Tribal Settlement, South Africa

Introduction

Land dispossession in South Africa has had enduring impacts, rendering the indigenous populations denationalised in sophisticated ways that encompassed the politics of race, economics and, recently, democracy (Ramutsindela, 2017; Rutherford, 2017). Generally, access to land has remained a "pressing concern for citizens and states" in the global South (Lombard & Rakodi, 2016: 2683). Land governance in Africa has, for example, played a key role in the acceleration of the investment in land and natural resources in the recent decades (Cotula, 2013 cited in Rutherford, 2017). Consequently,

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land governance and ownership have remained contentious, over 20 years in a democratic South Africa. Whereas the notion of land dispossession being “the primary root of poverty” (Letsoalo, 1994; Mbongwa, 1994; Mamabolo&Tsheola, 2017; Steel, van Noorloos&Klaufus, 2017) continues to be in currency even in public discourse, the National Development Plan’s stated drivers of transformation do not include it (see National Development Commission, 2013). Ironically, the advent of the democratisation experimentation in South Africa has meant that a large section of the population, predominantly Black Africans, came to genuinely expect land reform for both “political and economic reasons” (Letsoalo, 1994: 204). As Rutherford (2017: 240) puts it, Africa has since at least 2000 attracted increasing interest “for land investment by companies, investment funds, governments, and national elites due to a confluence of wider economic pressures, policy openings, environmental changes, and political conditions”.

There is, therefore, convergence on the notion that governance has become the “lodestone for policy analyses and scholarly attention to land investments in Africa” (Rutherford, 2017: 245). Indeed, the increased investment in Africa’s land and natural resources is characterised by its critics as “land grab” through formalities of governance (Rutherford, 2017). The participation of state “structures of authority and power” in the definition of landownership rights and claims thereto, especially in the borderlands which are sites of peace parks, is viewed as the legitimisation of “land grab” or “theft” (Ramutsindela, 2017; Rutherford, 2017). The Honest Accounts reports that Africa’s people should be thriving and its economies prospering (Curtis & Jones, 2017); yet, the continent has remained in the grip of poverty, especially among sections of the population living in tribal non-urban settlements. African scholars have historically searched for understanding and explanations for “what is often derided as the African crisis” (Ramutsindela, 1999: 180). There is universal acceptance that Africa’s social, economic and political problems are partly explicable through colonial governance institutions, structures and legacies (Ramutsindela, 1999, 2017), which placed race and ethnicity at the centre of societal existence (Desai, Maharaj& Bond, 2011). To be precise, land ownership has been at the centre of the construction of colonial and apartheid estrangement (Letsoalo, 1994; Mbongwa, 1994; Ramutsindela, 1999, 2017; Desai *et al.*, 2011). For this reason, Mbongwa (1994: 221) asserts that “land ownership can help bring about a new rural order”. However, land governance has continued to be delusional for former colonies because it consists of both territorial and socio-economic possessions, which do not automatically accord the holders substantive land ownership. This paper examines landownership categories and types in a democratic South Africa in order to present it as a democratic mechanism for the perpetuation of the fallacious Bantustan urbanisation.

Governance of Land Ownership: Interface of Localism and Communalism in Democracy

As Samuels (1978 cited in Johnston, Gregory & Smith, 1994: 176) puts it, the struggle against estrangement is in essence about spatial ontology, which is ‘a history of human efforts to overcome or eliminate detachment ... through the creation of meaningful ... ‘authored’ places’. The question is

whether struggles of the populations in a democratic South Africa's tribal non-urban settlements against estrangement have created "meaningful authored places" within which detachment could be overcome? This paper draws from three broad ontological meta-theoretical traditions of classical empiricism, transcendental idealism and transcendental realism in order to "understand and explain" the land governance through which tribal non-urban settlement populations in a democratic South Africa remain excluded from substantive land ownership. Social reality is indeed complex and land provides the backdrop for its manifestation. To this extent, understanding and explaining land governance requires integration of knowledge for ontological depth. The search for the latter in a context of a social world of extraverted existence and estrangement of citizens as objects entails cognitive depth. This paper is seeking for understanding and explanation of the imposition of democratic dispensation over tribal non-urban settlements with localised traditional institutions created as fallacious Bantustan urbanity wherein democratic regimes have sought to transform through western-grown land reform governance. For this reason, the paper insinuates that the democratic land governance in South Africa perpetuates the land estrangement through the fallacious Bantustan urbanisation.

Democratic Governance and Africa

The tensions of modern and traditional governance systems play out within localities of tribal non-urban settlements in a democratic South Africa. The Constitution of the Republic of South Africa (RSA, 1996) provides for the right to property ownership in section 25. However, tribal authority ownership structures have made the realisation of the ideals of land reform virtually unachievable in South Africa. It is fact that democratic practices were first applied in towns and cities where the "basic democratic institution was ... the citizen assembly" (Dahl, 2001: 3407), implying that non-urban settlements have always lagged behind in terms of lived experiences of democratic principle. It is tenable to question the existence of "access to alternatives", "independent sources of information", "autonomous associations" and "inclusive citizenship" within tribal non-urban settlements in a "democratic" South Africa. That is, manifestations of four of the seven basic political institutions of democracy in tribal non-urban settlements is questionable. Therefore, vexed questions need to be framed, among which it has to be asked: Are South Africa's localised political institutions adequately democratic in the context of the sections of the population living in the tribal non-urban settlements? But democracy has never been perfectly democratic in terms of its fundamental criteria and basic institutions, especially those operational at the local scale. The situation has been worse for Africa. But states could be accepted as democratic if they accorded full citizenship to all adults with entitlements to "all the rights and opportunities" (Dahl, 2001: 3406). To be precise, there are fundamental and difficult questions to be addressed when democracy is applied to the state and the politics of land (Dahl, 2001), especially when private interests predominate in land investments in the global South (Lombard & Rakodi, 2016; Rutherford, 2017; Steel et al., 2017).

Increasing number of African states have flirted with a variety of democratic experimentations during the 21st century (Tsheola, 2017). The question that remained unresolved is about the localities wherein the principles of democracy have to be lived and experienced. To understand and explain the localism

of land governance in tribal non-urban settlements in a democratic South Africa, it is imperative to examine the idea and practice of democracy as well as the emergence of representative institutions that came to shape it over time (Dahl, 2001). From its Greek origins, democracy came to be universally understood as “people rule” or “rule by the people” (Dahl, 2001: 3405). However, democracy has been used variously and, at times, in contradictory fashion wherein “citizens” had no right to decision-making and institutions of governance; and, tribal non-urban settlements in South Africa are not an exception to the norm.

Localities in South Africa are places wherein ethnicity and tribalism play out in discriminatory ways that cause societal estrangement. But Section 25(5) of the Constitution of the Republic of South Africa “orders the state to take reasonable legislative and other measures, within its available resources, to put in place conditions which will enable the citizens to gain access to land on an equitable basis” (Mamabolo&Tsheola, 2017: 162). Importantly, section 25(6) “obliges the state to address insecure land tenure of the people and communities” caused by apartheid institutional regimes (Republic of South Africa, 1996; Mamabolo&Tsheola, 2017: 162). The process of land redress in the global South was never destined to be smooth sailing in tribal non-urban settlements, largely due to the governance imperatives of communal land and traditional authority regimes (Ramutsindela, 2017; Rutherford, 2017; Steel et al., 2017). For countries steeped in tradition such as South Africa, “Chieftaincy has been bureaucratised and many policies were made with their connivance - betterment planning, forced removals, and Bantustan independence” (Letsoalo, 1994: 205). That is, the political-economy of tribal non-urban settlements was historically constructed through localised extraversion of the traditional authorities; and, this paper asserts that the sustenance of the status quo under the democratic dispensation is inextricably linked to the persistence of communal landholding governance and the apartheid “spatial fix”. But there is common acceptance that transformation in South Africa could be achieved through land redress, after years of colonialism, segregation and apartheid estrangement (Mamabolo&Tsheola, 2017). The post-apartheid state has, however, created a fallacy of land reform especially in relation to the sustenance of communal land in tribal non-urban settlements, wherein territorial, socio-economic and substantive land ownerships were tacitly made improbable. Unsurprisingly, Letsoalo (1994: 216) concludes that “... there are no success stories in the developing countries, when the most productive land has remained in the hands of a few wealthy farmers, or when peasants and rural workers have had no say over their own destiny”. To this extent, democratic experimentation in Africa has instilled popular hope about the transformative qualities of land governance and societal progress, inclusive of sections of the population resident in remote non-urban settlements.

Democratic dispensation in South Africa has appeared to install reflexivity in land governance, under the rubric of land reform, in order to accommodate persistence of the old tribal non-urban settlements political-economy order and/or disorder. Mamabolo&Tsheola (2017:154) corroborate the notion that the broader political-economy of governance is inherently biased against poor communities within localities of tribal non-urban settlements in South Africa. Hence, this country’s over 20 years of trotting with land

reform has remained contested, agitating for public discontent (Bennett, 2013; Mamabolo&Tsheola, 2017). The Department of Land Affairs has “managed land on behalf of the rural communities in tribal settlements” (Mamabolo&Tsheola, 2017: 161). However, communal land ownership structures continue to be afflicted with disputes, which Loate (2014: 2) blames on alleged “ignorance of traditional councils, absence of skills of the CPA members, lack of institutional support, dearth of operating capital and poor information management”. The interface of communal land ownership structures and democratic dispensation in localism has created protracted challenges for land reform. On its part, Communal Property Associations Act, 28 of 1996 “places undue emphasis on western-grown corporate models of registration, at the expense of tribal customs of land tenure” (Mamabolo&Tsheola, 2017: 162). Communal Land Rights Act, 11 of 2004 provides for “legal security of tenure” as a way of giving pragmatic effect to the provisions of section 25(6) of the Constitution of the Republic of South Africa. It purportedly seeks to transfer communal land to ownership of deserving citizens. In reality, the majority of populations in tribal non-urban settlements continue to be deprived of land ownership and security of tenure as well as access to some basic institutions of democracy due to the interface of communal tenure, localised tribal authority and national democratic governance institutions.

For this reason, a democratic South Africa presents vivid tales that attest to the governance challenges on land, occasioned by colonialism and perpetrated by apartheid and, currently, sustained through democratisation experimentation over traditional authority cultures. The underlying discourse about land reform in South Africa is reflective of “the politics of local knowledges and their associated regimes of truth” described as ethnocentrism (Johnston *et al.*, 1994: 69). Over 20 years after 1994, South Africans in the tribal non-urban settlements continue to engage the struggle against estrangement from land ownership, being situated in the middle of nowhere away from both rurality and urbanity. Land reform legislative framework in South Africa does not have the capability to redress historical discrepancies within “tribal settlement communities” (Erlank, 2014 cited in Mamabolo&Tsheola, 2017: 162) because it does not address the primary challenges of land governance (Bennett, 2013; Loate, 2014). Therefore, Mamabolo&Tsheola (2017:164) concur that “the shift from government to governance” has reinserted the “same old lines in the sand of a racialised spatiality of land reform inequities at the expense of tribal settlements” populations in South Africa. As a result, “the notion that the broader political-economy of governance of land reform in a democratic South Africa is inherently biased against poor communities at the local scale of rural tribal settlements” (Mamabolo&Tsheola, 2017: 164) has gained traction. It is tenable, as Mamabolo&Tsheola (2017: 164) put it, that “a democratic South Africa’s land reform institutional frameworks together with the liberationist constitutional governance have merely papered over the longstanding political-economy inequities that were founded on racial spatialisation”. The perpetuation of the fallacy of Bantustan urbanisation under democracy cannot be tenable dismissed for tribal non-urban settlements.

Land Governance, Categories Holding and Types of Ownership

Land governance in southern Africa has had enduring impacts, rendering the indigenous populations denationalised in sophisticated ways that encompassed the politics of race, economics and, recently,

democracy. Land governance continues to be “the primary root of poverty” (Letsoalo, 1994; Mbongwa, 1994; Rutherford, 2017; Steel et al., 2017). Land ownership has been at the centre of the construction of colonial and apartheid estrangement (Letsoalo, 1994; Mbongwa, 1994; Ramutsindela, 1999, 2017; Desai *et al.*, 2011). But democratic land governance has continued to be delusional for former colonies because it consists of both territorial and socio-economic possessions, which do not automatically accord the holders substantive land ownership.

The relationships of the categories and types of landownership explains the possibility of the exercise of governance formalities wherein communal “land grabbing” takes place in service of private capital interests. In this process, the state legalises and legitimises “land grabbing” and appropriation of natural resources (Alden Wily, 2012; Apostolopoulou & Adams, 2015; Ramutsindela, 2017). In so doing, the state alienates land and natural resources through the so-called “control grabbing” (Ramutsindela, 2017). Through “control grabbing”, land investments actively legitimises and legalises alienation of state and communal land for speculation whilst simultaneously situating freehold lands for continuation of private land rights (Alden Wily, 2012; Barros, C.P., Chivangue, A. & Samagaio, A., 2014; Apostolopoulou & Adams, 2015; Ramutsindela, 2017). Accordingly, Ramutsindela & Noe (2012) note that states exploit the “trusteeship of communal land and the ambiguity of rights” over such land, with the appearance of being local citizens managed. According to Ramutsindela (2017), the expansion of peace parks in southern Africa has, for example, progressed largely through state alienation of land rights. Hence, Ramutsindela (2017: 111) frames the practice of the state undermining the communal land rights in the creation of peace parks as “legalised ‘theft’”.

From a political ecology perspective, Ramutsindela (2017: 107) examines the “political and economic processes affecting control, ownership, access and use of natural resources, including land”, to point to “land grabbing”. According to Ramutsindela (2017: 111), “Freehold land is generally known as an enabler of investment and as a collateral asset” to the extent that private holding rights are preserved. As Samuels (1978 cited in Johnston *et al.*, 1994: 176) puts it, the struggle against estrangement is in essence about spatial ontology, which is ‘a history of human efforts to overcome or eliminate detachment ... through the creation of meaningful ... ‘authored’ places’. The question is whether struggles of the populations in Southern Africa against estrangement have created “meaningful authored places” within which detachment could be overcome? Reading from Leftwich (2004: 14), Ramutsindela (2017: 110) asserts that politics of land manifest in issues of “power, control, decision-making and resource allocation”. From this positioning, Ramutsindela (2017: 110) pronounces that “Dichotomies of land tenure regime in Africa arise from the colonial allocation of property rights and the inability of post-independent states to radically transform agrarian and land relations”. For this reason, democratic land governance in the global South has instead served to perpetuate the old status quo on land ownership and rights to determine use.

Substantive Land Ownership versus Enstrangement and De-nationalisation in Africa

Land ownership is crucial to human existence in that it allows for settlement and access to resources (Letsoalo, 1994; Mbongwa, 1994; Ramutsindela, 1999, 2017; Rutherford, 2017; Steel et al., 2017). For South Africa, as has been for the rest of the world,

“Land reforms are changes of land ownership and occupation rights with the aim of changing the distribution of income, social status and political power structures.... It is an instrument of human rights and social justice” (Letsoalo, 1994: 203).

In South Africa, though, landownership became starkly racialized wherein “whites had exclusive rights to freehold land” and blacks being largely “confined to communally held land” (Ramutsindela, 2017: 110). Thus, it is imperative to examine the categories and attendant types of landownership in South Africa. Respectively, there are three categories (state, freehold and communal land) and three types (territorial, socio-economic and substantive) of landownership (Letsoalo, 1994; Mbongwa, 1994; Ramutsindela, 2017).

Territorial and socio-economic land possession “confers the right to a stream of benefits to citizens of a country whilst member states of the international community respect the conditions which govern the protection of such benefits” (Mbongwa, 1994: 221). The increased interest in land investment in Africa through the invisible hand of the state mediate these types of land ownership for insertion into financial intermediation. Protection of the benefits from territorial land ownership are “institutionalised in the constitution, legislation, courts of law, organs of government, social structures and economic systems” whereas socio-economic land ownership “invests the bearer with the right to the flows of benefits of land usage within a country” (Mbongwa, 1994: 222). Territorial land ownership is the precondition for access to socio-economic land ownership. Within the socio-economic land ownership, resides the potential for substantive land ownership implying differentiation through “size of land owned, land productivity, land value, number of farm lands owned, distribution of land owned, land type, technology of land usage, location of land, and land use” (Mbongwa, 1994: 222). Where territorial land ownership is a necessary condition for substantive land ownership to be realised, socio-economic land ownership is a sufficient condition. The absence of territorial land ownership is equivalent to the denial of access to land rights. The majority of the population do not have territorial land ownership largely due to the prominence of the state, public and/or communal land (Ramutsindela, 2017; Rutherford, 2017).

According to Ramutsindela (2017: 111), communal landownership is not only complex, but it “takes multiple forms that range from public tenure to local control by the resource users themselves”; and, it is often understood as “open access or as a common-pool resource” available for use by multiple actors. In this way, communal landownership is often treated in practice as state land with “competing jurisdictions” wherein land rights are “held under customary law and usufruct arrangements” (Ramutsindela, 2017: 111). Unlike communal and state lands, freehold land rights “are protected by domestic and international laws” (Ramutsindela, 2017) and this arrangement has been a feature of almost all democratisation experimentations in southern Africa. As the states violate the communal and

public land rights and protects the freehold land rights, the net effect has been to establish conditions for privatism and neoliberalism.

Land ownership is crucial to human existence in that it allows for settlement and access to resources (Letsoalo, 1994; Mbongwa, 1994; Ramutsindela, 1999, 2017; Lombard & Rakodi, 2016; Rutherford, 2017; Steel et al., 2017). The current discriminatory rural economic structure of bantustanisation in South Africa was created through specific governance of land ownership.

Hence, “the new rural economy” (Mbongwa, 1994: 225) could be created through substantive transformation of land ownership. However, land ownership for its own sake will remain inadequate; and, the Community Property Association (CPA) model within tribal non-urban settlements has not dented the prominent communal land tenure system.

Governance and Decision-making Powers

Geographic scales have always presented a dilemma in democracy, especially in African countries such as South Africa where colonialism and apartheid created a “spatial fix” of Bantustans. Whereas smaller geographic units could provide the greatest opportunities for participation in self-governance, nation-state jurisdiction and institutional frameworks create additional difficulties for localities, especially in environments of tribal non-urban settlements. Hence, local political institutions have become a novel imperative for operationalising state democracies. Tacitly, governance determines through specific institutions, inclusive of the democratic, variable access to substantive land ownership. According to Thondhlana, Shackleton & Blignaut (2015: 121), local institutions allow for “more effective decision-making in the management of and access” to land by mediating “participation in decision-making, information dissemination, transparency, trust and accountability, power relations, divergent interests and unequal access”. Appropriate local institutions of governance can ensure that democracy is inclusive of multiple actors.

A pertinent question need to be asked: Do traditional authorities hold decisional, discursive or regulator power? Decisional power refers to “policy making and political influence”, discursive power involves “the framing of discourses”; and, regulatory power is about “rule-making and institution building” (Arts, 2003: 13 cited in Buscher & Dietz, 2005: 5). Tribal non-urban settlement actors “do not command any of these capabilities” (Mamabolo & Tsheola, 2017: 159). At the national scale in South Africa, ingredients of successful governance are constantly being retorted; and, they are: inclusivity; fairness; participation and legitimacy, transparency and accountability (Thondhlana *et al.*, 2015; Mamabolo & Tsheola, 2017). In reality, all these ingredients are not experienced at the local scales of most tribal non-urban settlements in South Africa. Indigenous populations, exclusively resident in tribal non-urban settlements, have largely been excluded from substantive land ownership and their “colonial status was also left intact and was continued under the Union and Republic of South Africa” (Mbongwa, 1994: 222). Historically, “state power and public institutions” were used in South Africa to create the rural economy structure that excluded the indigenous populations from access of territorial and/or socio-economic land ownership.

Non-urban Settlements: The Fallacy of Bantustan Urbanisation in South Africa

In South Africa where land reform policies came to be overshadowed by concerns with food security and reconciliation, the majority of the population in tribal non-urban settlements have remained alienated and estranged from land ownership and agricultural activities, consistent with the apartheid-created fallacy of functional “Bantustan urbanisation” under liberal democracy. The sense of urbanised former Bantustans has impaired the potential for productive land reform with a measure of permanency, because localised institutions of traditional authority have come to instil discipline for top-down control. Bantustan populations were denied the opportunity to farm by “being uprooted from large fertile lands” (Letsoalo, 1994: 206) and being fallaciously urbanised. That is, “Bantustan urbanisation” was a functional fallacy created with the process of agricultural deskilling (Letsoalo, 1994; Mbongwa, 1994). To this extent, a perception was created that “Bantustan populations are functionally urbanised and will not demand land for agriculture” (Graaf, 1990 cited in Letsoalo, 1994: 206). Indigenous populations were alienated from territorial land ownership primarily through the Native Land Act No 27 of 1913 (Mbongwa, 1994). Plaatjie (1982) shows that “African land rights within the reserves excluded private land ownership ...” (cited in Mbongwa, 1994: 224). Reserves consisted of about 7.78% of total land area by land tenure system in the Union of South Africa, which was 9 538 300 ha (Mbongwa, 1994). The size of the land in the reserves was increased in 1936 from 7.78% to 13.7% through the Native Trust and Land Act No 18 of 1936 (Mbongwa, 1994). The Native Administration Act of 1927 instigated further changes to the indigenous African land tenure systems by installing “the Governor General (State President) the ‘traditional’ Supreme Chief of African Chiefs, with overriding powers on African land matters” (Mbongwa, 1994: 225). The passing of this Act has meant that African Chiefs were reduced to virtual “government civil servants” (Mbongwa, 1994: 225). To understand and explain the territorialisation of tribalism in South Africa, it is imperative to briefly evaluate the interfaces of the concepts of tribe, culture, rurality, territory and settlement.

Tribe is defined as “a primitive social unit formed by the alliance of a number of smaller, mainly farming groups to further a common purpose”, and “it consists of a number of kingship groups bound together by common language and common rules of social organisation” (Goodall, 1987: 482). The phrase “farming group” is crucial in this regard. South Africa, especially within former Bantustan settlements, continue to be characterised by tribalism and apartheid-created “spatial fix”, which has instead eclipsed “farming” out of tribal non-urban settlement. The interface of tribe and territorial-boundedness has created spaces within localities that may not necessarily realise lived experiences of democracy in contemporary South Africa, largely due to the prominence of communal tenure and traditional authority systems. Without farming, tribes are virtually devoid of rights to territorial land. Territory is “a legally bounded space belonging to a sovereign state”, in terms of commonly received wisdom (Goodall, 1987: 468). In a behavioural context, inclusive of tribalism, territory would mean “spaces related to individuals, groups and their activities” (Goodall, 1987: 468), especially agriculture. The term rural, in this regard,

does not necessarily refer to non-urban settlements. According to Goodall (1987: 417), rural refers to “those parts of a country which show unmistakable signs of domination by extensive uses of land, either at the present time or in the immediate past”. The non-urban does embrace the purity of rurality as well as those settlements where “the domination of extensive (rural) uses over an area has lapsed ... (and such) settlements still appear rural to the eye although ... (they would) have become little more than an extension of the city ...” (Goodall, 1987: 417). In its original meaning, settlement referred to the processes of “grouping-up and peopling (or colonising) of previously uninhabited or thinly populated area” (Goodall, 1987: 427). In time, the meaning mutated to embrace the socialisation of spaces such as in the tribalisation of territory and/or territorialisation of tribes. For many populations in tribal non-urban settlements, tribe has cemented itself as a key consideration of existence ahead of statehood.

Mamabolo &Tsheola (2017: 158) note that “Tribal settlements in South Africa consist of communities that are steeped with tradition and respect of traditional authority as subjects; and, the expectation that they could already participate in Western-grown democratic institutions implied that they could shed their culture, tradition, virtues, values and institutions overnight”. Given the effects of estrangement from agricultural activities, former reserves in South Africa continued as non-urban rather than rural settlements. South Africa’s tribal non-urban settlements are exclusively confined to the six “self-governing territories” of Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa and Qwaqwa, as well as the four so-called TBVC independent states of Bophutatswana, Ciskei, Transkei and Venda (Letsoalo, 1994; Mbongwa, 1994). The specific tribal non-urban settlements are numerous, virtually covering the rest of the area of the former homelands, which consists of 13.7% of South Africa’s total land area, which is not large by any stretch of imagination.

Evidently, the creation of native reserves and then homelands formed the legal basis on which the fallacy of functional Bantustan urbanisation was established. Confinement of Black Africans to reserves reaffirmed territorialisation of tribalism and tradition in non-urban settlements. Paradoxically, apartheid capitalism too has sought to simultaneously thrive through the reserves, whilst undermining “tribal settlement traditions, value systems, virtues, and beliefs” (Mamabolo&Tsheola, 2017: 156). Populations in tribal non-urban settlements in South Africa are “tacitly excluded from the processes of modernisation and development, implying that when they access land, they are already locked into a subsistence, rather than commercial, mode of farming” (Mamabolo&Tsheola, 2017: 158). To this observation, it could be added that the tribal non-urban settlement populations are virtually excluded from access of some basic institutions of democracy, except for regular voting, official representation and freedoms of expression.

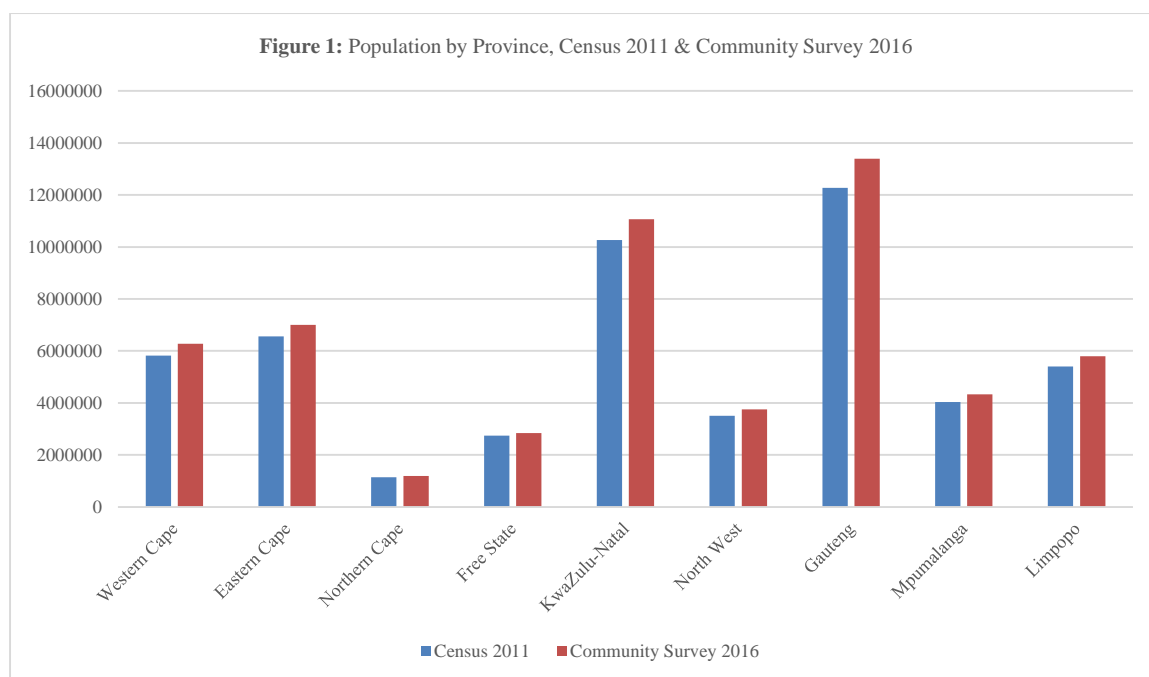
Paradoxes of Community and Substantive Land Ownership in a Democratic South Africa

Tiffen (1996: 169) notes: “In relation to land, there is a tendency to romanticise common-property arrangements without serious effort to find out whether they are locally preferred by potential users and non-users, whether they complement individual land rights which may have already become established, or whether they are feasible within the local socio-political reality”. Indeed, “communal

tenure has administrative attractions, because it seems easier to control a few 'traditional' authorities than many individual owners (as evidenced in the former homelands of South Africa) ..." (Tiffen, 1996: 169). Also, Tiffen (1996: 176) states that "Reluctance to accept the capacity of customary tenure arrangements to evolve dynamically, and the convenience of 'communal' control for the state, has also been manifested in other parts of Africa". The sustenance of tradition in land reform under democracy was always going to deny citizens within specific localities some rights to territorial land ownership and access to democratic institutions. Described as "the sum total of the original solutions that a group of human beings invent to adapt to their natural and social environment", culture is more complex (Verhelst, 1990: 17 cited in Treurnicht, 1997: 93). According to Aina (1989: 125 cited in Treurnicht, 1997: 93), culture involves "values or personality" as well as "the greater corpus of techniques, knowledge, models of social organisation, ideals and aspirations specific to a society, which is handed down and learned in each generation and enables a form of social life to take place". Tacitly "culture is a resource for development" because "it conveys important information on the maintenance and adaptation of social systems to changing conditions" (Treurnicht, 1997: 94). Societal progress is therefore interlinked with culture; yet, South Africa's land reform has its origins in western cultural local knowledges. Western democracy and development paradigms are equally cultural exports into Africa; and, it is not surprising that even after the abolishment of formal colonialism the continent has continued to witness increased proportions and severity of human sufferance and misery.

Land, Race and Substantive Ownership in a Democratic South Africa

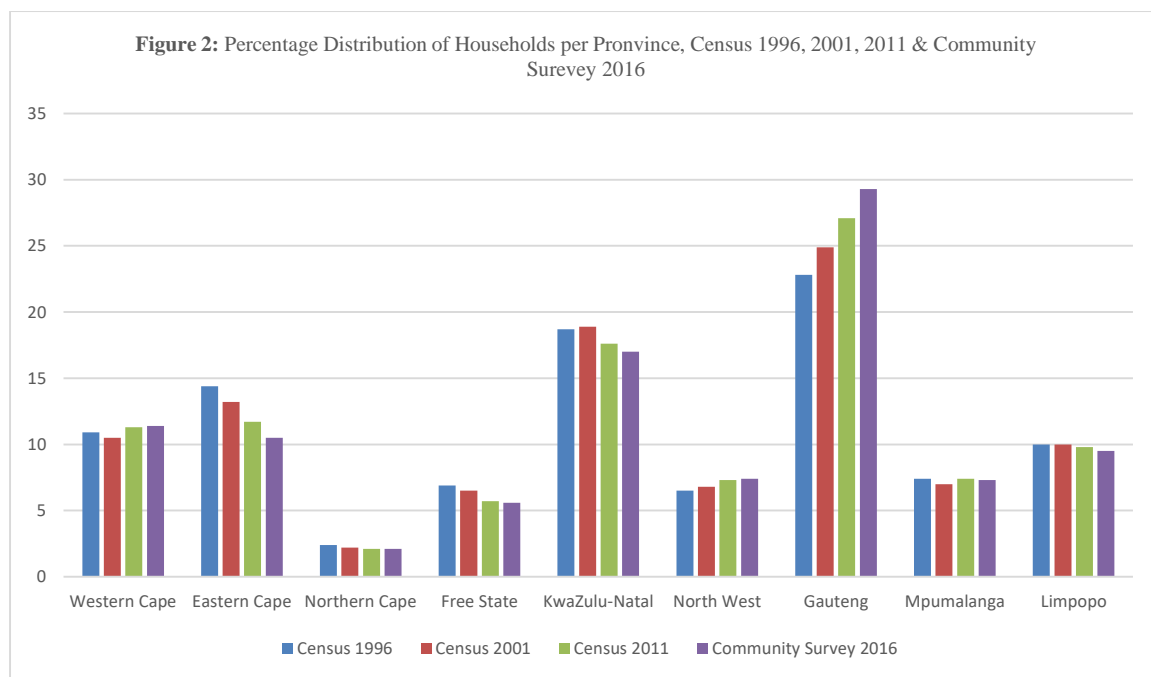
A democratic South Africa is administratively organised into nine provinces, two of which are more metropolitan than otherwise; and, these are Gauteng and Western Cape. KwaZulu-Natal, Eastern Cape and Limpopo Province are, conversely, dominated by non-urban populations and rurality. However, Gauteng, KwaZulu-Natal, Eastern Cape, Western Cape and Limpopo Province are, in descending order, the largest in terms of sheer population size (figure 1). Notwithstanding the intensification of urbanisation, the five provinces have uniformly experienced population increases between 2011 and 2016. In the era of globalisation and urbanisation, it is note worthy that KwaZulu-Natal, Eastern Cape and Limpopo Province have equally experienced population increases, just as it had happened for metropolitan provinces Gauteng and Western Cape.



Source: Statistics South Africa, 2016

Apartheid construction has created covariation of spatiality with race. Whereas South Africa's total population is largely Black African, provinces are in general identifiable with concentrations of particular population groups. In fact, areas of former Bantustans are exclusively confined to KwaZulu-Natal, Eastern Cape, Limpopo Province; and, to a lesser extent North West, Free State and Mpumalanga. The significance of Black Africans' concentrations in KwaZulu-Natal, Eastern Cape and Limpopo Province have serious implications on land reform and governance in tribal non-urban settlements because poverty and estrangement from agricultural activities are deep and severe there. To this extent, the coincidence of poverty, estrangement from land ownership and provincial spatiality is suggestive of the elusiveness of territorial land ownership. It is in KwaZulu-Natal, Eastern Cape and Limpopo Province where large tracks of land are in communal land tenure, inaccessible to the majority of the population, which is exclusively Black African.

However, the number of households has conversely decreased in KwaZulu-Natal, Eastern Cape and Limpopo Province between 1996 and 2016 (figure 2). It is understandable that domestic migration from rural areas to urban areas in South Africa has been a household decision-making process involving the "economy of affection" wherein the survival of members in both places is intricately connected. In this regard, the increase in population of the three provinces at the same time as the number of households decline, is indicative of the continued attractions of Gauteng, which is the sole province that experienced pronounced increase in the number of households (figure 2). The drop in the number of households is pronounced in the Eastern Cape and KwaZulu-Natal, and less in Limpopo Province.

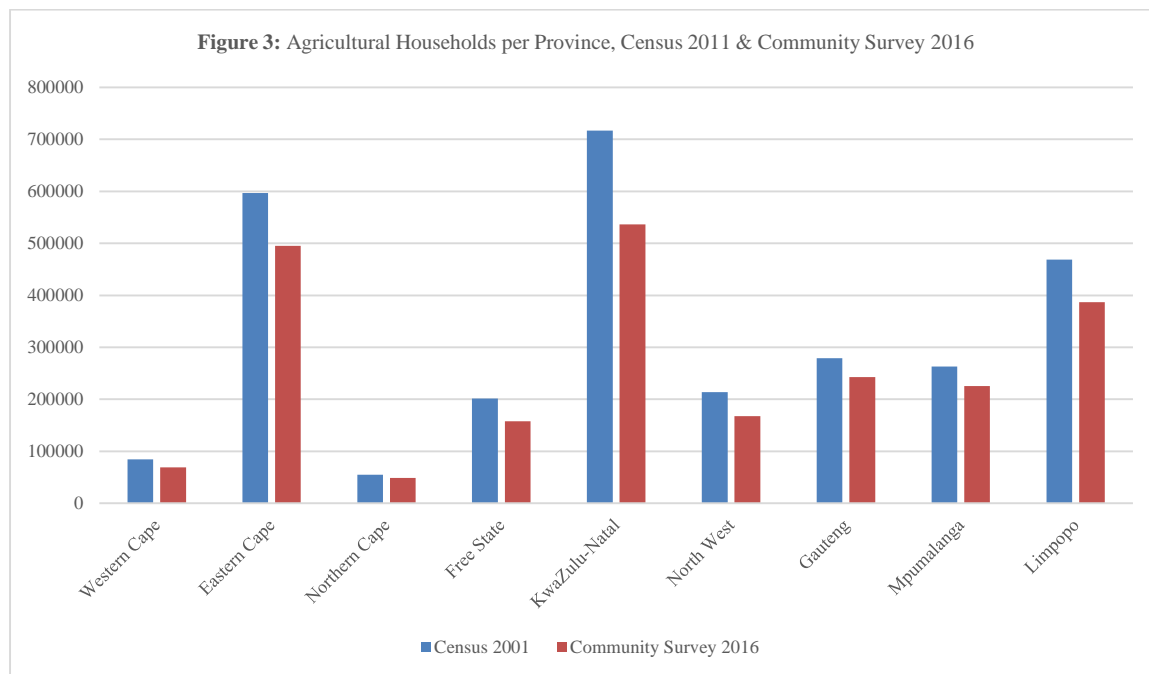


Source: Statistics South Africa, 2016

Given that the South African economy has continued to underperform in terms of job creation, with the result that 30.4 million South Africans, which is 55.5%, lived in poverty in 2015 (StatsSA, 2017), a rush away from land-based activities is paramount. That is, whereas households are drifting towards Gauteng, where land is scarce, the fallacy of Bantustan urbanisation has captivated the rest of South Africa, erroneously taking land out of the equation of socio-economic transformation. That effect is consistent with the failure of land reform. In terms of sheer land size, the semi-arid Northern Cape is the largest with a total land area of 361 830 square km (29.7%), followed by Eastern Cape at 169 580square km (13.9%), Free State at 129 480 square km (10.6%), Western Cape at 129 370 square km (10.6%), Limpopo Province at 123 910 square km (10.2%), North West at 116 320 square km (9.5%), KwaZulu-Natal at 92 100 square km (7.6%), Mpumalanga at 79 490 square km (6.5%) and Gauteng at 17 010 square km (1.4%) (StatsSA, n.d). Being the smallest province in terms of land size, the attractions of Gauteng to households suggest that the use of land as a pillar of societal transformation has become elusive.

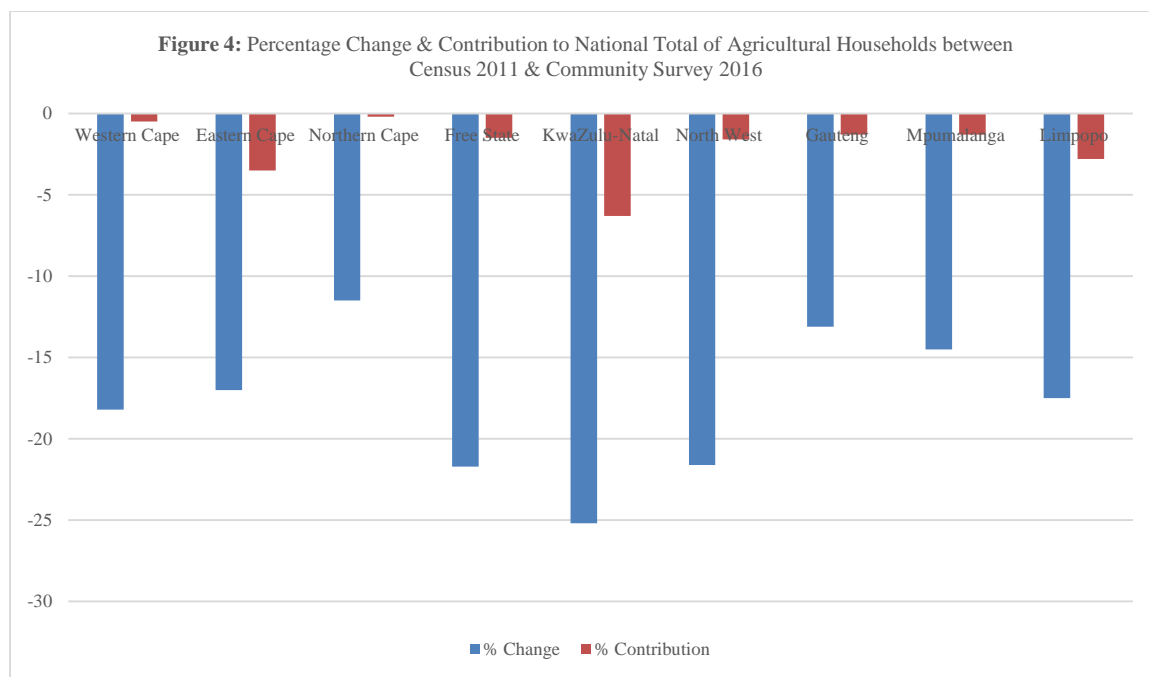
This observation is supported by the distribution of agricultural households and the types of lands used for agricultural activities. As it would be expected, notwithstanding the dominance of Gauteng Province in terms of the number and increase in households between 1996 and 2016 amidst declines in those for KwaZulu-Natal, Eastern Cape and Limpopo Province over the same period, there are more agricultural households in KwaZulu-Natal, Eastern Cape and Limpopo Province (figure 3). However, the total national numbers of agricultural households have decreased between 2011 and 2016, which is insensitive to South Africa's economic slump during the same period (Watafire, 2017). During a slump, "business operations are struggling to keep and maintain a healthy balance sheet due to the tough economic environment" (Watafire, 2017: n.p.); and, investments are at their lowest, employment prospects are reduced and purchasing power declines, with a general economic downturn (Johnston,

1986; Orrell, 2010; Watavire, 2017). The trend of decreasing agricultural households in the three provinces that have historically housed tribal non-urban settlements with the fallacy of Bantustan urbanisation points to the failure of land reform and captivation with communal tenure, which collectively frustrated substantive territorial land ownership.



Source: Statistics South Africa, 2016

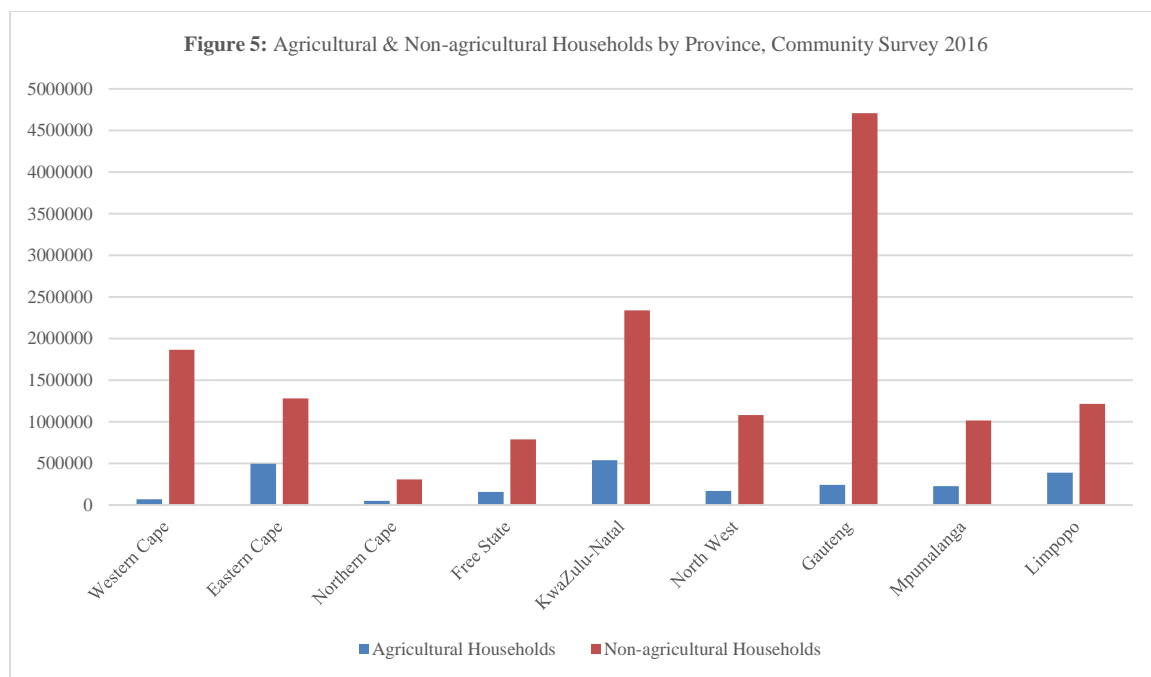
There is indisputable evidence that agricultural households have generally decreased across South Africa at the same time during 2011 and 2016 as Gauteng experienced increase in the number of households, beyond all other provinces. The largest contributions to the decreasing number of agricultural households in South Africa are the same in three provinces of KwaZulu-Natal, Eastern Cape and Limpopo (figure 4) that are expected to host the majority of land reform beneficiaries and usage of farmlands. This eventuality highlights the decreased reliance on land for societal progress. That is, land reform has failed to renew interest through a combination of territorial and substantive land ownership, especially in tribal non-urban settlements. To this extent, it would not be far-fetched to insinuate that the modern land reform within a democratic South Africa is essentially creating the same effect of a fallacy of Bantustan urbanisation as that under apartheid. An average of about 15% decrease in the number of agricultural households in five years is significant as it drifts against the land reform currency in a democratic South Africa.



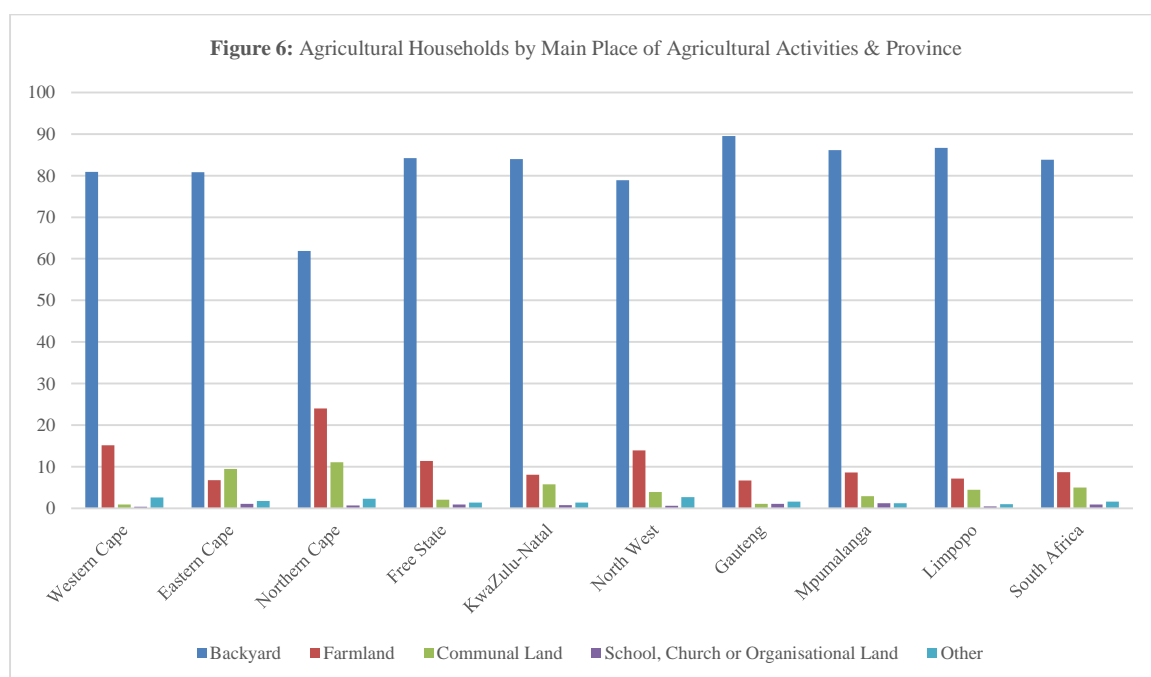
Source: Statistics South Africa, 2016

Whereas it is understandable to have an overwhelming majority of households in Gauteng and Western Cape being non-agricultural, it is concerning to have a similar pattern of lesser agricultural households in KwaZulu-Natal, Eastern Cape and Limpopo Province (figure 5). The fact that the same pattern is almost true in all the nine provinces to variable extents, should suggest that land has not been prioritised as the driver of societal transformation. With this situation, a deduction can be drawn to the effect that substantive land ownership is not promoted as the key driver of societal progress, which is not surprising as the National Development Plan 2030 Vision itself does not appear to adequately appreciate the value of land. This observation does not suggest that South African households are uninterested in agricultural activities; and, the types of lands that are used by active agricultural households are revealing.

In the rest of South Africa, an overwhelming majority of agricultural households are practicing in the backyard (figure 6). Farmland is at a distant second in terms of use by agricultural households, which raises questions of access and availability. In relative terms, usage of farmland for agricultural activities by households is prominent in Northern Cape, followed by Western Cape, North West and Free State. In KwaZulu-Natal, Eastern Cape and Limpopo Province, the usage of farmland for agricultural activities by agricultural households is just above 5%.

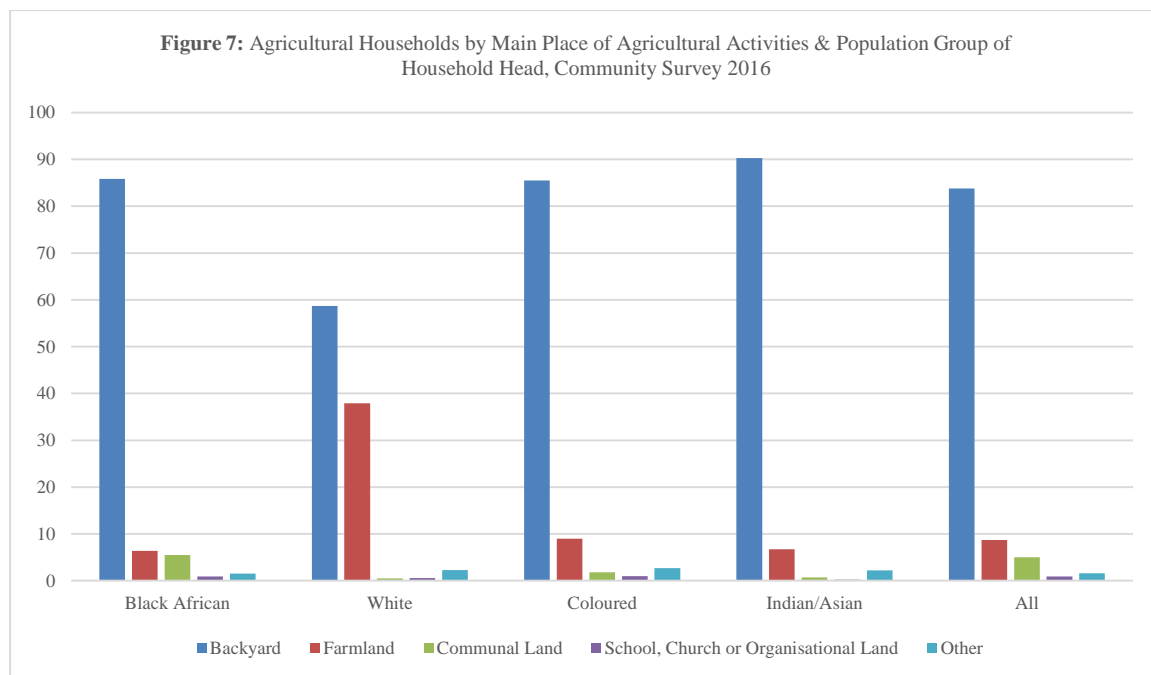


Source: Statistics South Africa, 2016



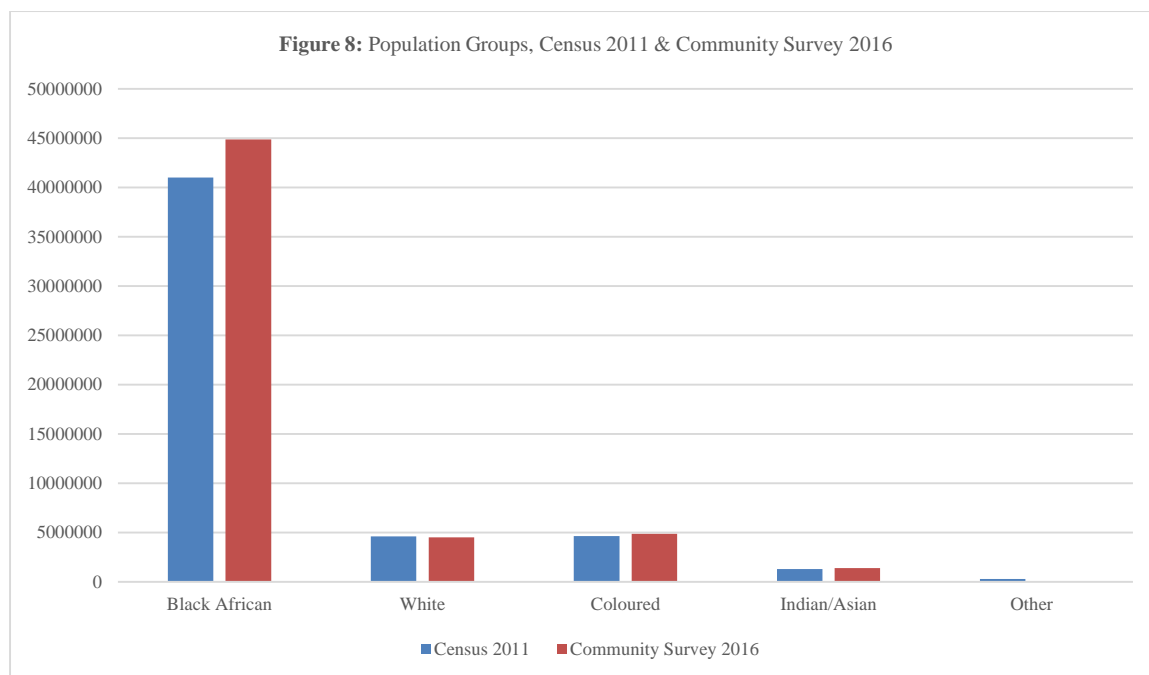
Source: Statistics South Africa, 2016

The proportion of agricultural households using communal land is on average below 5% at the national level. Only in the Eastern Cape and Northern Cape does that measure approach 10% (figure 6). This pattern attests to the failure of communal landholding system and the constitutionally-mandated land reform. The struggles with land ownership in South Africa are far from over because they have continued to be racially evident. Whereas the practice of agricultural activities in the backyard is predominant among all the race groups, it is less so with the White population group (figure 7).



Source: Statistics South Africa, 2016

Reliance on backyard for agricultural activities is heavy among the Indian/Asian, Coloured and Black African population groups (figure 7). Whereas the usage of farmland is about 5% for both Black Africans and Indians/Asians, it approaches 10% and 38%, respectively, for Coloureds and Whites. Evidently, this measure demonstrates that territorial and socio-economic land ownership remains dominated by Whites, at the same time as communal tenure systems continue to be indifferent in terms of societal transformation. As already stated elsewhere, the fallacy of Bantustan urbanisation has continued to captivate former reserves, which are exclusively habited by Black Africans where landholdings are predominantly communal. Yet, usage of communal land by Black African agricultural households is about 5% as of 2016, suggesting that sustenance of the communal landholding in tribal non-urban settlements has reinvented the so-called fallacious Bantustan urbanisation. Conversely, the total number of Black Africans has increased significantly between 2011 and 2016, relative to that for other population groups (figure 8).



Source: Statistics South Africa, 2016

Evidently, the desire for democratisation and the attendant land redress for both political and economic motives has remained a pipedream for the majority of Black Africans, who had suffered the wrath of colonialism, segregation and apartheid land governance. The extraversion in tribal non-urban settlements through the land governance that subjects land reform to chieftaincy controls, based on the local institutions, amidst national democratic dispensation has meant that populations there are denied the rights to at least four of the seven basic institutions of democracy. Prospects of South Africa becoming highly unstable cannot be discounted in this environment where the proportion of Black Africans continues to increase whilst their access to land, which is supposed to be the key driver for societal transformation, continues to be undermined through the “spatial fix” of apartheid fallacy of Bantustan urbanisation and communal landholding tenure system. In the final analysis, Black Africans who have suffered the legacies of colonialism and apartheid continue to have no access to territorial, socio-economic and substantive land ownership amidst constitutionally-mandated rights and entitlements. The latter could potentially agitate for societal upheaval as the economic slump continues to exclude the majority of Black Africans who are migrating away from the estrangement perpetrated through the communal land ownership under traditional authority jurisdictions.

Conclusion

This paper has argued that substantive land ownership, which is predicated upon territorial and socio-economic ownerships, has not taken root in South Africa's tribal non-urban settlements amidst constitutionally-guaranteed rights. It has demonstrated that communal landholding in tribal non-urban settlements has perpetuated the old fallacy of Bantustan urbanisation within the democratic institutional frameworks. Black Africans continue to be at the centre of sufferance of the failure of land reform from delivering territorial land ownership, which is a precondition for socio-economic and substantive land ownerships. At the core of the estrangement of Black Africans from land ownership, the paper argues,

is the dearth of progressive land governance within tribal non-urban settlements in a democratic South Africa. The paper concedes that land governance in a democratic South Africa is creating unsustainable futures. Populations in tribal non-urban settlements within KwaZulu-Natal, Eastern Cape and Limpopo Province are increasing at the same time as households drift to Gauteng. On both sides, land is scarce. To this extent, the paper concludes that the state has abrogated its constitutional mandate of ensuring that the right to substantive land ownership is realised by all, especially the Black Africans. The paper recommends that the communal landholding system needs to be reconstructed because it serves to deny the majority of Black Africans their fundamental rights to territorial, socio-economic and substantive land ownership.

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