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Social Factors in the Development of Agriculture in the Bantu Areas with Special Reference to Land Tenure Systems

by

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1. INTRODUCTION

The development of Agriculture in the Bantu Areas is as much a human or social problem as it is an economic and a technological problem. Unlike the peasants of China, the Bantu peoples of Southern Africa are traditionally not agriculturally minded. Furthermore, they are not by nature individual entrepreneurs, for their approach and methods are based on the tribal or collective system. The tribal organisation provides for mutual obligations and reciprocal arrangements, which in turn form the basis of security of the tribesmen. Tradition places much emphasis on security, which, in agricultural terms, means that every member of the tribe has the assurance of his inalienable share in the tribal land. As a member of the tribal group he has a traditional right to a portion of land on which to satisfy the reasonable requirements of the family group or kraal, if only on a subsistence level. His security is further based on the knowledge that, should he depart from his traditional home, he will on his return, again be accommodated as a member of the tribe. The traditional concept of security is one of the important factors that militates against a departure from their traditional way of life.

The traditional form of land use is still very much in evidence today, though it varies with the differing traditions of the tribes. In using arable land, the individual fields are ploughed only after the Chief has given the order to plough, or following the first rains in Spring. Cultivation is largely done by small ox-drawn ploughs, but many lands are still tilled by means of hoes or picks. Grain, legume and root crops as well as cucurbits are sown or planted either separately or intercropped. Herbs and "medicine" are often burnt or buried in the fields to keep away birds, pests or trespassers and to ensure a successful crop. Crops are used for food as soon as they reach the edible stage and the portion that is allowed to mature is reaped by hand and stored in a visible manner. Some grain crops, e.g. Kaffir-corn, also have a social value and are of importance during sacrifices.

Livestock are of great significance in the social life of their owners and are seldom the property of a single person in the family. This

complicates matters when a decision has to be taken regarding the sale of livestock. Goats are important to commoners in the tribe as beasts of sacrifice, when it is necessary to communicate with the family ancestors. Cattle again are sacrificed by the Chief to his own ancestors or to the ancestral spirits when misfortune befalls the tribe. Cattle also play an important role in marriage, for their transfer as "lobola" or bride-price is the act that makes the contract legal and binding. The social importance of cattle is a factor to be reckoned with in the process of development, for "take away lobola and you will immediately produce a condition of chaos throughout the Bantu race, which could not be met and satisfied by the substitution of something else. Only a changed outlook on life, only when tribal life ceases, may some other form of marriage contract be attempted with any prospect of success."¹) Acquiring livestock has in the past been virtually the only avenue of saving and investment open to the Bantu tribesmen. They are therefore loath to part with their animals, especially if they are not able to replace those that have died or have been otherwise disposed of.

Land and rights in land are of special importance because there is a close link between Bantu society and its customs and the land. To the Bantu people land is synonymous with their very existence for the following reasons:

(a) They regard their land as the home of those ancestral spirits that play an active and important role in their daily lives. "Even a man who leaves this place (his Ward) to settle elsewhere, will leave it in such a manner that the door is never closed behind him. For he knows that there will come a day when he wants to come back to it, if only to die there and be buried in the soil that contains his ancestors."²)

1) Soga, J.H. *The Ama-Xhosa : Life and Customs*, Lovedale, Lovedale Press/London, Kegan Paul, 1931, p. 275.

2) *Report of the Mangweni Reserve Commission of Enquiry*, 1961

(b) The right to occupy land, which they enjoy by virtue of their membership of a tribe, satisfies their desire for security.

(c) The occupation of land provides domicile and a subsistence for the family, and is something to fall back upon in times of unemployment, sickness or old age.

(d) Grazing land or commonage, in which they enjoy grazing rights, makes it possible for them to keep livestock that are much prized for their religious and social value.

2. OCCUPATION OF LAND UNDER THE TRIBAL SYSTEMS

Where land has been apportioned in blocks to the different tribal groups there is great similarity in the pattern of settlement adopted by them. The hereditary Chief, who is the most important figure in the tribal setup, holds the land comprising the tribal territory on behalf of the tribe. The tribe's territory is divided into semi-autonomous sections known as Wards. Each Ward is a geographical unit, falling under the control of a hereditary Headman and consisting of a varying number of Kraals. The Kraals are the homesteads of related householders, but may contain aliens as well. Each kraal or family unit is under the control of the Kraalhead.

In this settlement pattern the Ward is the most important unit, in that it is regarded as their real home by the members of the tribe. "A village was not a home; it stayed only for a short while on the same spot. The tribal territory was not a home; it was too wide and vague for the mind of a man to grasp. But the 'dunhu' (or Ward) was home. It was big enough for a man's children and children's children to settle in; it was small enough to know everyone who lived in it."³

The Bantu Areas of the Republic of South Africa are described in the Bantu Land Act, No. 27 of 1913 and the Bantu Trust and Land Act, No. 18 of 1936. The bulk of the land comprising the Bantu Areas is settled on a tribal basis. The boundaries of the land occupied by each tribe are defined; also the boundaries of the sub-divisions known as Wards or Locations. The land is divided into building allotments for residential purposes, arable allotments for cultivation purposes and grazing land or commonage. In the Chief vests the powers of allotting land to the individual members of the tribe, but he may delegate such powers to Headmen or Sub-Chiefs.

An important feature of the legislation is that the Bantu Areas are safeguarded against alienation of land to other races, thus saving the Bantu tribes from becoming landless paupers.

3) THE CUSTOMARY OR TRIBAL SYSTEM OF LAND TENURE

By far the greater portion of land comprising the Bantu Areas is held under the so-called "Communal" tenure system, which is an adaptation of the customary or tribal system. The ownership of land remains in the State while the occupation and use are enjoyed by the Bantu tribesmen by means of residential sites, arable allotments and communal pastures.

The system of customary tenure involves certain important principles namely:

- (i) The land occupied by the tribe belongs to the tribal community as such and none of it is owned by individuals.
- (ii) Every member of the tribe shall have the use of land, according to his need.
- (iii) Accepted members of the tribe shall enjoy security of tenure.

In order to understand the traditional approach to land holding, it is necessary to compare the Bantu's concept of the rôle of land with that of the Westerner. Land to the Westerner is an economic asset and he therefore develops agricultural land with the object of increasing its production and getting an economic return. The concept of the economic productivity of land is foreign to the Bantu's tradition. To them land is intended merely to satisfy the subsistence requirements of the tribesmen; their interest does not go beyond that point and the incentive to increase production therefore does not exist. Moreover, "the indigenous sector of the economy is either precapitalistic or noncapitalistic. Its patterns of behaviour, attitudes and value systems are the antithesis of the capitalistic ethic. Typically the noncapitalistic sector is rural; producers are not materialistic, incentives to increase production, such as higher prices have little effect; the indigenous population is not interested in production for profit but is concerned only with satisfying a limited range of wants that is almost static in character. Indigenous society demonstrates little economic dynamism and is slow to change."⁴

There also is a radical difference between Western and Bantu concepts of security of tenure. "Security of tenure is conceived by Western thought as individual rights, secured by a cadastral system, over a specific parcel of land. Traditional Bantu thought conveys security of tenure not as rights to a specific parcel of land, but as the fundamental right of a member of the community to participate in a reasonable share

3) Op. cit.

4) Yudelman, M., Africans on the Land, Cambridge, Massachusetts, Harvard University Press, 1964, p. 91.

of the land available to the community and if natural resources."⁵⁾

Under the Western system land is regarded as a negotiable commodity; it is freely bought and sold, rented and leased. Land is often mortgaged by the owner in order to raise capital. The customary system on the other hand makes no provision for the commercialization of land or rights in land. In economic terms this means that land is a "free good" because it has no price or market value. The manner in which rights in land are acquired does not involve a financial transaction; in fact Bantu custom rules that cash transactions in the acquisition of rights in land are illegal. Commercializing land rights, i.e. where land is sold, mortgaged or leased, means going a step further than individualization of rights in land and this would be strongly resisted by the tribal society.

Under the customary system the individual does not obtain real land ownership; the allotment of an arable land to an individual means that he is granted the right to cultivate an allocated portion of the tribe's land for so long as he needs to do so. This right is heritable and passes through the male line. Similarly are rights to a building allotment conferred on the individual tribesman heritable. Grazing land is used communally and here members of the community exercise their rights to graze animals, to cut grass, to take wood, water, clay and their other requirements.

The customary tenure system is often regarded in the light of an obstacle to progress by administrators or authorities seeking to develop the tribal communities and to modernize their agricultural practices. They favour a complete land reform in order to bring about the individualization and commercialization of land. They claim that such a step would go a long way towards removing the drawbacks of the customary system, namely the insecurity felt by allotment holders, the stifling of individual initiative, the subdivision and fragmentation of arable fields and the inability of the occupier to raise capital for improvements or modern equipment. It is therefore necessary to examine both systems very carefully to see whether the claim is valid in every respect.

In regard to insecurity, it is clear that that which means security to the members of a tribe differs greatly from security as understood by economists. In tribal agriculture, security is based on the principle that every tribesman has an inalienable share in the land occupied by his tribe; that after a period of absence he can always return to his ward knowing that as a member of that community he still has a claim to a portion of land.

If, however, the landholder should lose membership of his community, it follows that his rights in land would also be lost. This does happen to a tribesman who voluntarily transfers his membership to another tribe that has accepted him as a member. Cases do occur where a community makes it so hot for an unwanted member, that he leaves of his own accord, thereby automatically forfeiting his rights in land. Rights can also be lost if the landholder consents to the transfer of his rights to another member of the community who may have a more reasonable claim to land rights than he has. When it becomes apparent that the use of the land is no longer needed by a particular landholder or he fails to use the land, his rights may be also terminated.

Normally a landholder does not greatly fear interference by the tribe or community with his rights of occupation. He is protected from disturbance of occupation not merely by tribal custom but also by the action of the Tribal Court. Therefore "the traditional concept of security is at the heart of the problem to be faced in introducing tenurial changes. To be freely accepted, any change from the traditional system must be one that provides greater security for all, and the benefits of change must be greater than the advantages that may be lost in the process of change."⁶⁾

In the District of Keiskammahoek, where customary and individual tenure are in vogue, Mills and Wilson ⁷⁾ found no appreciable differences in productivity with the differences in tenure, nor marked differences in the crops grown or in cultivation techniques. Furthermore, there was no greater investment in long term improvements on land held on freehold or quitrent title than on tribally held land. The inference to be drawn is that under the existing circumstances, individual tenure also does not offer sufficient incentive to the holder to use his initiative to the best advantage or that the holder also does not possess the capital or skill to give effect to his initiative in a concrete manner.

Sub-division and fragmentation are features not confined only to land under tribal occupation. Sub-division refers to the splitting up of land into holdings that are too small to be the sole support of a family and is indicative of a multiplicity of landholders. Fragmentation refers to the location of separate pieces of land in a scattered fashion, that comprise a single holding. This indicates a multiplicity of parcels of land. Experience has shown that where land is heritable under a system of individual tenure and land control is not effective, sub-division of land may take place at least once in every generation.

5) Jones, B.M., Land Tenure in South Africa : Past, Present and Future, Pietermaritzburg, University of Natal Press, 1965, p. 35. (Italics added)

6) Yudelman, M., op. cit., pp. 110, 112.

7) Mills, M.E.E. and Wilson, M., Keiskammahoek Rural Survey, Vol. 4 : Land Tenure, Pietermaritzburg, Shuter and Shooter, 1952.

Land fragmentation normally takes place under the customary system. The Bantu prefer to hold two or three small parcels of land rather than one consolidated parcel. This is a form of crop insurance. Rain or hail may fall on one parcel and not on the others. They also prefer to have the separate parcels on different soil types e.g. clayey and sandy soils. The former type requires a higher rainfall than the latter type. If during a particular crop season the rainfall is low, a better crop is reaped on the sandy soil. If the rainfall is above normal, the clayey soil produces the better crop. Where land use planning is carried out on tribal tenure land, it has the effect of counter-acting fragmentation and consolidating the fragments.

Whether it is in the best interests of a developing society to permit capital to be raised by mortgaging land, is a moot point. It could be found that the disadvantages of such a practice outweigh the advantages.

4. INDIVIDUAL TENURE IN THE BANTU AREAS

Approximately 15 per cent of the land comprising the Bantu Areas is in Bantu ownership. This land is owned either individually or jointly and is held on freehold or conditional (quitrent) title. The acquisition of land by a group of more than six individuals or a tribe requires the State President's approval. Where townships are established in the Bantu Areas, all the land units are held by individuals on freehold title.

In weighing the advisability or otherwise of extending the system of individual tenure in a tribal community, the effect on the traditional way of life should be considered. A study has revealed certain developments; there may be others. Firstly, owners of freehold or quitrent holdings are relatively independent of the Chief or Headman. Freehold or conditional title permits the transfer of land rights through private treaty. This could result in the weakening of traditional authority, because individuals now exercise functions that formerly belonged to the tribal leaders. Secondly, there is a marked tendency towards the development of class differences between the landowners and the landless group. Thirdly, holders of land on freehold or conditional title, who go elsewhere to supplement their earnings, tend to stay away for much longer periods than the communal landholder and to take their wives and families with them. It must be conceded, however, that individual tenure has the advantage of holding together the members of a family unit. Through his control over the land the Kraalhead has more authority over his sons than he otherwise would have had.

A further consideration is whether individual tenure is sufficiently flexible to allow the rules of tenure to evolve according to the differing

circumstances prevailing in every tribal area. It must be accepted that tenurial systems will evolve and change as conditions and circumstances change. It is, however, important that change should be controlled in order to prevent undue disruption of the social environment.

In a certain Bantu Area where land is held under individual tenure, the congestion that resulted from squatting by landless members of the landholders' families showed up a weakness in the system. Although the eviction of the squatters was legally possible, the owners of the holdings would have been socially ostracised had they taken legal steps. The protection which the system held out for the landholders was in this instance weakened by powerful social pressures.

If any land reform should aim at extending individual tenure as far as freehold title, the financial implications of such a measure must be carefully considered. Should the agricultural small-holding pattern be retained and should it be decided to survey and register the residential and arable allotments, the cost of such services could be out of all proportion to the value of the land.

5. EVOLUTION OF LAND TENURE TO MEET CHANGING CONDITIONS

The Bantu Areas of the Republic are still in the developing stage, having mainly a rural economy in which agriculture plays a leading rôle. By and large farming is still at a subsistence level, production is low and the utilization of agricultural land is not very effective. This is the state of matters as seen through the eyes of the agriculturalist and the economist. The remedy that comes most easily to mind is: Create the necessary incentive by introducing individual tenure to replace the customary system. Capital investment in land and agricultural credit are absolute necessities, therefore commercialize the land and rights in land.

Although this may be the correct approach in dealing with a developed area, it disregards the importance of maintaining a balance between the development of the human and the physical resources in the Bantu Areas. Here a socio-economic development programme offers greater possibility of success. A sweeping land reform, imposed on a tribal society is bound to have severe repercussions; it could disrupt the social structure of the community, which in turn would adversely affect social development, thereby retarding the rate of technological and economic development.

This was probably realised by the Government, when it formulated its decision in regard to the recommendation of the Tomlinson Commission on land tenure and the commercialization of land rights, as follows:

"The Government is not prepared to do away with tribal tenure of rural land and to substitute individual tenure based on purchase, nor does it propose to give preference to individual acquisition of land above Tribal and Trust purchase in Released Areas. The desired aim of stable occupational rights on allotments in Tribal and Trust areas, instead of uncertainty year by year, must be secured rather by modernising the methods and the conditions which govern the allotment of land by tribal authorities."⁸)

The land policy of the Department of Bantu Administration and Development therefore provides for the general application of the tribal tenure system, but allows that the go-ahead entrepreneur can be accommodated on land held under individual tenure.

The Government's directive to modernise the methods employed by the tribal authorities in allotting land, as well as the conditions attaching to land holding, requires some consideration. It is imperative that the holding of land be organised in such a manner that land use is placed on a sound footing. In order to organise land matters effectively the following principles should apply:

- (i) Land is a trust and every landholder must accept the trusteeship of his land.
- (ii) To hold rights in land is a privilege, but land holding also places certain responsibilities on the holder.
- (iii) Land and all matters pertaining thereto, must be dealt with in a manner that will contribute towards the good order of the community.

A further requirement for proper organisation is that every allotment, whether residential or arable, shall be demarcated and registered in an effective manner, depending on the system of tenure under which it is held. It need not entail a cadastral survey and registration in a Deeds Office. This calls for good land administration. The authority that is responsible for land control must see to it that land and renewable natural resources are conserved in a good state, that uneconomic sub-division of land is discouraged and that the consolidation of fragmented land is systematically undertaken.

The tribal system of tenure will require modification from time to time, in order that it may function satisfactorily in changed economic and social situations. The system has in fact already undergone certain modifications. The original concept of joint holding and use of land by the

tribesmen, has made way for the practice of allotting residential and arable holdings to individual members of the tribe. Rights to graze livestock on the commonage are granted on a preferential basis in certain circumstances. Instead of the rights of occupation terminating on the death of a landholder, the widow or heir can assume occupation of the allotment, with the permission of the authority. These modifications have come about as a result of the traditional subsistence economy giving way to a self-supporting rural economy and the Government's decision to differentiate between the farming and non-farming members of the community, by allocating economic farming units to the former and providing other sources of income for the latter.

Already several shortcomings in the tribal tenure system have been made good by introducing measures not directly connected with land holding e.g. by land use planning, a Bantu farming pattern has been created that has checked land fragmentation and sub-division of arable allotments; capital needed for developing the land is provided by the State and the holders of tribal land therefore do not need to finance improvements such as water supplies, access roads, fencing and conservation works; an agricultural credit scheme that will not require the pledging of land as security for loans obtained, is to be introduced in the near future.

It is quite possible that the system will evolve in the direction of land being heritable subject to certain safeguards, land transfers between members of a community being allowed by the authorities, holders being compensated for improvements in the event of transfer of land or loss of rights and compensation being paid for the disturbance of tenure.

If the evolutionary process is considered to be too slow to keep pace with changing circumstances in the Bantu Areas and if it is decided to hasten the process by way of modification, it would be wise to take heed of the advice offered by Lord Hailey:

"Whether modification in the traditional systems of land tenure holding be due to the influence of economic change or to action taken to implement State policy, there will remain with the Administration the obligation to make itself fully acquainted with the indigenous methods of land tenure. The obligation will indeed be the stronger if change is due to the determination of official policy, since it is only knowledge of the existing indigenous practice which can secure that the change shall be evolutionary (and not revolutionary - author) and command the acceptance of the people most closely affected."

8) Memorandum: Government Decisions on the recommendations of the Commission for the Socio-Economic Development of the Bantu Areas within the Union of South Africa. (W.P.F.-'56), par. 47C.

...."The mistakes in the past have arisen mainly in connexion with rights over land of which the Administration desired to take possession or with

measures conferring upon African landholders titles implying rights not recognized by custom. There are now other spheres of action in which difficulties may arise through the absence of adequate information. Examples readily suggest themselves, as for instance measures designed for the creation of model holdings of economic size, schemes for the colonization of irrigated areas, or the resettlement of Africans moved from overpopulated or tsetse infested land. All such measures, if introduced without full knowledge of the rights existing over the land to which they are applied, may create such resentment as would seriously prejudice the proposed improvements."⁹⁾

"Social stability is an important factor in the furtherance of economic advance, and any hurried measure of reform in respect of indigenous land tenures might defeat its own purpose."¹⁰⁾

CONCLUSION

Measured in terms of agricultural production potential, the use of land and renewable natural resources in the Bantu Areas falls far short of the mark. This is due, in part, to the human factor. Agriculture has to do with land and water, grass and animals, crop plants and trees - and people. It has been pointed out how closely land,

animals and crops are woven into the cultural, religious, political and social fabric of the Bantu peoples. This has fashioned their attitude towards agriculture and has influenced their use of resources. Therefore any attempt at developing agriculture and increasing production must also aim at changing the attitude of the people.

It has been shown that a reform in land tenure alone cannot bring about increased productivity in the agricultural sector. A land reform can hardly be expected to solve such major problems as the low standard of technical competence of the producers, the virtual absence of private capital formation and the scarcity of operating capital.

Agricultural policy for the Bantu Areas recognises the influence of the cultural and sociological factors in the life of the rural communities and favours the give-and-take approach. The traditional system of land tenure is recognised, but by means of agricultural extension methods, strenuous efforts are made to bring about change in the traditional attitude of the communities. By educating the Tribal and Territorial Authorities, it is hoped to organise the control and administration of the land effectively. Moreover, great stress is laid on some of the complementary factors of production, namely, sound land use systems, the provision of capital to finance physical development schemes and the availability of agricultural credit to the producers, channelled through agricultural co-operatives.

9) Lord Hailey, *An African Survey*, London, Oxford University Press, 1957, pp. 811-12.

10) *Ibid.*, p. 805.