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## Betterment Planning and Restitution: Considering the Implications of the Draft Restitution Bill of 2013

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*BETTERMENT PLANNING AND RESTITUTION: CONSIDERING THE IMPLICATIONS OF  
THE DRAFT RESTITUTION BILL OF 2013*

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ABSTRACT

*The Draft Restitution of Land Rights Amendment Bill, 2013 proposed re-opening the restitution programme and allowing dispossession due to betterment planning as a basis for a restitution claim. Due to the institutional capacity constraints and the fact that restitution does not fully redress the legacy of betterment planning, this paper proposes that betterment claims should not be included as a basis for a claim for restitution. This paper further proposes that reparation for betterment planning deprivations must include a change in land use policies and an investment in development projects in the rural areas.*

I INTRODUCTION

‘The Minister [of Native Affairs] may... declare a land unit a betterment area and thereupon – any rights which any person occupying land within that area may have to graze stock... shall cease; the cultivation and use of all agricultural land within that area shall be subject to such rules, orders, notices, directions or prohibitions as the Native Commissioner may deem fit to impose...’ – Proclamation 116 of 1949<sup>1</sup>

‘We the people of the Northern Transvaal, have come together to save ourselves from starvation. We now solemnly decide that each and every one of us will plough the land which we were accustomed to plough in past years. We will remove the sticks which the government has set up,

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<sup>1</sup> Proc 116 GG 2610 13 May 1949 (4) (i) and (iii).

and plough our own land.’ – Declaration made on October 20, 1941 by 2,000 farm inhabitants in Northern Transvaal<sup>2</sup>

Historically, the lives of rural, native South Africans have revolved around their relationship with their land.<sup>3</sup> Access to land determined livelihood, wealth, and social status.<sup>4</sup> Betterment planning was a series of land control laws that, in conjunction with other legislation, stripped rural South Africans living on the reserves of their right to control their use of the land. The powers to allocate land, choose crops, create village arrangements, and determine grazing rights were taken from local communities and given to the State, or to Tribal Authorities that were selected by the State for their willingness to enforce the betterment legislation.

Although the stated motivation of the betterment planning was to control soil erosion and agricultural degradation in the reserves, the State actually used betterment planning to control the native population by disrupting community power structures through spatial dislocation and by preventing families from accumulating enough land for subsistence, thus ensuring a large pool of migrant labour to serve white mining and farming interests. It took from rural communities their ability to control the most important aspect of their lives: the land and their relationship to it. In often subtle or hidden ways, betterment planning eroded rural communities’ ability to enjoy their right of self-determination and undermined the social ties that formed the backbone of their cultural organisation.

This paper seeks to examine some of the political and legal implications of proving a legal remedy for the injustice of betterment planning by using restitution of land measures. This will be done by considering the Draft Restitution of Land Rights Amendment Bill of 2013, which proposed opening the restitution process to new claims and allowing individuals who were dispossessed by betterment planning to apply for restitution.

The Explanatory Memorandum to the Bill states that part of the aim of reopening land claims is to address the fact that betterment claims were not allowed or encouraged.<sup>5</sup> In order to understand the implications of allowing restitution claims based on dispossession through

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<sup>2</sup> Joanne Yawitch *Betterment: The Myth of Homeland Development* (1981) at 105.

<sup>3</sup> P.A. McAllister ‘The Impact of Relocation on a Transkei Betterment Area’ in *Towards Freehold: Options for Land & Development in South Africa’s Black Rural Areas* (1988) at 112.

<sup>4</sup> Ibid.

<sup>5</sup> Explanatory Memorandum of the Draft Restitution of Land Rights Amendment Bill, 2013.

betterment planning this paper considers the betterment regulations and government motivations for their implementation, the impact of betterment planning on communities, and the institutional strain incurred by allowing claims based on betterment.

## II THE BETTERMENT LAWS

The Black Administration Act of 1927 provided that the Governor General could pass laws in respect of all black people and black areas, by proclaiming them in the Government Gazette.<sup>6</sup> The first betterment law was declared in 1939 and betterment laws were promulgated regularly thereafter every few years.<sup>7</sup> See Annexure I for a schedule of each betterment law and its formal references.

While betterment laws initially dealt primarily with stock culling and limiting access to grazing land, the betterment laws of the 1940's and 1950's emphasised spatial planning including the demarcation of residential, arable and grazing areas,<sup>8</sup> the establishment of rural villages,<sup>9</sup> the control and regulation of all farming methods and techniques,<sup>10</sup> as well as forced labour provisions.<sup>11</sup> The final betterment law of 1967 consolidated many provisions of earlier legislation and extended the State's power to control the land use of people living in the reserves.<sup>12</sup>

Although the ostensible purpose for enacting betterment planning was soil conservation, both government reports and secondary sources indicate that betterment planning was in fact primarily motivated by a combination of the political need for spatial control of the native population and the economic demand of commercial farming and mining interests for access to a large pool of migrant labour.

Government reports recognized that the primary cause of the soil loss was the overcrowding of the reserve areas. As early as 1932 a report by the Native Economic Commission stated that, 'throughout the Reserves [there is] a state of affairs in which, with few

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<sup>6</sup> Black Administration Act No 38 of 1927 Section 25(1).

<sup>7</sup> Joanne Yawitch op. cit. note 2 at 103.

<sup>8</sup> Proc 116 op. cit. note 1 at (13)(a).

<sup>9</sup> Ibid.

<sup>10</sup> Ibid. at (15) (a-e).

<sup>11</sup> Ibid. at (22) (1).

<sup>12</sup> Proc R196 GG 1841 8 September 1967.

exceptions, the carrying capacity of the soil for both human beings and animals is definitely on the downgrade.<sup>13</sup> Statements such as this were continually made, indicating that government officials were aware of the actual conditions in the reserves and the reason for those conditions. The Native Affairs Department's Annual Report of 1944-45 stated:

'In recent years with the increase of the population, the land has become smaller and smaller, and owing to the congestion, cultivation of the land has gone on year after year, without any rest and without any effort to restore the fertility of the land from which the crops are being taken. The over-stocked conditions, the erratic nature of the rainfall, a progressive removal of the surface by erosion are resulting in deteriorated crop yields and frequent scarcities and famines in the reserves.'<sup>14</sup>

The Tomlinson Commission, tasked with creating a 'comprehensive rehabilitation scheme for Native areas' recommended that in order for the betterment planning system to actually conserve soil up to 80% of the population of the reserves would have to be moved off of the reservations.<sup>15</sup>

In spite of this understanding, betterment laws did not address the overcrowding problem, but instead focused on controlling land use and apportioning grazing and farming allotments in increasingly smaller units of land.<sup>16</sup> In short, the betterment laws were a land management system that could not hope to address the problem it was designed to fix. Therefore, 'because such a solution [betterment] did not take into consideration the political and economic factors that had forced reserve agriculture to deteriorate, such solutions could not and did not work.'<sup>17</sup>

Secondary sources contend that the primary purpose of the betterment legislation was not soil conservation, but rather to assert political control and to provide mines and commercial farms with a large pool of migrant labour.<sup>18</sup> As Cross and Haines explain:

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<sup>13</sup> Report of the Native Economic Commission of 1932 at 10.

<sup>14</sup> Native Affairs Department's Annual Report, 1944-45.

<sup>15</sup> Ivan Evans *Bureaucracy and Race: Native Administration in South Africa* (1997) quoting Tomlinson Commission summary at xviii.. Ebook available at <http://ark.cdlib.org/ark:/13030/ft2n39n7f2/>

<sup>16</sup> Joanne Yawitch op. cit. note 2 at 104.

<sup>17</sup> Ibid. at 103.

<sup>18</sup> Catherine Cross & Richard Haines *Towards Freehold: Options for Land & Development in South Africa's Black Rural Areas* (1988) at 92.

‘The real relevance of land to the state’s rural planning policy has been in the political sphere: land has been used to set up the spatial confines of apartheid, and in sustaining the micro-level structures of state control through the Bantu authorities. In addition, land has had a residual use in providing some level of support for the migrant work force and the reserve army of the unemployed who have been banished to South Africa’s homelands.’<sup>19</sup>

The betterment system allowed for a pool of migrant labourers who were unable to sustain their families through farming alone, but would still be tied to the land. Yawitch explains that if labour was tied to the reserves then employers could ‘pay wages that cover the costs of reproduction and maintenance of the single migrant only – because his/her family will be presumed to be living off the land.’<sup>20</sup> The migrant labour system also prevented the creation of a settled urban working class who would demand the provision of social services.<sup>21</sup> Government documents from the period support the charge that the creation of a large pool of migrant labour was a policy objective. The Native Farm Labour Committee stated in 1939 that, ‘the ultimate object [on white farms] should be the gradual development of a class of full time labourers.’<sup>22</sup>

The final purpose of the betterment laws was the control of the reserve population through spatial dislocation and disruption of traditional community power systems, which relied on land allocation as the primary means of determining community power dynamics. Government documents support that controlling the native population and limiting the power of chiefs was an important consideration during the creation of the land use policy. The South African Native Affairs Commission stated in its 1905 report that ‘the influence of the chief has been kept under control, and according to his character utilized. The power of allotting land has been vested in the Governor, but in general has continued to be exercised by the headman subject to the decision of the magistrate in cases of dispute.’<sup>23</sup> Betterment, in combination with the Bantu Authorities Act of 1951, allowed government authorities to utilize a sophisticated ‘divide

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<sup>19</sup> Ibid.

<sup>20</sup> Joanne Yawitch op. cit. note 2 at 101.

<sup>21</sup> Ibid.

<sup>22</sup> Catherine Cross & Richard Haines *An Historical Overview of Land Policy and Tenure in South Africa’s Black Areas*, in *Towards Freehold: Options for Land & Development in South Africa’s Black Rural Areas* at 92 (Catherine Cross & R.J. Haines eds., 1988) quoting Report of the Native Farm Labour Committee 1937-1939.

<sup>23</sup> South African Native Affairs Commission Report of 1905 at 31.

and rule' scheme whereby chiefs who refused to implement the unpopular betterment regulations were removed in favour of Tribal Authorities who were willing to assist in implementation, often being enticed through increased access to scarce resources.<sup>24</sup>

### III IMPACT OF BETTERMENT PLANNING

'When the Trust came, our lives changed completely. We were living happily before betterment. There was good neighbourliness and mutual support. We helped each other with ploughing, planting and working the land. When the Trust came, we started to experience death, because things that people had worked hard for were taken from them. People resented that, and as a result, they died. There was hunger because we were forced to use poor, small land and our stock were culled. We are no longer united; now we fight with each other.'<sup>25</sup>

The impact of betterment planning was to limit people's ability to control their lives. This erosion of control was caused by the social disruption following spatial dislocation, changes in community power relations, and a decrease in control over livelihood.

#### *(a) Spatial Dislocation*

The physical rearrangement of villages and communities through betterment planning caused a disruption of broader family groupings, kraals, villages and communities.<sup>26</sup> In traditional communities individuals lived in scattered homesteads, often clustered in kinship groups descended from a common grandfather or great-grandfather, and social relations were often dictated by physical location.<sup>27</sup> McAllister, studying a betterment area in Transkei, writes, '[t]o a large extent, assessing the impact of betterment means assessing the effect of relocation on the social relationships between people.'<sup>28</sup> His study found that betterment planning had a

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<sup>24</sup> Joanne Yawitch op. cit. note 2 at 110.

<sup>25</sup> Nyaniso Gxekwa from Tyutyuzza in 'History of the Cata' available at <http://cata.org.za/the-community/the-cata-story-its-people/>.

<sup>26</sup> P.A. McAllister op. cit. note 3 at 119.

<sup>27</sup> Ibid. at 120.

<sup>28</sup> Ibid. at 121.

‘fairly severe’ impact on social relationships and community organisation.<sup>29</sup> When different groups were consolidated hostility developed between the original inhabitants of the area and newcomers.<sup>30</sup> Furthermore, this hostility did not diminish over time. In studies conducted in Chatha fifteen years after betterment, and in Nzongisa five years after betterment, ‘close neighbourly ties’ had not been forged.<sup>31</sup> The erosion of trust and cooperation ‘played a major part in finally destroying the Red folk culture as a coherent way of life. Only in the few locations that have managed to fend off betterment is ubugaba lingering on.’<sup>32</sup>

The dispersal of neighbourhood and kinship groups disrupted patterns of communal work and mutual assistance.<sup>33</sup> For example, McAllister studying the Shixini region found a high level of economic cooperation based around spatial location. He writes, ‘economic survival in Shixini depends to a significant extent on being able to rely on an established pattern of social relationships, in which neighbourhood features as prominently, if not more so, than kinship.’<sup>34</sup> In a village in Lebowa the introduction of betterment led to a loss of individual autonomy and a transformation of relationships between members of the community from reciprocity to contract, which decreased the likelihood that neighbours would cooperate for each other’s mutual benefit.<sup>35</sup> Betterment planning ‘failed to create the right atmosphere for development’ because social relationships, and thus economic cooperation, were disrupted.<sup>36</sup>

#### *(b) Changes in Power Relations*

Community power relations were disrupted by betterment planning because of the impacts of spatial dislocation as well as the use of the 1951 Bantu Administration Act to remove chiefs who were not willing to implement betterment planning.<sup>37</sup> Spatial dislocation changed power relations because communal organisation was partially based on individuals’ physical

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<sup>29</sup> Ibid.

<sup>30</sup> M.C. O’Connell ‘Resettlement and Development in Transkei’ in *Africa Insight* (1981) at 44-48.

<sup>31</sup> P.A. McAllister op. cit. note 3 at 119

<sup>32</sup> P. Mayer ‘The Origin and Decline of Two Rural Resistance Ideologies’ in *Socialization: the Approach from Social Anthropology* (1970) at 159.

<sup>33</sup> M.C. O’Connell op. cit. note 30 at 44-48.

<sup>34</sup> P.A. McAllister op. cit. note 3 at 115.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid. at 118.

<sup>37</sup> Joanne Yawitch op. cit. note 2 at 105.

locations within the community and was ‘closely linked to a community’s sense of autonomy and integrity and to its ability to regulate its own affairs.’<sup>38</sup> Resolution of conflicts became more problematic because the chiefs and elders no longer had the authority to allocate land or cattle to settle disputes.<sup>39</sup> Further, the dispersal of kinship groups, and the disruption of old neighbourhood units meant that elderly relatives and trusted neighbours had less proximity to intervene and prevent or settle conflicts.<sup>40</sup>

The inability to control land use also undermined traditional systems of choosing community leaders and rewarding seniority by allocating land for service to the community or the chief.<sup>41</sup> In betterment areas the power to allocate land was taken from the elders and given, instead, to planning officers, who using the Bantu Authorities Act of 1951, selected chiefs for their willingness to implement betterment, often against the wishes of the community.<sup>42</sup> For example, ‘[i]n Chatha people are keenly aware of the betterment scheme being imposed on them despite their objections. They feel that they were misled and betrayed by white officials, and that the integrity and well-being of the community was ignored.’<sup>43</sup> Kotze, studying the impacts of betterment in Witzieshoek, found that betterment resulted in the loss of the power of the traditional chiefs and threatened ‘the traditional way of life’ which caused a ‘sense of deprivation and powerlessness among the population.’<sup>44</sup> Betterment changed communal power structures from being based on seniority and communal consensus to being based on access to resources, because ‘the restructuring of the land and the splitting up of homesteads meant that far fewer people owned land, and those who have had privileged access to resources have kept their position of relative power, especially if they managed to gain access to the tribal authority.’<sup>45</sup>

*(c) Decrease in control over livelihood*

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<sup>38</sup> P.A. McAllister op. cit. note 3 at 116.

<sup>39</sup> M.C. O’Connell op. cit. note 30 at 44-48.

<sup>40</sup> Ibid.

<sup>41</sup> P.A. McAllister op. cit. note 3 at 116.

<sup>42</sup> Joanne Yawitch op. cit. note 2 at 110.

<sup>43</sup> P.A. McAllister op. cit. note 3 at 114.

<sup>44</sup> Ibid.

<sup>45</sup> Joanne Yawitch op. cit. note 2 at 111.

In betterment areas all aspects of farming could be heavily regulated and controlled. For example, '[i]n the Transkei the government-sponsored Transkei Agricultural Corporation (TRACOR) established maize production projects only in areas where betterment had been instituted, and conducted projects in a manner that rode roughshod over the rights of the people whose lands they used, people who become passive spectators in their own development.'<sup>46</sup> Furthermore, because individuals were allocated land units that were too small to support a family they were forced to engage in migrant labour. Yawitch explains, '[f]or while it may seem that to centralise land blocks and then to apportion out equal land lots may be a fair system, the change usually meant a loss of land. People who might have had between five and ten morgen of land to plough, could, after planning, end up with only one or two morgen.'<sup>47</sup> De Wet and McAllister found that both the long term and short term effects of betterment planning on agriculture in Shixini were negative, causing 'an even greater reliance on migratory labour than before.'<sup>48</sup>

The overall impact of the betterment system was a lack of development in reserve areas as the state planning 'put barriers across the path to its own putative goal, by virtue of draconian restrictions on African access to land and to markets, and the extreme favouritism shown to white farming.'<sup>49</sup>

#### IV INSTITUTIONAL STRAIN FROM INCLUDING BETTERMENT CLAIMS

Wide-scale inclusion of claims for restitution based on betterment would present many institutional challenges. The number of betterment claims, while uncertain, could potentially be very large, and the resolution of claims based on dispossession through betterment is necessarily complex and requires a large amount of developmental planning.

It is not clear from the Explanatory Memorandum and the Draft Policy Framework of March 2013 whether the department has done an independent study on the number of betterment claims that would be eligible for consideration if claims were re-opened. However, the possible

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<sup>46</sup> D. Cloete 'Maize Production Schemes in the Transkei' (1985, June) Paper presented at the Annual A.S.S.A. Conference, Cape Town.

<sup>47</sup> Joanne Yawitch op. cit. note 2 at 110.

<sup>48</sup> P.A. McAllister op. cit. note 3 at 119.

<sup>49</sup> Catherine Cross & Richard Haines op. cit. note 18 at 91.

number of claims can be considered using the number of betterment areas that were declared and previous estimates of potential restitution claims based on betterment.

Every betterment area had to be proclaimed in the Government Gazette, and Proclamation R196 of 1967, the last betterment law, includes a schedule listing all the betterment areas per magisterial district at the time. Annexure II is a table extracting information from the schedule. It shows the number of locations, reserves and tribal authority areas per district proclaimed and declared at the time of the publication of the 1969 betterment law. The grand total indicates that there were 544 betterment areas declared by 1967, but more were declared later, as betterment planning continued throughout the seventies and eighties, and the size and scope of each planning area varied from location to location.<sup>50</sup>

The White Paper on Land Reform, 1997 estimates that the total number of dispossessions would be close to 7.5 million if betterment schemes were included.<sup>51</sup> The Draft Policy Framework states that only 1.7 million people have benefitted from the Restitution Act.<sup>52</sup> These numbers indicate that there could be a large number of claims possibly lodged if betterment were officially included in the new restitution bill.

The large number of possible betterment claims could place a heavy strain on the institutional capacity of the restitution program, especially given the complexity of resolving claims of dispossession based on betterment. The Land Claims Commission allowed a small number of claims of dispossession to be adjudicated under the Restitution of Land Rights Act of 1994.<sup>53</sup> The Cata land claim which was successfully negotiated, illustrates the challenges of including betterment claims in the restitution process. Although an agreement was reached in 2004, the State has not yet transferred the land to the community. The Cata claim involved extensive development planning and the commission was not necessarily equipped to deal with the local planning challenges to prepare proposals for the settlement.<sup>54</sup> A representative for the Cata community stated that the exercise is not necessarily replicable under the restitution programme as currently constituted. He summarised his view by saying that, '[g]overnment

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<sup>50</sup> Ibid.

<sup>51</sup> The *White Paper on South African Land Policy*, April 1997.

<sup>52</sup> Draft Policy Framework for the Land Restitution Programme, March 2013 at 8.

<sup>53</sup> Explanatory Memorandum op. cit. note 5.

<sup>54</sup> Boniswa Tontsi 'The Cata Story' available at

[http://www.landdivided2013.org.za/sites/default/files/B\\_Tontsi\\_The%20Cata%20Story-LandDividedPresentation.pdf](http://www.landdivided2013.org.za/sites/default/files/B_Tontsi_The%20Cata%20Story-LandDividedPresentation.pdf).

insisted that we spend half the compensation on development, yet it has not supported this very development process.’<sup>55</sup>

Including betterment in the restitution process would also be complicated by the fact that betterment planning involved the movement of both individuals and groups of peoples at different times, sometimes more than once over a series of years.<sup>56</sup> Furthermore, groups could lodge multiple claims: for their original land, as well as for the land(s) to which they were moved. This means that individuals and communities would likely experience a greater overlap of competing claims than types of dispossession that were dealt with under the Restitution Act of 1994. These were some of the reasons that the White Paper of 1997 stated that the betterment system should be dealt with through other programmes rather than through restitution.<sup>57</sup>

## V SHOULD BETTERMENT REPARATION BE DEALT WITH UNDER THE RESTITUTION ACT?

The inclusion of betterment in the Restitution bill would present many challenges in implementation and would not necessarily or fully redress the wrongs done by betterment planning. Even if capacity constraints are overcome, land restitution would not address the fundamental injustice of the betterment system which was an ‘erosion of people’s control over their own destinies.’<sup>58</sup> The government crowded increasing numbers of people onto land that their own policy documents acknowledged was overcrowded and overworked. The stated reason for betterment planning was ‘to teach the Native how to use their land more economically,’<sup>59</sup> however government policies of relocating increasing numbers of people onto the reserves meant that effective farming was impossible. Thus government policies caused the soil erosion that was the stated reason for killing the cattle and reducing access to the land of people already living in ‘appalling poverty.’<sup>60</sup>

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<sup>55</sup> Ibid.

<sup>56</sup> *Surplus People’s Project* Vol. 3 (1983) at 106.

<sup>57</sup> The *White Paper* op. cit. note 51.

<sup>58</sup> P.A. McAllister op. cit. note 3 at 115.

<sup>59</sup> Report of the Native Economic Commission op. cit. note 13 at 13.

<sup>60</sup> Ibid. at 10.

Land restitution may not fully address this injustice. A right to land is not just the right to own land, but also a right to use the land: to farm, to raise cattle, to live in the community of your own choosing. This right of use is what was taken by betterment. Restitution of land would not be inclusive of people who suffered not from outright relocation, but from ‘the disruption caused by the reorganisation of residential settlements which was perhaps the most common, and the most hidden, form of relocation.’<sup>61</sup> Any attempt to redress the wrongs done by betterment that only addresses land claims would be incomplete, because it would not address the rights of people to control their livelihood, to live in the social space of their own choosing, to have meaningful participation in decisions regarding their futures. This, much more than land, is what was taken by betterment.

The corollary redress must occur under a comprehensive community driven and determined tenure reform implementation programme. The provisions of the Spatial Planning and Land Use Management Bill of 2012 begin to address some of the land use issues related to betterment, but these are not enough. The reform of the Traditional Leadership and Governance Framework Act of 2003 and the Draft National Traditional Affairs Bill by allowing self-defining communities to choose the level, role and powers of customary institutions that participate in customary law land related functions may go some way to address some of the power imbalances related to betterment planning.

‘To redress the wrongs of the betterment system requires investment in infrastructure in rural areas and the development of land use policies designed for the empowerment of the people living in those areas as well as compensation and restitution. The White Paper on Land Reform, states that, ‘There is a serious need for a new land use planning and a development planning and control system responsive to the needs of people living in these areas.’<sup>62</sup> These recommendations have not yet been fully implemented and the Restitution Act and its associated institutions, by themselves, may not be up to the task of dealing with betterment comprehensively.’

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<sup>61</sup> Joanne Yawitch op. cit. note 2 at 104.

<sup>62</sup> The *White Paper* op. cit. note 51.

## VI ANNEXURES

*(a) Annexure I: Betterment Proclamations*

Gazette No.	Betterment Proclamation No.	Other Titles	Provisions	Year Issued
2610	31	Control and Improvement of Livestock in Native Areas	Gave the Minister of Native Affairs the Power to declare betterment areas, control grazing rights in those areas, and declare an optimum number of stock and cull any animals over that number.	1939
3336	92	Amendment to Proclamation 31	Amended section 2: Made all areas in section 6.1(b) from Native Trust and Land Act into betterment areas, and all farms purchased under section 10.	1944
3793	76	Amendment to Proclamation 31	Limited punishments only to betterment areas that had already been assessed.	1947
3958	66	Amendment to Proclamation 31	Notice of time and place of Section 6.1 shall be posted 14 days in advance; Any one owning stock that is trespassing on a betterment area is guilty of an offense	1948
4162	116	Limitation, Control and	Repealed Proclamation 31. Greatly expanded the powers of	1949

		Improvement of Livestock and Pastoral and Agricultural Resources in Native Areas; Betterment Areas Proclamation	the Native Commissioner, Allowed the Native Commissioner to demarcate residential, arable, and grazing areas. Allowed the Native Commissioner to issue regulations regarding cultivation, grazing, fencing, and stock management. Native Commissioner could constrict laborers to assist with betterment projects. Increased fines and broadened punishment for non-compliance with regulations.	
5259	56	Amendment to Proclamation 116	Added that lack of knowledge is not a sufficient defense for criminal proceedings	1954
5948	303	Amendment to Proclamation 116	Added all released areas of which a Native is an owner or any Native Tribe, or any land held in Trust by a Native as betterment areas; Changed consultation to explanation and added the Bantu Authorities Act of 1951, increased the scope of an offense for hindering the implementation of the proclamation	1957
57	37	Amendment to Proclamation 116	Notice placed in the Gazette is sufficient notice of an area being declared a betterment area	1961

62	46	Amendment to Proclamation 116	Minor administrative changes	1961
1841	R196	Limitation, Control and Improvement of Livestock and Pastoral and Agricultural Resources in Bantu Areas	Continuation of policies from 116 with some minor revisions	1967
13341	R116	Abolition of Racially Based Land Measures	Repealed betterment under section 87 (1) of the Abolition of Racially Based Land Measures Act No. 108 of 1991.	1991

*(b) Annexure II: All Betterment Districts Declared as of 1967*

Province	District (Total)	Type of betterment areas
Cape	Cathcart (1)	Mission Station
Cape	East London (4)	Locations
Cape	Fort Beaufort (1)	Location
Cape	Glen Grey (26)	3 Farms, 23 Locations
Cape	Herbert (5)	Locations
Cape	Herschel (23)	Locations
Cape	Kieskammhoek (15)	Locations
Cape	King Williams' Town (77)	Locations
Cape	Kuruman (9)	Locations
Cape	Mafeking (1)	Tribal Area
Cape	Middledrift (33)	Locations
Cape	Peddie (13)	1 Farm, 12 Locations
Cape	Queenstown (20)	Locations
Cape	Stutterheim (2)	Reserves
Cape	Taung (9)	2 Tribal Areas, 7 Locations
Cape	Victoria (11)	1 Grazing Land, 10 Locations
Cape	Vryburg (7)	Reserves
Totals Cape: (257)		
Natal	Bergville (1)	Location
Natal	Empangeni (1)	Reserve
Natal	Entonjaneni – Melmoth (1)	Reserve
Natal	Eshowe (2)	Tribal Areas
Natal	Estcourt (2)	Locations
Natal	Harding (9)	Locations
Natal	Ixopo (1)	Location

Natal	Kranskop (9)	Farms
Natal	Mahlabatini (2)	Tribal Areas
Natal	Mapumulo (1)	Mission Reserve
Natal	Msinga (1)	Tribal Area
Natal	Ndwedwe (1)	Tribal Area
Natal	New Hanover (2)	Tribal Areas
Natal	Nongoma (3)	Tribal Areas
Natal	Nqutu (3)	1 Reserve, 2 Tribal Areas
Natal	Pietermaritzburg & New Hanover (15)	Farms
Natal	Pietermaritzburg (5)	Tribal Areas
Natal	Polela (2)	Locations
Natal	Port Shepstone (6)	Locations
Natal	Richmond (2)	1 Farm, 1 Mission Reserve
Natal	Umzinto (1)	Reserve
Totals Natal: (70)		
Orange Free State	Harrismith (1)	Reserve
Orange Free State	Thaba Nchu (2)	Reserves
Total Orange Free State: (3)		
Transvaal	Cullinan (2)	Farms
Transvaal	Delareyville (1)	Farm
Transvaal	Groblersdal (9)	2 Locations, 1 Tribal Area, 6 Tribal Farms
Transvaal	Letaba (14)	8 Farms, 6 Locations
Transvaal	Marico (12)	9 Farms, 3 Locations)
Transvaal	Pietersburg (49)	37 Farms, 12 Locations
Transvaal	Potgeitersrus (39)	36 Farms, 3 Locations
Transvaal	Pretoria (3)	Farms
Transvaal	Rustenburg (33)	Farms

Transvaal	Sisba (13)	3 Farms, 2 Locations, 5 Tribal Areas, 3 Tribal Authorities)
Transvaal	Soutpansberg (14)	7 Farms, 7 Locations
Transvaal	Swartruggens (14)	Farms
Transvaal	Warm Baths (8)	Farms
Transvaal	Waterberg (3)	Farms
Totals Transvaal: (214)		

## BIBLIOGRAPHY

### (a) Books

Cross, C., & Haines, R. (1988). *Towards Freehold: Options for Land & Development in South Africa's Black Rural Areas*.

Mayer, P. (1970). The Origin and Decline of Two Rural Resistance Ideologies. In *Socialization: the Approach from Social Anthropology*.

McAllister, P. (1988). 'The Impact of Relocation on a Transkei Betterment Area'. In *Towards Freehold: Options for Land & Development in South Africa's Black Rural Areas*.

Yawitch, J. (1981). *Betterment: The Myth of Homeland Development*.

*Surplus People's Project Vol. 3*. (1983).

### (b) Journal Articles and Presented Papers

Cloete, D. (1985). Maize Production Schemes in the Transkei . *A.S.S.A. Conference*. Cape Town.

O'Connell, M. (1981). Resettlement and Development in Transkei. *Africa Insight*, 44-48.

### (c) Reports

(1905). *South African Native Affairs Commission Report*.

(1932). *Report of the Native Economic Commission.*

(1939). *Native Farm Labour Committee Report.*

(1945). *Native Affairs Department's Annual Report, 1944-45.*

(1955). *Tomlinson Commission Summary Report.*

*(d) Legislation, Delegated Legislation and Policy Documents*

Black Administration Act No 38. (1927).

Proc 116 GG 2610. (1949, May 13).

Proc R196 GG 1841. (1967, September 8).

The White Paper on South African Land Policy. (1997, April).

Draft Policy Framework for the Land Restitution Programme. (2013, March).

Explanatory Memorandum of the Draft Restitution of Land Rights Amendment Bill. (2013).

*(e) Electronic Media*

*History of the Cata.* (n.d.).

Retrieved from <http://cata.org.za/the-community/the-cata-story-its-people/>

Tontsi, B. (n.d.). *The Cata Story.*

Retrieved from

[http://www.landdivided2013.org.za/sites/default/files/B\\_Tontsi\\_The%20Cata%20Story-LandDividedPresentation.pdf](http://www.landdivided2013.org.za/sites/default/files/B_Tontsi_The%20Cata%20Story-LandDividedPresentation.pdf).