

POLITICS, INTERNATIONAL RELATIONS, AND GLOBALIZATION

Cherryl Walker. *Land-Marked: Land Claims and Land Restitution in South Africa.* Johannesburg: Jacana Media; Athens: Ohio University Press, 2008. xii + 292 pp. Abbreviations. Maps. Photographs. Tables. Appendixes. Endnotes. Bibliography. Index. \$26.95. Paper.

Aninka Claassens and Ben Cousins, eds. *Land, Power and Custom: Controversies Generated by South Africa's Communal Land Rights Act.* Published for the Legal Resources Centre. Cape Town: UCT Press; Athens: Ohio University Press, 2008. xv + 392 pp. DVD. Maps. Abbreviations. Contributors. Notes. Tables. References. Index. \$34.95. Paper.

These two books are indispensable additions to the core literature on land reform in South Africa. In their different approaches and structures, they both offer a creative mix of academic insights and the entrenched experience of activists, and of local case studies with a wealth of concrete sociological detail alongside broad discourses on modes of analysis on a national and continental scale. They each concentrate on one element of what Cherryl Walker refers to as “the three-legged cooking pot” of land reform policy initiated in 1994: the Restitution Programme and the attempt to reform land tenure in the former Bantustans, respectively. Neither covers the third leg of redistribution (the transfer of former white-owned farmland to black occupants), which is the leg that has received most attention and funding—although some of Cherryl Walker’s general evaluations do extend to cover it. Indeed, her somewhat skeptical and cautious overall conclusions about the future of land reform apply to both redistribution and restitution plans.

Walker’s account of restitution provides a look back to the origins of today’s problem in previous decades when the injustices of forced removals occurred. Her study is enriched by personal accounts from this period, when she was a “participant observer” working to resist the removals. She supplies a similar insider’s account of the first stage of the restitution program, but this time from a position within the new state as the commissioner for land claims in Kwazulu-Natal. Since moving into academia after 2000, her work has continued to benefit from a third perspective, that of academic researcher. The book thus juxtaposes and interrelates the three elements and perspectives: emotive personal memories and indelible images of dispossession; a planner’s account of the mechanisms and frustrations of restitution; and the evaluation of the record. The memories from long ago of a little girl lost in a removal suggest the ways in which such incidents became the currency of a historical narrative at the heart of the rhetoric of national liberation; at the same time, they provide a measure of success or failure and serve to remind us of the complex reality covered up by the national myth. The approach embodied in this fusion of perspectives serves in turn

as an explanation of why the restitution program failed. Over and above the occasional lack of political will, the over-bureaucratization and inefficiency, and the mistaken policy formulations (all of which are acknowledged in the account), Walker sees inherent conflicts in the dual goals of reversing injustice and stimulating rural development oriented toward the poor: limits to what can be achieved and how quickly these goals can be achieved via restitution. Here, however, her “cautious, sceptical” views about the limitations inherent in South Africa’s semi-arid environment, especially as it is affected by global warming—views that perhaps are tinged with an implicit acceptance of the inevitability of economies of large-scale, capital-intensive farming—might be questioned. These factors do not automatically stack the cards against smallholder alternatives.

The edited volume *Land, Power and Custom* also bridges the concerns of serious intellectual analysis with an activist engagement with policy, but it does so in a fashion different from Walker’s. One obvious difference is that its fifteen contributors are drawn from academia, professional groups, and activist organizations that were brought together as a civil society body, the Legal Resources Centre, which is also one of the publishers. In addition, the collection emerged from a specific campaign: to offer a critique of the Communal Land Rights Act 11 of 2004 and (to some extent) of the Traditional Leadership and Governance Framework Act 41 of 2003, and to mount a legal challenge to that legislation. The CLR 2004, which was passed after ten years of consultation and the writing of numerous drafts, offers, in brief, an alternative to individualizing private rights to land in the former Bantustans. But the form of “communal” tenure that it opted for gives ownership and control to land administration committees, such as the “traditional councils” registered under the 2003 Act. The basic critique offered in the legal challenge is a complex and subtle one, as the role of traditional leaders, including their role in land tenure, is not questioned head on. Rather, the argument is that the act places the interpretation of “tradition” decisively in the hands of traditional leaders, thereby threatening even greater insecurity of tenure and a potential thwarting of the “transformative” interaction of traditional and developing institutions as envisaged in the Constitution. The legal challenge was brought on behalf of four communities. Since the publication of the book it has been successful at the provincial court level and has now been referred to the Constitutional Court.

The collection’s accounts of the earlier debates, the substance of the Acts, and the legal challenge being made thus give it great contemporary legal and political significance. But beyond that, it is a veritable compendium of material on basic issues related to land tenure, the nature of “customary” law in South Africa and elsewhere in the continent, as well as case studies of the communities concerned. An accompanying CD contains the arguments made by the Department of Land Affairs in contesting the chal-

lence. It is a rich source of material for the South African public, for legal and anthropological scholars, and for all those concerned with debates going on apace, seemingly all over Africa.

Lionel Cliffe
 University of Leeds
 Leeds, U.K.
 LRCliffe@aol.com

Steven L. Robins. *From Revolution to Rights in South Africa: Social Movements, NGO's and Popular Politics after Apartheid*. Rochester, N.Y.: James Currey, 2008. xvi + 192 pp. List of Abbreviations. Illustrations. Notes. Bibliography. Index. \$95.00. Cloth.

Steven Robins's work can be read as an effort to identify the nature of South African black society since 1994, with emphasis on grassroots "identity politics" (viii). The book is in fact a compilation of essays published earlier in various journals and books and then revised and updated for the present publication. Thus, while chapters 2 and 3 focus respectively on Khoi/San politics in Namaqualand and the Northern Cape, chapter 4 deals with the South African Homeless People's Federation, including its ties to the Slum Dwellers International. Chapters 5, 6 and 7, which all focus on the issues of AIDS, are much more closely interconnected, and this is probably the most interesting part of the book.

While Robins himself opposes the Mbeki administration's policy of not providing sufficient medical support to combat the AIDS epidemic, he presents considerable material to show that AIDS "denialism" has not been limited to a small minority of uncooperative government bureaucrats and leaders. The Mbeki government was not out of touch with public opinion, but in fact often reflected it, with "scientific authority distrusted both by powerful individuals within the state and by large sections of the public" (105). As the author revealingly points out, "up to 70% of South Africans consult traditional healers" (114).

Robins shows further that the minister of health, Manto Tshabalala-Msimang, was herself allied with the South African Traditional Healers Organisation in opposing both antiretroviral treatment and the international pharmaceutical industry itself. Besides the pharmaceutical industry, the common enemy of both the government and the THO was the Treatment Action Campaign, established in 1998 under Zackie Achmat. The TAC, in alliance with the famous Geneva-based Médecins sans Frontières, had established the first antiretroviral treatment program in 2001, and at the beginning of his book Robins acknowledges his debt to activists from both organizations for having inspired his research for the three chapters on AIDS. Yet even TAC volunteers themselves often had contradictory allegiances, an ambiguity not usually picked up by the South African media, which portrayed "TAC and