Introduction

South African history, in general, tells the story of conflict, violence and war. After many wars of resistance fought between the indigenous African population with both the British and Dutch settlers, Africans were finally defeated and totally subjugated by European colonialism. Historical records bear testimony to the frontier wars in which many Africans died fighting for the land of their ancestors – from Hintsa, Sarhil, Sekukhuni, to the brave defiance of Bhambatha kaManciza who was beheaded in defence of the land. The military defeat of Africans led to their systematic and planned land dispossession through the colonial government’s institution of the infamous Natives Land Act 27 of 19A13. Through this Act of parliament the colonial authorities ratified and legalized the exclusion of South Africa’s indigenous black majority from land ownership in favour of the white minority, thereby outlawing at least two of the forms of tenancy which had been practised on a wide scale by African farmers – rental tenancy and share-cropping. This resulted in the displacement of African tenants on a massive scale, a displacement which has been described as a ‘mass removal to nowhere’.

The year 2013 marks the centenary of the infamous ‘Natives’ Land Act of 1913 (Act No. 27 of 1913) promulgated on 19 June 1913. Through this Act of parliament the colonial authorities ratified and legalized the exclusion of South Africa’s indigenous black majority from land ownership in favour of the white minority, thereby outlawing at least two of the forms of tenancy which had been practised on a wide scale by African farmers – rental tenancy and share-cropping. This resulted in the displacement of African tenants on a massive scale, a displacement which has been described as a ‘mass removal to nowhere’.

The most important provision of this Act was restricting Africans to buying, leasing and selling land only in the designated spaces which were referred to as ‘reserves’ while white settlers were prohibited from owning land in those areas. The designated spaces allocated for Africans amounted to only 13 per cent of the total area of South Africa. This inhumane and brute process of land dispossession culminated in the despicable apartheid system, accompanied by the forced removal of numerous Black communities (African, Coloured and Indian). As a result millions of indigenous people were uprooted from their ancestral lands, often with deliberate cruelty and without compensation.

This legacy of land dispossession is still an issue of great contention in contemporary South Africa. One hundred years after the 1913 Land Act the great majority of Africans are crowded in shacks and informal settlements, deemed ‘squatters’ in the land of their birth. Life in these areas is characterised by dire poverty, poor education, violent crime, illiteracy, misery and dissatisfactory service-delivery. The white minority still owns more than 80% of the rich arable land; they still have control of the greater economy of the country as owners of the means of production and mineral wealth of the country; they still own the largest properties, both for residential purposes and business ventures.

In post-apartheid South Africa the land question, issues of equity and economic justice are central to debates about political and socio-economic transformation and development of the South African society. To mark this centenary of the 1913 Land Act, we at the Steve Biko Foundation take a moment to look at Black Consciousness and the Land Question in South Africa. In this, the sixth edition of the FrankTalk Journal, we reflect on the ways in which the Black Consciousness philosophy historically contributed in the discourse on African land dispossession, and the ways in which this ideology continues to shape and influence contemporary discourse on land restoration, socio-economic justice, transformation and development.

To lead us into this discussion, we are pleased to bring you contributions from four individuals who have reflected on Black Consciousness and the Land Question in their various capacities as scholars, socio-political analysts and activists.

We look forward to bringing you the next edition of the FrankTalk Journal on Pan-Africanism and invite you to share your contributions with us via email: tsiupye@sbf.org.za or the FrankTalk Blog www.sbffranktalk.blogspot.com. Continue the dialogue through Facebook www.facebook.com/TheSteveBikoFoundation and Twitter www.twitter.com/BikoFoundation.
Black Consciousness, Liberation and Repossession of Land

By: Pandelani Nefolovhodwe

**INTRODUCTION**

A Sowetan article dated 6th September 2013, states that 14% of audited land in South Africa, is in the hands of the state, and 79% is in the hands of citizens, trusts, and private companies, and a further 7% is unregistered. Unfortunately, the report does not reveal as to how much land is owned by whites or blacks, neither does it give details on individuals, trusts and companies. Until an investigation is made as to how much land is owned by whites and blacks, neither does it reveal as to how much land is owned by individuals, companies and trusts. The 1913 Native Land Act, and 79% of the land is still owned by individuals, companies and trusts. The 1913 Native Land Act as we know, was later followed by the laws enacted in 1936 which set aside 7% and later 13% of agricultural land for blacks in Azania.

**HISTORICAL EVENTS**

In the nineteenth century when imperialism gained a foothold on Azania (South Africa) and the whole of Africa, everything beautiful about our Azania was destroyed. Our people's success stories, culture, and religious practices where obliterated and European culture gained dominance.

In a paper published by Frank Talk Vol.1 No.13, George Wauchope write that “the Azanian civilization was mature, had a culture of its own, and an accomplished language namely Swahili. The characteristics of the Azanian civilization were that it consisted of sedentary agricultural and iron-age folk who practiced irrigation works such as canals and terraces, roads, mine workings and smithies and rock paintings”.

George Wauchope further makes a point about the 14th century southward migration and that these migrant Africans were all branches from a single stem because of similarities in the use of stone dwellings, irrigations, soil conservation, mining, metal works and the fusion of tribal laws and customs including indigenous pottery. The impact of expanding white power in southern Africa forcibly and radically, shaped the lives of black people and finally relegated them to the Bantustans where they became reservoirs of cheap labour removed from productive land. The political, economic and social institutions created by whites affected all African people, rural or urban, illiterate or educated.

In the course of establishing these institutions, land became central. For example, the South African Native Affairs Commission of 1903 – 1905 had urged the reservation of a set of land for exclusively African occupation. The Commission implied that the principle of territorial segregation should become the basis of native policy in Azania.

The 1913 Land Act then became the culmination of efforts to exclude blacks from their own land. The extent to which black people were dispossessed of their land by whites in Azania and Africa under colonial rule, as well as during apartheid is indeed an important departure point.

This year (2013), it is hundred years after the 1913 Native Land Act, and 79% of the land is still owned by individuals, companies and trusts. The 1913 Native Land Act as we know, was later followed by the laws enacted in 1936 which set aside 7% and later 13% of agricultural land for blacks in Azania.

**DEVELOPMENTS AFTER 1994**

Land policy over the past hundred years supported the growth of white commercial farmers and the accumulation of wealth by white capitalists.

When the ‘New South Africa’ was ushered in through CODESA, the land question was not resolved. The new constitution which came as a result of the CODESA agreements has not gone far enough to resolve the land question. The following facts demonstrate the gravity of the problem.

- Between 1994 and 1998 government brought in a legal framework for land restitution and distribution, allowing people to claim land previously owned by them.
- Claims that were allowed are those dating back to 1913, and people could not claim for land that was taken away before 1913.
- Government then set 30% as a target for agricultural land distribution by 2014.
- By 2012, only 8 million hectares of land from 24.6 million hectares identified had been transferred.
- By June 2013, the department of Rural Development and Land Reform put ad-
verts in the main national newspapers, stating their commitments to uplifting the rural poor, and indicating that they will re-open lodgments of claims until 2018. Excuses from government are that the problem is with the willing seller and willing buyer principle. My own reading of the present constitution is that it does not mention this willing seller, willing buyer principle anywhere. Section 25 of the constitution allows expropriation of property in the public interest, and Section 25.4 (a) and (b) states “the public interest includes the national commitment to land reform, and reforms to bring about equitable access to all South Africa’s natural resources and property is not limited to land”.

Section 25.5 empowers the state to “take reasonable legislative and other measures within its available resources to foster conditions which enable citizens to gain access to land on equitable bases”.

The problem appears to be that government is scared of the word expropriation and it appears that government does not think that land repossession by those whose land was taken away is a matter of “public interest”. This may explain why it took 19 years for government to want to change the willing seller and willing buyer principle.

BLACK CONSCIOUSNESS AND THE LAND QUESTION

I now turn to the reasons why the Black Consciousness Movement has over the years consistently maintained that when freedom from colonial and apartheid rule is attained, land should be restored to the people of Azania. To the Black Consciousness Movement land has always been singled out as an important dynamic basis for the development of social and human life.

In the case of Azania before colonialism, it is generally agreed that the creative relationship of rural black people to the social environment was manifested in the process of interaction with the land, during the historic stages of communalism and tributary social formations. In particular, our people attained the following creative capabilities to mention a few:

- Practical understanding of the laws of nature as well as the ability to invent and develop appropriate tools to control and transform their social environment,
- Sound and unlimited accessibility to the land and using land as a major means of production for their livelihood,
- Feeding on agricultural and healthy traditional diets.

But under the system of racism, settler colonialism, and capitalism, land which had served as the historical and material basis of social and human life, as the basic means of production and wealth, was expropriated without any compensation to the rightful land owners.

Comrade Robert Mugabe, President of Zimbabwe was once reported as having stated that if the act of conquest meant that the conquerors can do whatever they liked with the land and its resources of the conquered, then the act of re-conquest should have the same effect.

In order to restore the land to the people, the Black Consciousness Movement believes that the conquered – conqueror relationship between blacks and whites should not be allowed to determine the land ownership patterns in Azania (South Africa). Consequently, under the BCM “land will be wholly owned and controlled by the Azanian people”. Further, its use and all that accrues from it “shall be aimed at ending all forms of exploitation of one man by another”.

Anybody who cares to observe the living conditions of the poor in South Africa, urban or rural, will be aware of the battle for daily survival and poverty. Even where there is some land available, the land is not developed to the extent that it can sustain the lives of the poor where they live. In fact in many rural areas black people have lost the capacity to sustain themselves off the land alone and many now survive on social grants. This state of affairs can only be understood and explained by going back to the history of land dispossession and the destruction of the rural economies by European settlers.

The Black Consciousness Movement has always considered theft of our people’s land as a deep rooted injustice against the majority. Since black consciousness teaches us to reject and fight against all kinds of injustices, we are therefore duty bound to see to it that injustices that came as a result of land dispossession should be ended. Secondly, black consciousness compels us to fight racial segregation, racism, poverty and inequalities, and as a result land ownership patterns that favour whites thereby creating segregated ownership, poverty and inequality should be ended at all costs. Thirdly, the present constitution should be changed because it safeguards the existence of these injustices with the property clause, such that within the present constitutional framework, the majority of our people are excluded from owning land. Fourthly, the Black Consciousness Movement wants a unitary state and the maturing of a national identity. As a result, national identity cannot be achieved with whites owning the majority of land and blacks alienated from it. For the BCM, in order to achieve ‘One Azania – One Nation’, it is important to resolve the land issue. Fifthly, our fight against colonialism and apartheid which created Bantustans as places of oppression, poverty and unemployment, means that we are duty bound to free our people from hunger and poverty. We need to create economic activities in the rural areas in order to integrate the rural poor into the country’s economic activities. Black Consciousness teaches us to reject all conditions that seek to make our people foreigners in the country of their birth and reduce their basic human dignity.

BLACK CONSCIOUSNESS AND LIBERATION

Black Consciousness seeks to destroy and eliminate all the physical and psychological effects that plunged black people into self-hate, low self-esteem, and inferiority. The material circumstances under which black people live still make them feel inferior and dependant on handouts from the rich. Black consciousness is instructive in the sense that it wants our people to define and shape their destiny, make sure that their political social and economic life is enhanced and use this to their benefit. Liberation therefore can only come with our people involvement in all spheres of their lives.

Liberation comes when we are able to create a political, social and economic framework around which the development and self actualization of all human beings is facilitated and enhanced. In order for us to develop rural areas land is vital.

On the underdevelopment of rural communities Professor Herbert Vilakazi says that “our failure to eliminate the underdevelopment and poverty of African rural communities is now the heavy drag that is pulling down the entire economy of the nation. Our failure to eliminate underdevelopment in rural areas of Africa is the road block to economic development in the country and in the continent. This is the primary cause of stagnation in our economy. The problem is wrong economic policies inside the country and continent, not competition from outside”.

Therefore in order to create an egalitarian society as envisaged by Steve Biko, we will need to develop rural areas and rural economies. For this to happen, land is vital.

SOURCES

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2. Steve Biko : I write what I like
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Gender, Land and Economic Justice

By Essy Letsoalo

Whereas the land debate in the years of Sol Plaatje and others rightly focused on the impact of the 1913 and related. Land Acts on the lives of the natives or black South Africans, by the 1980’s the focus turned to the impact of forced removals into the already overcrowded and eroded reserves and Bantustans (Plaatje, 1982; Letsoalo, 1982).

I decided in this year, hundred years since 1913, to continue with the argument developed in the 1990’s on the impact of the repeal of the Land Acts of 1913, 1936 and 1945 by the apartheid government in 1991 (Letsoalo, 1990). The argument I wish to advance is that an environment where Africans were dispossessed of land, women experienced the same impact, as long as they were not white. And, if the democratic government continues to create an unfavourable land dispensation, women will continue to be denied economic justice, along with the African population at large. Discrimination against women internationally and particularly in former and settler colonies has been greatly responsible for the vigilance of South African women with regard to the post-apartheid dispensation.

Thus, the struggle against apartheid recognized the hierarchy of injustice or justice as race, class and gender. This is reflected in the 1996 Constitution. Land and gender are not accidentally provided for in the same chapter on the Bill of Rights. The principle of equality is the obvious attempt to deal with apartheid or equality. In the changing role of women as part of essays in honour of Bishop Desmond Tutu, I tried to demonstrate that African women’s place had never only been in the kitchen; that their significant role as farmers, basic needs providers through water and firewood gatherers had been dealt a deathblow by land dispossession; and that they became domestic and farm workers for whites and government projects, and also joined the ranks of the exploited industrial labour force.

LAND DISPOSSESSION AND CULTURAL IMPERIALISM

“If we examine our history to see what use culture has been put, the tragic irony emerges that one culture dominated all others whilst purporting to have the interests of all at heart, purporting to preserve traditional cultures, the ‘white tribe’ of Africa grabbed the lion’s share of the land, wealth, resources and power…..” (Kretzschar, 1995 p93)

The official rationale for pushing Africans into the reserves and Bantustans i.e. the official rationale for their land dispossessions was to preserve their traditions.

However, two significant aspects of African traditions were interfered with, namely chieftaincy and the economical and social status of women. Historically, the process of the erosion of African land rights was accompanied by the process of the erosion of the traditional African land management systems. The 1927 Native Administration Act not only restructured the traditional system of governance to make African Chiefs minor officials under white Governor Generals and later under Bantustan chief ministers, but this is the same legislation that legally turned African women into minors. Both chiefs and women became victims of customary law. Ironically, the negative results of the limited land for African occupation were blamed on the eroded system and this blame continues to dominate the land policy-making discussions.

The discrimination and exploitation of women in landownership should be eradicated on the basis of informed analysis and not prejudice. There are merits in the system of communal landownership that need to be highlighted. The negative aspects need to be addressed. Customary rules were designed upon the distortion of African tradition, and this is an anthropological error or manoeuvre whose fruits are now being reaped (Davidson, 1969). The fact that land is allocated for free means that families of all classes have access to land, depending on availability, need and capacity. The system has been very accommodative and adaptable to new conditions. Thus, single women with children are allocated residual land and they would be allocated arable land if it was available. Another category of women accommodated is that of gar-
den groups. If these groups had to buy land, they would simply not exist. For reasons that are beyond the scope of this paper, the apartheid government failed and refused to eradicate communal tenure. Within the framework of customary law, women were minors irrespective of age, marital status or number of offsprings.

However, this has not had any effect on the system of communal tenure. In contrast, a vivid picture of the horrors of widows evicted from their houses in Soweto is drawn by a legal representative of such victims (Ramusi, 1989). The plight of such women had nothing to do with African traditions, but with rules and regulations controlling Africans under the Bantu Administration Act, and therefore an integral part of the South African western civilisation.

**LAND REFORM AND GENDER**

Leading towards Convention for a Democratic South Africa 1 (CODESA 1), the land reform debate was either silent on gender issues or premised on myths about African tradition. Thus, instead of addressing the following questions of:

i. Access to land that is in the hands of whites under freehold or state ownership;

ii. Access to credit and labour saving technology;

iii. Access to agricultural skills ranging from handling machines, accounting to management;

iv. Remuneration based on labour and skills input rather than women being preferred because they are exploitable;

v. The legal status of women as minors, through customary and not indigenous law; or

vi. The oppression of women through attitudes that have nothing to do with legislation.

Academic and politicians were preoccupied with the land rights within the less than 13% of land that was reserved for Africans and animals within the Bantu game reserves. The 1996 Constitution was a product of more than the privatization manoeuvres of the 1980’s where blacks were being coerced into freehold under the rubric of political reforms (Letsoalo, 1996; Mbeki, 2009). As the secret deals made between the liberation movement on the one hand, and capital and the apartheid government on the other, have become open (Mbeki, 2009; Terreblanche, 2002, 2012), the notions of equality and economic justice are an illusion for the landless majority: “South Africa’s PUI (Poverty, Unemployment and Inequality) problem is mainly a remnant of segregation and apartheid, but has been further intensified by the ANC (African National Congress) government’s myopic policy measures to integrate South Africa is too great a hurry into neoliberal global capitalism…” (Terreblanche, 2012 p101).

The repeal of the Land Acts in 1991 by the apartheid government prompted land reform under a democratic government. This cannot be overemphasized (Letsoalo, 1990; Letsoalo & Thupana, 2013). All the three programmes are governed by legislation drawn before 1994. Redistribution – The 1993 Provision of Certain Land for Settlement Act (Act 126) Tenure – The 1991 Upgrading of Land Tenure Rights Act (ULTRA) Restitution – The 1991 Advisory Commission on Land Allocation (ACLA). There is a general agreement that South Africa’s land reform is going at a slow pace. There is even an acknowledgement that certain consequences of land reform have unfavourable. These include productivity and underutilisation of land. These should not be termed unintended consequences, because the land reform policies could not have had different consequences. However the chorus continues to shower the Constitution and the Rule of Law with praises, the problem being implementation and bureaucracy.

About the ‘best Constitution’, careful consideration needs to be done against the backdrop of a negotiated settlement. Nobody could have expected confiscation of Land, no matter how it was acquired. However, why did expropriation have to be at the market value?

The Constitution is overdetailed, with market value literally thrown in the middle:

i. “The current use of the property;

ii. The history of acquisition and use of property;

iii. The market value of the property;

iv. The extent of state investment and subsidy in the acquisition (sic) property; and

v. The purpose of the expropriation.” (South Africa, 1996, p12)

Needless to say that after all the trouble to amend the terms of compensation, only the market value is considered. No amount of media frenzy about the billion rand to be spent on the Mala Mala game reserve can undo the Constitutional provision for the market value and the damage done in the past twenty years. Twenty years after the Lancaster agreement for Zimbabwe, the people and in particular the women embarked on land grabbing. The history of land reform took a turn that led Sir Malcolm Rifkind to acknowledge that:

“If tens of thousands of poor Zimbabwean farmers are now able to make a livelihood from the land, some significant good will have emerged from a terrible period of Zimbabwe is history” (Hanlon et al 2013, backcover).

If the market value provision in the Constitution sounds cruel, then the government policy on willing-buyer-willing-seller adds insult to injury. It is not provided for in the Constitution. It is actually a concept borrowed from Zimbabwe. The main difference is that in Zimbabwe the willing-buyer is or was the government before the fast-track movement. In South Africa, the willing-buyer is the landless aspirant farmers under the redistribution programme. Clearly, a misnomer, since they are not willing, but coerced through Settlement and Land Acquisition Grant (SLAG) and later Land Redistribution and Agricultural Development (LRAD) grants. That restitution has been turned into a willing-buyer-
willing-seller is beyond comprehension. The land for restoration is designated in terms of The Restitution Act of 1994. No landowner is a willing seller under this programme. The law compels him or her to sell – or so it should.

Women are not excluded from the high prices of land at market value; Women are not excluded from the lack or insufficient resources to buy land; and women are not excluded from the conflicts within Communal Property Associations (CPAs). Indeed, women being the majority of the poor, unemployed and the bottom of the economic ladder are majority victims of the market-based land reform. There are alternative terms of compensation for land reform that could have considered (Letsoalo, 1994). Productive value would have been a middle road between confiscation and market value. Of great significance is that beneficiaries should not be expected to pay for the land. Otherwise, economic justice is not only delayed, but denied. The limited grants provided for the purchase of land has led into large numbers of people not only being forced to share ownership of land, but also to share the use of the land. South African black have always farmed as individuals households, using letsema in the Sesotho languages to assist one another. Even if cooperatives were the best route to introduce, then farm sizes would not sustain hundreds of beneficiaries.

Another controversial provision in the Constitution is:

“25(6) A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either the tenure which is legally secure or to comparable redress.” (South Africa, 1996, p. 12)

To date there is no such Act of Parliament. The main reason being that key policy engineers such as academics, legal practitioners and even the Constitutional judges have concentrated on the role of traditional leaders and their possible violation of the gender equality provision in the Constitution. The aborted Communal Land Act of 2004 was no panacea for land reform, and definitely not for women economic equality. Not unlike its predecessor, The 1991 Upgrading of Land Rights Act, the legislation promoted freehold tenure under the cover of the registration and titling if the old and new order rights. The rationale of the apartheid government was to bring equality in the land tenure; given title on tribal land; and convert communal tenure to freehold. Thus, the land was to be privatised. Through the Abolition of Racially-Based Land Measures Act of 1991, African men and women now have the right to compete on the land market; they have the right to inherit land; they have the right to mortgage their land; and they have the right to alienate their land. The rationale of the democratic government was for the democratization of such land. Thus democracy equals privatisation of land and its administration by anybody, except traditional leaders.

Various comments on the Bills preceding the Communal Land Right Act (CLARA) warned against privatisation (Cousins, 2002; COSATU, 2002; Malatji, 2001). However, this crucial provision in CLARA was not the reason for the challenge in the Constitutional Court. Instead, the legislation failed the test of democracy in what the president of the Congress of Traditional Leaders of South Africa (CONTRALESa) refers to as:

“The defining feature of the democracy he (President Mandela) led us into was the promotion of racial conciliation. This was entrenched through the Constitution and its Bill of Rights which ensured that the white man’s way of life and his inherited riches would be protected.” (Holomisa, Sunday Independent, 7/7/2013, p. 17)

The negative impact of the privatisation of land is already felt in South Africa. The small percentage of land that was gained through land reform has already been reduced as beneficiaries have mortgaged the land, failed to pay, and lost it to white landowners.

South Africa took this route that had already been travelled by other African countries where:

i. Registration made tenure less secure as by mortgaging their land farmers ran the risks of losing it and farmers tended to sell their land because of severe poverty;

ii. Freehold tenure was not a guarantee for credit-as banks consider credit-
worthiness and the ability to offer security is only a small aspect of this iii. A general increase in ownership disputes; iv. Land grabbing and the erosion of the rights of the poor and women to land (Bruce, 1986; Coldham, 1982; Migot-Adhola et al., 1990).

In South Africa, Beinart & Bundy (1987) indicated that the militancy of women against the Glen Grey Act of 1894 reflected their awareness that land registration would erode their rights to land. Centuries later it is imperative that women are even more vigilant.

WOMEN LAND REFORM BENEFICIARIES
Following on the Rural Women, Land and Agriculture Summit held in Durban on 26 August 2006, Letsoalo reflected on the following:

Acknowledging that land reform is characterized by a slow pace and that the content, i.e. policies, are worrisome, within the limited success, women have featured in no insignificant manner. The number of women beneficiaries has always been around fifty-percent – not an accident because of the gender sensitive Constitution. However, recognition should be given to the social ills of the migrant labour system, teenage pregnancies and school dropouts that contribute to the high level of female-headed households.

Numbers are still a very important factor, because other empowering features flow from that. Thus, since its inception, the female farmers of the year awards celebration have shown that women beneficiaries of land reform are highlighted in all categories, including the export category. Overall winners have included livestock farmers. There are women-only land reform projects. Although there has been criticism of this model, the women’s infighting is no worse than in mixed groups. A significant counter to the blame of communal tenure for poor agricultural production by conservative studies is that the award winners have shown that these women had access to more land by former Bantustan standards. These women did not have credits because credits remain attached to land tittle as collateral. This should have been a measure of transformation. The proposal or resolution for the state to provide surety for credit on communal land, like all other proposal from the land summits, has not been translated into action (Limpopo 200, SA, 200).

One of the most moving criticisms of the Interim Protection of Informal Land Rights came from a woman farmer on communal land in the Sekukhunwe District of the Limpopo province. She, like members of her tribe, accepted R8 million for the alienation of their land in a mining development. They lost their plough fields. After sharing the R8 million, she protested that what she received would not feed her family forever. Gender representivity was raised in relation to a male director general, who have neglected to inform the summit that there was no lack of women in the department responsible for land reform. Lest we forget, the country has even had fifty percent women ministers of the four since 1994.

These anecdotal highlights that the guarantee of gender equality in the constitution could assist in empowering women economically if the constitutional provision of land reform and resultant policies were transformative enough.

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Sunday Independent
Looking for Maria, her sisters, daughters and sons

By: Susan Nokunyamezela Nkomo

In Native life in South Africa Sol Plaatje makes reference to Maria, a widow and the mother of a 16-year-old daughter, and two sons aged 14 and three respectively. Maria is ordered to leave the home where she and her husband lived while working on a Dutchman’s farm, plough-sharing the land until her husband’s death. Following his death Maria continued the contract and managed to earn a fair living, thanks to her son and daughter helping her to herd the cattle, amongst others. During the harvest season they hired help to till the fields, while they themselves tended and reaped the harvest, delivering 50 per cent of the produce to the landowner.

In both Sol Plaatje and RW Msimang’s narratives of the events of the cold winter of 1913 Maria has no last name – she is an unfortunate widow who, with the advent of the 1913 Natives Land Act, finds herself confronted with an abrupt end to the way of life which had sustained her and her children. The farmer, who had benefitted from the labour of her household, offers her the option of indenturing her children to him as the law will not allow another man before you reach your next place of abode as the law will not allow you to stay until you have a man to work for the Baas’ (Plaatje 1982, 82). Plaatje continues: ‘Having given her (this) counsel the landlord is said to have set fire to Maria’s thatched cottage and as the southeaster blew the smoke of her burning home towards the northwest, Maria with her bedclothes on her head, and on the heads of her son and daughter, and carrying her three-year-old son tied on her back, walked off from the farm, driving her cows before her’ (ibid.).

Plaatje remarks that there has been no news on the plight of Maria and her family since they left the farm in the Hoopstad District in June 1913. They joined the huge exodus of hapless families trekking from farm to farm, trying to find homes to settle with their children and their livestock or, alternatively, trying to reach Lesotho or Swaziland where the Act did not apply, only to lose their livestock along the way, and sometimes also children who could not be buried on the land they travelled across, except in stealth, with no markers for the graves. A policeman whom Plaatje and his colleagues met along the way remarked that ‘if ever there was a fool’s errand it is that of a Kaffir trying to find a new home for his stock and family just now’ (ibid., 70).

MS SUSAN NKOMO

Leader of the UNISA research project: South African Women in 2015: Towards 20 years of freedom. Ms. Nkomo is currently an independent Consultant and noted gender expert. She holds a Masters in Gender and Development Studies from the Institute of Development Studies at the University of Sussex. She currently works an independent consultant and is the founder of the South African Observatory on Women’s Rights which is housed at Statistics South Africa. Ms. Nkomo is the author of various published articles including the upcoming national report on MDG 3: Gender Equality and Women’s Empowerment. Ms Nkomo has extensive experience in the management of both public sector and civil society organisations. This includes heading the Office on the Status of Women at the Presidency and managing Social Sciences Research Development Forum. She has served on the boards of a number of knowledge generation organisations including the Association of African Women in Research and Development (AAWORD) the Counsel for the Development of Economic and Social Science Research in Africa (CODESRIA) the NEPAD Gender Task Force as well as the SADC Parliamentary Forum Gender Working Group. Ms Nkomo serves on the Scientific Committee for the Institute of Women and Gender Studies at the University of Pretoria as well as the Advisory Committee for the School of Government at the University of the North West. Susan Nkomo is a passionate Women’s Rights advocate who serves on board member of the Positive Women’s Network and is on the Steering Council for South African Women in Dialogue (SAWID).
family into unpaid servants in exchange for the privilege of being able to live in the farm. Realising that Kgabale was old; the farmer demanded that he ask his two sons to return from Johannesburg, so they could work on the farm. The farmer further declared that if the sons failed to return in time, Kgabale, his wife and daughters would have to leave. He gave Kgabale ten days to bring his sons home. As Plaatje (1982, 80) writes: The poor man wandered from place to place, trying to find someone who could help, so to dictate a letter to his sons telling them what had happened. The week expired before they could get a response from Johannesburg. The landlord, in a very abusive mood, again demanded the instant arrival of his sons from Johannesburg to commence work at the farm house the very next morning. Kgabale spent the whole night praying that at least one of his sons would come back. By daybreak the next day no answer had arrived and the Dutchman came and set fire to the old man’s house, and ordered them then and there to quit the farm. It was a sight to see the feeble old man, his wife and his daughters driven from a place which they had regarded as their home.

Plaatje believes the family then headed in the direction of Klerksdorp. When one of the sons arrived a week later he found his home in ruins, and continued in the direction of Klerksdorp, searching for them. Setai (1998, 107) describes the Land Act as ‘a piece of legislation that abused the privilege of power, legitimized exploitation and enslavement and furthered the dependence on government’. It had the effect of making Africans both slaves and pariahs in South Africa. They were required to give their labour free, to use their own capital, to plough the lan of the farmer, and to go out and look for money so they could pay the Boer for graciously allowing them to work for him. They were able to keep only a small portion of the money. They could be evicted for being ill, old, no longer productive, or independent thinkers (ibid, 103).

Setai could have added women to that list. The history I learnt at school taught me very little about the Land Act, only that it allocated 13 per cent of the land to black people, and 87 per cent to white people. As subsequent commissions and studies revealed, even those ‘facts’ were questionable. The empirical evidence disputes the history I was taught, namely that ‘black people were lazy’; that they failed dismally at farming; and that foolish women like Nongqawuse were responsible for the dire position black people found themselves in. Later readings, beyond formal schooling, opened my eyes to different histories (and herstories). The story of a proud but vanquished people. I discovered Kas Maine in Van Onselen’s seminal work entitled The seed is mine and, through the work of Colin Bundy, was introduced to a successful African peasantry which had systematically been broken, disenfranchised and impoverished.

I found Maria in RW Msimang’s and Sol Plaatje’s work. I found that Sir George Grey was complicit in the so-called Nongqawuse cattle-killing tragedy. I found that there were also other efforts at alienating Africans from their livestock, including through thievery – as evidenced by the September 1913 account of Plaatje’s visit to Ladybrand where a case was in progress of a native couple who had been evicted and then waylaid, ambushed and murdered by Dutchmen who stole their livestock, as well as the castration of bulls at the behest of native reserves authorities, referenced by Mrs. Dumani of Sakkiedorp in her account to Phyllis Ntantalja Orange. On the eve of the 100th anniversary of the Natives Land Act, in December 2012, I revisit the treasures penned by Plaatje, Msimang, Setai, Ntantalja Orange and others, to excavate in their accounts the impact of the Act and its effects on the lives of women and men in South Africa. These texts are important resources, and are critical if what has been done in the past, is to be undone in the present and in the future.

The texts indicate to us how much of what is called tradition and/or culture, are in fact, colonial impositions implemented through the native reserves system, and thus not ‘culture’ or ‘tradition’ at all. In this regard it is instructive to study a precursor to the Natives Land Act – Plaatje documents the ‘anomaly’ of the special permission women had to obtain in order to live in the Free State, and the additional fee they had to pay for a fresh pass every month. He is scandalised by the fact that class no longer provided a shield for the wives of ministers of religion or the families of ‘respectable natives’. He writes (ibid, 93): ‘Hence whereas the pass regulations were never enforced by
the Boers against clergymen’s wives or against the families of respectable native inhabitants, now she has not only to produce a pass on demand, but like every other woman of colour, she has to pay a shilling for a fresh pass at the end of the month…” Plaatje points to the fact that if he were to settle in the ‘Free’ State he could apply for and obtain letters of exemption from the ordinary pass laws, yet if his wife ‘were to go to reside in the “Free” State with her daughters, all of them would be forced to carry passes on their persons, and be called upon to ransack the skirt pockets at anytime in the public streets at the behest of a male policeman’ (ibid, 93).

Chapter 7 of Native life in South Africa is entitled ‘The persecution of colored women in the Orange Free State. Here, Plaatje (ibid, 92) illustrates that from the very beginning, the Natives Land Act of 1913 had gendered dimensions: ‘When the “Free” State’s ex-Republics made use of the South African constitution to ruin the coloured population they should at least have confined their persecution to the male portion of the blacks … and have left the women and children alone.’ But that was not to be. Instead, as the evidence presented by Plaatje on incidents in the Free State shows, attempts by women’s representatives to bring their situation to the attention of the authorities went unheeded, until ultimately women took matters into their own hands and staged a series of marches, starting with a march by 600 women in July 1913, in Bloemfontein, followed by marches in Jagersfontein, 800 women marching in Winberg and so forth. Women being arrested during these marches resulted in a crisis, as there was not sufficient space in jail to keep them incarcerated, yet the women held fast, refusing to pay fines ranging from 10 shillings to 3 pounds, ‘and they were throughout the winter, forced to perform hard labour barefooted. … Tears rolled down our cheeks when we saw the cracks on their bare feet, the swellings and chronic chilblains, … it was torture to us to learn of the kind of punishment to which they were subjected and the nature of work they were called on to perform … To our surprise however, they vowed never to buy passes, even if they had to come back’ (ibid, 97).

Narrow interpretations of the impact of the 1913 Natives Land Act limit the discussion to a question of land dispossession, and seek to rectify the situation through programmes of land redistribution and land restitution. Such attempts have been spectacularly unsuccessful and slow in pace in the case of South Africa, and have, for that reason, met with much criticism. The criticism, however, does not begin to address the core issues in relation to the Land Act. The Act is not merely about who had land and who did not, and who should/should not therefore be compensated for land. The Act is at the core of the pervasive inequalities that characterise South African society today, both at the level of gender and race. It is responsible for the erosion of a way of life for the majority of South Africans, the erosion of community and social values, broken families and the willful targeting of African women. It is also responsible for the erosion of arable land in areas reserved for African people, through overcrowding in these areas.

I argue that these issues need to be addressed, as the nation revisits the 1913 Natives Land Act and seeks to redress its negative impacts. Among the issues that cannot be ignored in a rigorous review of the impact of the Act are the following:

- Land ownership might not be the only way (or indeed a way) of addressing the land question in South Africa. Sam Motsuenyane points out, in A testament of hope, that his family (i.e. his father’s brothers) were among the first Africans to buy their own farms in the Lichtenburg and Potchefstroom areas. ‘This was around 1903 at a time when some Africans thought that we were a very stupid family to buy “God’s own Land”. Traditionally … land was regarded as a gift from God to the people and not to individuals. Individual ownership was regarded as selfish … According to them even the whites who claimed that the land was theirs were wrong’ (2011, 1).

- As a result of the Land Act, a peoples’ way of life was totally eroded, consequently hunger and food insecurity became the norm. From Plaatje’s account to that of Ntivantala Jordan, I found narratives of people who previously had cows and milk in abundance, milk which they sometimes sold to others, now lamenting having to purchase small quantities of milk at what they regarded as exorbitant prices, and bemoaning the fact that in the future their children would not know where milk came from.

- Vagrancy and migrant labour became the norm, with husbands and young men forced into cheap labour in the cities through the imposition of taxes, and women being ‘exiled’ in the reserves. As Setai (1998, 107) argues, (African) poverty was manufactured in South Africa, with white capital’s collusion and in its interests. LB Lee-Warden (1957, 48), wrote in the case of the Western Cape:

  In 1894 the Prime Minister of the Cape Colony, Cecil Rhodes, devised a plan for obtaining labour for the diamond mines and for the white farmers. He introduced in that year taxing the male African population … It would be correct to say that the Africans in South Africa have contributed more than their share to the prosperity of the State! South Africa is today one of the
wealthiest countries in the world, while the African population has remained poverty stricken, semi literate and chained hand and foot by legislative enactments.

- Migrancy continues to have an overwhelming impact on gender relations and in the lives of women and men in South Africa specifically, and southern Africa in general. The burden that falls upon the women who are thus left behind is indescribable. They must till and care for the land – usually without any help- and also keep their homes in good repair. The women are quite unable to earn the money required to maintain themselves and their children, ....Occasionally the woman receives money from her husband, but more often than not his wages are so meager and his job so precarious that few women in the Reserves know anything but poverty (ibid, 50).

- Interestingly, even as it is generally agreed that women living in rural areas (the former reserves) bore the brunt of apartheid brutality and continue to be disproportionately represented amongst the poor, very little targeted action has been directed at redressing their situation. These policy silences and omissions mean that for many women today the situation is unchanged. In 2012 the country bore witness as many women became widows, when 34 miners were killed one cold August day in Marikana while protesting over meager wages and appalling living conditions. The failure to change colonial and apartheid working conditions has continued to subsidise capital in post-apartheid South Africa. Even though they were left behind to till the land and practise subsistence farming to the extent that there was arable land to work on, women have been the biggest losers where land reform is concerned. According to a Commission on Gender Equality’s (CGE) report entitled A gender analysis of the Land Reform Policy only 13 per cent of women have been beneficiaries of the post-1994 Land Reform Programme in South Africa, i.e. men comprise over 87 per cent of the beneficiaries (figures yet to be verified by the CGE). This is inconsistent with South Africa’s constitutional obligation to instil gender equality.

The Natives Land Act was only amongst the first in a slew of legislation aimed at dispossessing and disenfranchising African people in South Africa. Phyllis Ntantala Jordan, in her narrative entitled An African tragedy, writing four decades after Plaatje and Msimang’s narratives mentioned above, points to the systematic humiliation, dispossession and impoverishment of a people in other regions of the country (particularly in the Western Cape) from 1936–1956. Ntantala Jordan (1957, 59) writes: ‘It is the sad story of a whole people, 8, 535, 000 souls – landless, homeless, destitute, a people who have been ruthlessly uprooted from the country but not allowed to develop roots in the towns; victims of a vicious worked out system to render them homeless, property less and poor so that they can be pushed to the labour market to still the economic cries of the industrial age.’ The result is the ever-wandering people Plaatje and Setai refer to; nomads between two worlds, each world as desolate as the next. According to the figures of the 1951 census (Tomlinson Report, in Ntantala Jordan 1957, 59) the population constantly moving between town and country numbered 569 000 a year and consisted of 503 000 males and 66 000 women – two thirds of whom were between 20 and 39 years of age, with nearly 94 per cent of them under the age of 50, hoping to escape misery in the reserves where they crowd themselves with the relatives and friends in the city slums, in the ‘pondokkie’ or the shanty towns sprawling round the big cities. Johannesburg has its share of these slums … Alexandra Township … Orlando Shelters … And Cape Town has its Windermere … It has its Bouvlei, Cooks Bush, Vrygrond, Eureka Estate, Sakkiesdorp … Durban has its Cato Manor; Port Elizabeth has its Korsten; East London has its East and West Bank locations – none of them fit for human habitation … There are no amenities even of the barest kind … In all of them life is insecure … (Ntantala Jordan 1957, 60).

Many of the conditions Ntantala Jordan describes in the squatter camps of 1954 still obtain in present-day South Africa. For instance, she writes: During the winter of 1954 the whole of Cooks Bush was flooded neck-high and most of the pondokkies were submerged, and nearly 600 people
Phyllis Ntantalza Jordan gives voice to one of Maria’s sisters – Mrs. Dumani, who lived in Sakkiesdorp in 1954. According to Mrs. Dumani, Mr. Dumani was her second husband; her first had been Mr. Sahluko, who died in Cape Town in 1949. Mrs. Dumani was 19 when she married her first husband in 1932; both of them came from Engcobo in the Transkei. At the time her husband was working in Cape Town, but their hope was that some day they would have a piece of land of their own, and remain in the reserves. In 1954, with hindsight, she tells Ntantalza: ‘It was a silly hope’ (ibid, 63). In her own words she explains:

Although I was pregnant and my husband and I would have loved to be together when our first child was born, he was forced to leave me six months after our marriage to come and seek work in Cape Town. The child was born 5 months later – a boy. But his father never saw him, for the child died at the age of fifteen months before his father could afford to join us again. It was not until the end of 1935 that my husband could come home – the years 1933 and 1934 were very bad years – there was drought in the reserves, the stock had died, very little had been reaped from the fields and the money he sent home was used for buying food. So bad was the situation that in all two years of hard toil have been lost in these fires and many a hard-earned wardrobe has been burnt to ashes in these fires (ibid, 62).

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to be smoked out of Cooks’ Bush. The 40 pounds we used in the building of this place is about all the savings we had; transport is bad, it costs so much. Return to the reserves they say. What is there to go back to? There is nothing to go back to (ibid, 66).

As Ntantala points out, Mrs. Dumani’s story is typical of many of those people who are forever moving up and down between town and country, every day of every month and every year. The reserves are eroded bare and cannot provide any livelihood for the people. […] There is not enough land for those who would like to stay in the land as peasants. … the reserves were never meant to provide the African with land from which to squeeze out a livelihood … so that the people will be forced out into the labour market, to the mines and farms where they will be herded together in camps, compounds and locations, where each white industrialist, farmer and housewife will be allocated his or her own share of hands. In the towns only their labour is wanted – themselves not (ibid, 67).

Mrs. Dumani’s narrative brings to the fore the impact of the 1913 Land Act on the lives of women, men and children. In Ntantala’s words: ‘The problem of the African, the cause behind this story of the peoples’ agony is LANDLESSNESS: LANDLESSNESS’ (ibid.)

This agony, as reflected in Mrs Dumani’s narrative – of the poverty and landlessness of the African people – is created (Setai 1998; Terreblanche 2002) and sustained through legislation, the Glen Grey Act being the being the model for the 1913 Land Act and subsequent amendments in 1936 and 1951, which represent a deliberate and systematic onslaught on the independence of Africans. It is important to note that between 1890 and 1910 the Cape government launched a massive programme of subsidies, grants and other forms of assistance to promote the commercialisation of white agriculture. According to Terreblanche (2002, 261), ‘[t]he Cape government used a sizable part of the income it received from the gold mining industry to subsidize almost every aspect of white farming, but none of these subsidies were available to African farmers’. Land and legislation have been powerful weapons through which African people were dispossessed and impoverished in South Africa. The Land Act enabled white farmers in the highveld to change rent tenants to labour tenants, but it took the best part of 50 years before more or less all Africans on white farms were forced into a wage-earning proletariat (Legassick in Terreblanche 2002, 263).

In addition to the legislation it put in place, the state was an active champion for white farmers, it strengthened the economic position of maize farmers by adopting a series of farm acts and paying out large-scale subsidies, mainly financed with the tax revenue from the gold mines, as Terreblanche (2002) points out, the Union government enacted no fewer than 87 bills relating to land between 1910 and 1935. The railway system was also developed in a way that benefited agriculture at the expense of the rest of the economy. In addition, the Land Bank was established in 1912 to provide white farmers with both short-term loans for crop harvesting and long-term loans for capital improvements. This policy culminated in the Marketing Act of 1937, whereby the marketing of the bulk of South Africa’s farm produce was brought under the control of a series of producer-friendly control boards. As Terreblanche (ibid, 262) points out the structural domination of whites over blacks created by the Land Act is clearly demonstrated by the fact that the real wages of African workers in mining and agriculture did not increase between 1910 and 1972. The migrant labour system made it possible for the mining industry to justify average wages below the subsistence level on the grounds that jobs in white areas were merely supplementing African’s basic economic life in the ‘native reserves’.

The African peasantry dwindled from 2.5 million in 1936 to 832 000 in 1946. Many who succeeded as farmers in the late 19th and early 20th century later succumbed due to plague (like the Runderpest of 1896/7) or drought, they had no access to loans and limited transport to goods markets. But in the main, legal restrictions delivered the fatal blow. Many argue that the underdevelopment of African reserves subsidised the development of agrarian, mining and industrial capital in South Africa. As Terreblanche (ibid, 264) asserts:

By depriving African farmers of much of their land, and ending sharecropping and tenant farming on white owned land … an important agricultural and entrepreneurial tradition and store of indigenous farming knowledge was destroyed. It is difficult to determine the value of this tradition, but it is probably considerable, because it was well adapted to South Africa’s land and labour peculiarities. If this African agricultural tradition had not been destroyed, but given more or less the same government support (both financially and technologically) given to white farmers, South Africa’s agricultural and economic history would have been different.

What is the cost of the Land Act? The cost lies in its erosion of a peoples’ livelihood and way of life; the death of many along the way; the introduction of landlessness, food insecurity, inequalities (including gender inequalities) as well as high levels of poverty. Can the state, which aggressively manufactured the conditions of poverty and inequality that still characterise South African society, continue to maintain these conditions, 18 years into democracy? The gaping wounds that are the legacy of the Land Act erupt occasionally before our eyes in the form of the events at Marikana, strikes by farm-workers in the Western Cape, increasing rates of gender-based violence, and the floods and fires that keep displacing many who live in informal settlements. The current land reform processes are silent on these issues, and will therefore fail to ensure that the crime of 1913 is redressed. The voices of Maria, her daughters, sons and sisters, including Mrs. Dumani, will not be heard.

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Sources
I’ve borrowed my title for today’s talk from the concluding chapter of our edited volume with Fred Hendricks and Kirk Helliker, The promise of land, which we launched on the 19th of June this year, the date the notorious Natives Land Act was implemented in 1913. The title strikes me as fitting today’s conversation, which, in my reading of the theme, demands of us not to dwell on the past, but to look ahead, something along the lines of a vision for the future. My focus will be land and the rural, including agriculture.

Apart from dividing the South African landscape into urban and rural areas, colonialism further divided the rural into commercial farms and reserves, later referred to as Bantustans and homelands, with some seeking and being granted independence by their apartheid master. The situation in these former reserves can be summarised as follows. Colonialists established reserves for occupation by the indigenous people following massive and often violent dispossession of the latter’s land. In 1913, legislation was promulgated restricting the indigenous people to a mere 7 per cent of the South African landscape. This percentage was increased to 13 per cent in 1936: a situation that prevailed until the advent of democracy in South Africa in 1994.

The reserves were the bedrock upon which the colonial and apartheid strategies of dividing Africans into imposed “tribes” rested under the control of imposed and compliant chiefs and headman. In terms of land tenure, most land in the rural areas of the former bantustans was and continues to be legally owned by the state, where the land rights of rural residents are restricted to rights of occupation which are not comparable with the freehold land rights held by their white counterparts in the commercial farming areas. With respect to agriculture, while massive amounts of subsidy were poured in by the state to prop up white-dominated commercial agriculture, very little was invested in the development of agriculture and rural development in the former reserves/bantustans. Indeed, active steps were taken to discourage the rise of a class of black farmers that was emerging in the nineteenth century and early part of the twentieth century. Efforts on the part of these aspirant African farmers to get freehold title deeds were thwarted in the run up to the establishment of the Union of South Africa in 1910. By this time, colonialists had resolved that the role of the reserves would be primarily that of a source of cheap labour to boost commercial agriculture and the development of a racialised form of capitalism in South Africa that was sparked by the mineral industry, particularly gold in the latter part of the nineteenth century.

This was by and large the situation at the dawn of our democracy in 1994.

Not much has changed. South Africa continues to be marked by the presence of powerful white rural landowners. The fundamental land problem remains the unequal division of land between blacks and whites. Post-1994 plans to deal with the palpable inequality have been spectacularly unsuccessful. All the efforts of state policy in the almost two decades since the demise of apartheid are either inappropriate or inadequate. This is despite the mounting challenges facing the country in respect of land. In as much
as the cities continue to represent colonial and apartheid divides, the country as a whole remains spatially divided between the white claimed commercial agricultural areas and the Bantustans. The apartheid and colonial past continues to cast a long shadow on democratic South Africa and the resultant inequalities are our major concerns.

WHERE TO FROM HERE?

One of the challenges that any democratic regime faces in South Africa is how to mesh the former reserves/bantustans with the rest of South Africa and create a unitary approach in respect of land tenure and citizenship across the country. The enduring dualism between white commercial agriculture on freehold land and black small scale poorly-resourced farming in the communal areas, continues to hamper progress. One of the major challenges is how to break down this dualism in order to integrate the two areas into a coherent agricultural sector. Only a thoroughgoing transformation of the land tenure and local government systems will allow for these areas to realise their underutilised economic potential.

The starting point must be an acknowledgement and recognition that, as already indicated, the former bantustans were established as part of a divide-and-rule strategy to control the indigenous majority and to advance a racialised form of capitalist development. It is hard to imagine an emancipatory project in South Africa that would not make the dismantlement of the former reserves/bantustans its priority. Yet, available evidence shows that the ANC-led government is not committed to dismantling the former bantustans. On the contrary, there is a perpetuation of this system at both the level of land tenure and governance.

The resolution of the land question by means of radical land redistribution is a sine qua non for dismantling the former bantustans. The challenging question is how this can be done, particularly given the continued dominance of neo-liberal capitalism at a global level. At the country level, the property clause in the South African constitution imposes severe constraints to radical land reform. I have elaborated on this issue in numerous publications I have authored over the last 10 years or so.

Be that as it may, I would argue that there is room for manoeuvre. Some may see this move as reformist, but this is no place for grandstanding. I would like to proceed from what is possible and use this as a stepping stone, rather than an end in itself.

A concern that is often raised whenever the land question in South Africa comes up is that the productive capacity of agriculture will be endangered. But this concern does not take into account the reality that not all of the agricultural land is under production. In this regard, the initial drive must be to target and expropriate un-utilised and under-utilised farms, as well as farms that are in debt. Under these circumstances, expropriation must lead to an increase in production, things can never be worse. With regard to the thorny issue of compensation, there would, in the first instance, be no need to compensate farmers that are in debt. As far as those farms that are under-utilised are concerned, they could be bought, but the consideration would be reconciliation, rather than the profit motive and the dictates of the “market”, including holding back unused land for speculation. The provisions of section 25 of the South African Constitution can be used, in the short-term, but these would have to be combined with a civil society-led campaign for the amendment of the property clause in the constitution.

Linked to the above would be a requirement that unproductive land should be taken over by the state, rather than being sold to commercial farmers.

In a nutshell, the starting point for radical land reform under current conditions should be expropriation of unproductive land that is either in debt, unused and under-utilised. Under this model, I would argue that land that is currently under production should not be targeted for land reform purposes as this will involve endless negotiations on compensation. Further, capitalism may well do the job for us, given that attrition in the agricultural sector. For example, there were around 60000 commercial farmers in 1994. They are now down to around 37000 and current predictions are that the number will drop further in the next 10 years or so. This attrition will increase the pool of available land for expropriation without or very little compensation.

Expropriated land would be used to address land hunger primarily in the former bantustans and for the benefit of farm workers and farm dwellers. With regard to the former bantustans, priority should be given to those who have demonstrated commitment to a land-based lifestyle and are growing crops and fruit in the gardens of their residential plots and keeping stock. Crucially, these individuals should be organised into producer cooperatives in order to avoid monopoly of land by a few individuals. In keeping with the principle of discouraging land monopoly, those who are in possession of fields for cultivation should not be prioritised. They should be given a choice of either holding to their land, or, if they want new land, of “trading” their fields and become members of cooperatives in the redistributed land.

With less congestion especially in terms of livestock, conditions will be created for the state to promote smallholders inside the former bantustans. The small scale producers would comprise those who have a residential plot and field for cultivation. These producers should be supported by the state to embark on agricultural production. With growing numbers of stock taken away to new land, grazing land should be decongested, which should make it possible for the quality of the livestock of the small-scale producers to improve. The most critical support would be the improvement of infrastructure, for example, fencing, water and roads, and encouraging reversion to multi-growing, inter cropping and organic farming. This would herald agrarian transformation in the former bantustans, where production for the home market and the building of the local economy would be a priority. This would be a bottom-up approach to development where production for export would be lowest on the agenda.

The migration to urban areas is not unilinear. There is a tendency on
the part of rural residents to oscillate between the rural and urban. This is the case too with respect to the beneficiaries of the existing land reform programme, who retain their land and links in the communal areas. There are good reasons why people do not want to abandon their homesteads in the communal area. Beneficiaries argue that the residential land holding in the communal area is a family home, where social services, such as schools and clinics, are available and where cultural activities, rituals and burials take place. However, for professionals and migrant workers, the former bantustans are becoming places to build holiday and retirement homes.

The most challenging issue in a discussion of the future of the bantustans is what becomes of those who are unemployed and have no interest in making a living out of land. Most of these people cannot in any serious manner be regarded as an industrial reserve army, but as a surplus population that neoliber al capitalism is not interested in absorbing. It is hard to think of how to deal with this category of rural residents in the short term. But there are possibilities. One such possibility is that some of them will, as has happened in Brazil and Zimbabwe, be drawn into pursuing land-based activities and join producer cooperatives, especially if the latter become successful. Activities on the newly acquired farms and on the land of small-scale producers might generate job opportunities, even if only on a seasonal basis. Migrant workers and professionals who build houses in the countryside also create domestic type job opportunities. Finally, a successful agrarian transformation is most likely to lead to the development of non-agricultural activities to support the farming communities. These could be in the form of electrical, mechanical and plumbing activities and processing, requiring levels of retraining and reskilling.

The focus on urban areas, which has characterised South African scholarship since the 1970s, has created a lacuna in our scholarship that needs immediate attention. The assumption that the importance of the countryside will gradually diminish is clearly inaccurate. Scholars know very little about the everyday lives of people living in the countryside, either on farms or in the former bantustans. Detailed, in-depth research on the countryside thus becomes a precondition for an overhaul of the former bantustans. Linked to this is research on the state of agriculture in South Africa, the main purpose of which would be to identify un-utilised and under-utilised farms, as well as those which are in debt. As indicated above, it is these farms that should be targeted for expropriation so as to put them into production.

CONCLUSION
Such changes to the South African countryside clearly involve radical agrarian restructuring and might be seen as based on some kind of utopian thinking. But unless such visionary thinking is pursued, the countryside will remain in the hands of white agricultural capital (with all the negative consequences which go with this).

An entirely different approach is required if democracy is to survive in South Africa. There is no magic solution, nor is there any predetermined path to follow. What seems clear though is that as long as black agriculture is confined to the former reserves and white agriculture continues to dominate the commercial farming landscape, the major challenge facing the country of how to integrate these two segregated territories into a unitary geographic, political, social and economic order will continue to haunt us.

In essence, we are dealing with a colonial situation and nothing short of a thoroughgoing decolonisation will open up the possibilities for a durable solution. I sincerely hope that the contributions and discussions today will take us a step towards such a solution.
I wish to begin by posing two questions. First, what is the real significance of 1913 today? Second, where do the points of intersection between the land question and Steve Biko’s political philosophy and developmental praxis lie? With regard to the first question, a necessary starting point is to critically interrogate the notion that has now taken root, which projects the year 1913 as though it is the point of departure for land dispossession in South Africa. This notion, which forms part of the currently dominant and hegemonic paradigm of South African history, seeks to reduce the significance of dispossession and the associated struggle of the African people for the repossession of their usurped land to a mere legalistic quirk. This in effect amounts to a subtle downgrading and subjugation of the true nature of the land question in this country, and in some extremist quarters it is intended to obliterate its significance. By limiting the way in which the magnitude of the challenge posed by the land question is framed, this formulation also has the effect of reducing land reform to a largely technical and even a cosmetic exercise, shorn of its fundamental political significance. It also has the effect of truncating the important position of the land question at the core of the process of social and economic transformation. Part of the explanation for the peripheral position of land reform on the current agenda of social and economic transformation therefore lies in this approach.

Needless to say, the history of the dispossession of the African people of their land is closely intertwined with their determined and heroic resistance, and to their subsequent conquest and subjugation. For the obvious reason that the process of dispossession began in the mid-fifteenth century, it should be clear that the 1913 Natives Land Act was passed after the indigenous Africans had already lost the bulk of their land. Even as early as that time the majority of the Africans, who had almost exclusively been agro-pastoralists, had been pushed out into relatively small pockets of land of largely poor quality, situated on the periphery of what were to become the country’s prime zones for commercial agriculture, mining, manufacturing industry and commerce. These areas had been carved out by the colonial conquerors and oppressors for their exclusive benefit. As is well known, today large numbers of Africans remain marginalised on this periphery, and trapped in the quagmire of underdevelopment that characterises these locations.

It is also a well-known fact that the promulgation of the 1913 Natives Land Act came after the rapprochement between Boer and Briton that followed in the wake of their war of 1899 to 1902. A profound factor that underlay this development was that the interests of the two major white settler groups had coalesced around the subjugation of the indigenous majority and the need for the development of a ‘native’ policy that was deemed to be appropriate to their status as conquered, dispossessed and despised people. The main purpose of this law was therefore to codify and consolidate the settler-colonial system founded upon the dispossession of the Africans and to enunciate the broad outlines of a policy framework for the exclusive social and economic development of the white minority, in the whole of what was then the Union of South Africa.

To return to Steve Biko and his philosophy and praxis in relation to the land question, let me hasten to state that Biko did not present a detailed and systematic formulation and analysis on the subject. It is worth noting that this was also the case with virtually all the leaders of the South African liberation struggle, including Nelson Mandela, Robert Sobukwe, and many others. While Sobukwe might be somewhat of an exception in this regard, even in his case his formulation’s under the
aegis of African nationalism and Pan-Africanism did not go much further than to posit the view that the system that oppressed the Africans politically, exploited them economically and degraded them socially, had been founded upon land robbery and subjugation by the sword. He thus did not develop in any much further detail his basic argument that the fundamental purpose of the struggle for liberation was the restoration to the Africans of their land to them as its rightful owners.

So, what are the intellectual influences that shaped Biko’s approach to the land question? One useful answer to this question is provided by his biographer, Xolera Mangcu who, although this may appear rather tenuous and far-fetched to some, traces Biko’s intellectual heritage through the pre-colonial and colonial history of the Eastern Cape and to a variety of intellectual leading lights that the latter period spawned. Interestingly, Mangcu also highlights the interspersing of this history with that of the Khoikhoi and San of the so-called ‘northern frontier’ as one of Biko’s basic intellectual influences. Over and above the historical intellectual foundations highlighted by Mangcu, like many leaders of his generation, Biko drew heavily from the broader struggle against colonialism in Africa as well as from the work of a host of other intellectual and revolutionary giants in both Africa and the African Diaspora, who came before him, or were his contemporaries. These include the works published by revolutionary thinkers, theorists and practitioners such as Frantz Fanon, Paulo Freire, and Amilcar Cabral, the contributions by stalwarts of the anti-colonial struggle in the African diaspora such as Aimé Césaire, radical ‘black power’ activists such as Stockley Carmichael in the United States, as well as exponents of the concept of black theology that emerged in that country in the 1950s and 1960s.

Biko combined these intellectual influences with the home-grown positions that were advanced by the two major African political organisations of the time (which were then banned), namely the African National Congress (ANC) and the Pan-Africanist Congress (PAC). Drawing from these intellectual traditions and experiences enabled him to construct and articulate the philosophy of black consciousness, that sought to build further upon the concepts of nationalism, non-racialism and pan-Africanism. Most importantly, he was able to use these theoretical and political tools to elevate his vision of the triumph of the struggle of black people to a plane of the pursuit of a more overt egalitarianism and socialism, and a higher humanism. The concept of a higher humanism is clearly evident in Biko’s reiteration of Césaire’s postulate that “there is room for everyone at the rendezvous of victory”.

While there are a number of statements from which Biko’s position on the land question can be inferred, as contained in the collection of his writings, speeches and interviews published under the title I Write What I like, it is in the chapter of this book that deals with the subject of the bantustans where perhaps the strongest and most explicit articulation of this subject is to be found in Biko’s philosophy and phenomenological sociology. The bantustans, which since 1936 had constituted a mere 13 per cent of the land mass of the country - yet these small geographic locations and cesspits of misery were designated as ‘home’ for the overwhelming majority of the black population - represented the culmination point of the process of dispossession of the native people. These locations also epitomised the most acute manifestation of the profound depth and extent of their systematic underdevelopment and generalised pauperisation.

Reflecting upon this situation, Biko then sought to expose the fallacy that was inherent in the notion of ‘separate development’, which was implemented through this system of ethnic balkanisation. He took particular offence at the fact that the establishment of the bantustans was characterised by the installation at the head of these entities of some members of the black elite. The debilitating effects of underdevelopment and economic marginalisation were accentuated by the fact that “the areas where the bantustans are located are the least developed in the country, often very unsuitable either for agricultural or pastoral work [and] none of them have access to the sea”. Moving from this analytical angle, Biko then makes the cogent proposal that this situation “must be put right”.

Biko’s proposal to have the situation where the blacks were allocated a mere 13 per cent of the land of their own land needed to be ‘put right’, is a clear call for a process, beginning with the rejection of the system of the bantustans, that would culminate in black people enjoying full rights on the whole of their native land. It is in no way an attempt to stretch the imagination to interpret this statement to mean that Biko envisaged a comprehensive process of the redistribution of the land back to the dispossessed Africans as one of the main pivots towards the attainment of this goal.

The question that then arises logically from the above within the context of the current conjuncture is: To what extent is the situation of widespread landlessness and associated poverty being ‘put right’, as expressed in Biko’s call? In attempting to provide a useful answer to this question, it is necessary to identify some of the faultlines that have emanated from the negotiated settlement, as expressed through one of the major ‘sunset clauses’, whose prime targets was the ‘post-apartheid land dispensation’. Related to such an analysis is the need to deconstruct these faultlines and demonstrate the ways in which they have bequeathed to the country an enduring legacy whose chief characteristic is the peculiarly lopsided manner in which the land question is currently being addressed. It is to the fundamental and strategic character of these faultlines and their long-term implications for the future of our country – and less so to their technical manifestations – that I now turn.

The first and most glaring of these faultlines is what is commonly referred to as the ‘property clause’ in the country’s post-apartheid Constitution. This is the provision, as set out in section 25, that constitutes the source of origin for situating the point of departure for the land question in
South Africa at June 19, 2013. This
closest to the situation that has produced the
of a ‘commitment’ not to interfere
of land ownership and utilisation.
One wishes to assert that in its
the property clause presents a major obstacle to genuine
the development of the agricultural
mention the long-
to social, economic and
by average plots of 1 300 hectares
is characterised
by average plots in the former
by the concentration of land ownership
of neo-colonial character.  It is this kind
of situation that has produced the
of land ownership which is characterised by
of the small minority
the fact that average plots in the former
bantustans, which is home to over
six million households, are currently
estimated at a mere 1.5 hectares. It is a well-known fact that
of most of this land is generally of poor agronomic
closest to the system of colonial land theft, has become
of capitalism in general.  The faultline
of property is one of the cardinal
of constitutional right regardless of
the property clause obviously aims to
of property except in terms of law of general
and no law may permit the arbitrary
depivation of property.”  Put in simple
the means that ownership of
was informed
of constitutional right regardless of
the manner of its acquisition. In
by virtue of it being a
of market value.  The post apartheid
warrant for manoeuvre around this obstacle
of this constitutional provision.
Hamilton (2006) provides a cogent
of land reform within the present constitutional
context when he writes:
In the light of South Africa’s history,
the property clause obviously aims to safeguard the right of access to
in terms of law of general application – (a) for a public
interest; and (b) subject to compensation, the
amount of which and the time
and manner of payment of which
of changing the existing property arrangements
encompasses the extent to which, however many sub-clauses
and limitations follow the right, the
right, has a default priority”.
It is one’s considered view that the constitutional constraints highlighted
for the neo-liberal notion of market-based land reform, but also for the
implementation of the land reform programme has since
fallen far short of established
targets.  Presently, just over 6 per cent of
of the land has been redistributed
over the past nineteen years, against
translates to a mere 6 million hectares
of agricultural land out of roughly 100
million.
Many commentators, analysts and
have pointed to the
willing seller-willing buyer policy as
the decisive factor hindering
the implementation of the land
programme in South Africa
at an acceptable pace. However, in
reality the willing buyer – willing seller
is a mere handmaiden of the
flawed constitutional dispensation for
land reform that one has discussed
earlier. Over and above this fact, the
willing buyer – willing seller approach
is based on the patently erroneous
and unjustifiable notion that the
must be bought back from the
usurpers. Adding insult to
injury, the prices at which this land
has to be bought have, without fail,
been extremely and unjustifiably
exorbitant.  No wonder, then, that
the weaknesses inherent in the willing
buyer – willing seller approach and the need to change course have been highlighted on numerous occasions by leading political figures in both the African National Congress (ANC), in the government, by a range of other political players, as well as by civil society activists.

However, current efforts by the government to seek an alternative formula for calculating the value of land other than market value, which it describes as an approach based on the ‘just and equitable compensation principle’, encouraging as they sound, also seem to be standing on shaky ground. The establishment of the Office of the Valuer General is seen as one of the most important innovations in this direction. However, the jury is still out on whether this approach will be more effective than the willing buyer – willing seller approach. This is because the threat of endless litigation by the affected farmers whose land the government would seek to acquire at a price below market value under the prevailing constitutional dispensation, looms on the horizon. White farmers in Zimbabwe whom the government wished to expropriate used the tactic of protracted litigation quite effectively, for a period spanning almost twenty years, taking advantage of constitutional and legal loopholes, until the government resorted to radical legal amendments, and eventually to land seizures.

Given the above, a potentially more effective approach would be underpinned, firstly, by the amendment of the constitution so that it provides more explicitly for the implementation of a land acquisition strategy based on expropriation that would not be hampered by complex and unattainable formulations on how compensation should be calculated. It is also one’s considered view that it would be easier for the government to follow the much simpler policy of computing compensation on the basis of the productive value of the land as well as the principle of affordability for the government. Secondly, the property clause should also be amended in such a way that all un-utilised and under-utilised agricultural land (which one estimates at some 40 to 45 per cent of all agricultural and non-agricultural land with commercial, housing or industrial potential; or some 40 to 45 million hectares overall) would be placed outside of any constitutional and legal protection from expropriation.

Thirdly, provision should be made for an accelerated programme of expropriation of agricultural landholdings held by foreign owners. The justification for such an intervention – which the government has also mooted – lies in the fact that much of the land that is under foreign ownership consists of good agricultural land that has been converted into game farms or for other recreational uses that benefit a few, or of vast tracks that have been left to lie fallow for speculative purposes. Such an approach, I believe, holds better prospects of success than the government’s recently stated intention of imposing ‘ceilings’ on land ownership. The idea of land ceilings is also likely to face a similar legal hurdle of protracted litigation, unless it is supported by strong constitutional and legal provisions, which is not the case at present.

Tomove away from issues concerning strategies for land acquisition, I wish to posit the view that land reform is a meaningless exercise if it is not integrated into a clearly enunciated strategy for agrarian transformation and rural development. With regard to agrarian transformation specifically, one area that many researchers, commentators and activists often ignore is the role that land reform can and should play in promoting the restructuring of the agricultural sector and the transformation of the rural space economy. Yet there is a lot of scope for such restructuring, whose aim would be to make the sector more productive, equitable and sustainable. There exists persuasive evidence which demonstrates that much of the country’s large-scale agricultural sector is currently under-performing, and that a substantial proportion of the white commercial farmers are not even nearly as productive as they are often touted to be. As part of the colonial and apartheid legacies, much of the sector has remained under-capitalised since the last century and it continues to cling to outdated production methods characterised by an over-reliance on cheap labour.

This has the effect of undermining the productivity and competitiveness of the sector.

In stark contrast to claims about its supposed efficiency, the reality is that 85 per cent of the contribution of the agricultural sector to GDP (which is presently around 3 per cent of overall GDP) is accounted for by only 25 per cent of the white-owned commercial farms. This shows that the white dominated commercial agricultural sector is in fact highly distorted. Furthermore, about 30 per cent of these farmers are deficit producers, many of whom do not use their land optimally and also have debt burdens beyond the critical level. The remaining 45 per cent produce average yields, whilst at least 20 per cent of the land is unutilised altogether. While it is true that South Africa’s agricultural sector consistently produces surpluses, these are well below what they could be if it had been more efficient. In other words, the system of landholding based on the consolidation and hoarding of the spoils of colonial conquest has produced an agricultural sector that is structurally and economically inefficient and performing below its potential optimal capacity. It is a further indictment of the currently unequal structure of land ownership and utilisation that the country produces surpluses and exports food, while around 25 per cent of the country’s inhabitants are food insecure.

Given the level of concentration of land ownership among the white commercial farmers, in juxtaposition to the stark land hunger among the Africans, South Africa’s large-scale agricultural sector is dominated by a relatively small landowning oligarchy of particularistic interests. In addition to the points raised above, this is another important reason why the sector needs to be transformed into a more equitable, vibrant and broader-based commercial agricultural sector, undergirded by agrarian transformation the would be premised upon a broader-based process of land redistribution.

The data presented above lay bare the fact that the doomsayers who point to the possibility of a food crisis becoming a reality as a direct consequence of large-scale
land redistribution, are actually more worried about their monopoly and profits, rather than a real monopoly and a real threat of a generalised decline in the levels of food production and productivity of the sector. They are also concerned that, if the monopoly position of white agricultural commercial capital is seriouly challenged by the entry and participation of greater numbers of producers within the sector, in addition to breaking down this monopoly, a more broader-based approach to the redistribution of land that one proposes would actually lead to a significant decline in food prices. It would also lead to an expansion of the sector and an increase in its contribution to national GDP. Needless to say, this approach would enable many to escape the clutches and humiliation of living in poverty, and also to prosper in their own right. The benefits of such an approach would also result in the establishment of a more equitable agrarian social structure that would involve the creation of a new class of African producers and players in various parts of the agricultural value chain. 

There exists undeniable evidence from around the world that supports the efficiency and success of smallholder-based systems of production. This has been established as an incontrovertible fact by the experiences of several East Asian countries such as Taiwan, South Korea, China, Vietnam, and Cambodia. The experience of these countries also shows that, within a transformative context in which changes in the agricultural sector are driven through land reform, whose beneficiaries have to move from a low base in terms of capital and skills, the attainment of such efficiency and success must necessarily be linked to strong support mechanisms from the state. These should include subsidised input supply, provision of training, extension of affordable credit, and facilitation of access to reliable markets.

Within Southern Africa, the case of Zimbabwe again provides a useful example that illustrates the success of well-supported smallholder producers who have benefited from land redistribution. The first group of these smallholder producers, were beneficiaries of what Sam Moyo refers to as the “liberal market-based land reform strategy” that was implemented between 1980 and 1985 in terms of the Lancaster House agreement. By 1986 they numbered about 70000 households. Within a relatively short space of time after acquiring their new plots of land they enjoyed relatively high levels of production, and in some instances even surpassed their established large commercial counterparts in terms of yields of grain per hectare. What is important about this experience is that these high levels of production occurred not within the communal areas, which are more or less similar to those in South Africa, but within the commercial farming areas. A critical aspect of their success is the fact that the beneficiary households were allocated amounts of land that were substantially larger than those which they had access to in the communal areas. The trend of allocating relatively large plots and attainment of high production levels has continued and has in fact been broadened and accelerated under the ‘fast-track’ land reform programme that has been implemented in that country since 2000.

Since the term ‘smallholder’ is often confused with ‘small-scale’ or ‘subsistence’ farmer, it is important to place it in proper context. The critical basic consideration for successful smallholder production is the ability of a household to meet its food consumption needs. However, over and above this, a smallholder-producing household must be able to produce a surplus from which it can meet other requirements that are essential to sustain a decent standard of living. Such a household should thus also be able to pay for such necessities as school fees of children and improvements to its housing structures. Smallholder producing households should also be in a position to contribute to the broader economy through payment of taxes and to move up the social ladder or to diversify into other areas of economic activity such as the manufacturing and service industries. In a word, what this means is that smallholder producing households must by definition be commercial producers. A smallholder-focused strategy should thus also be aimed not only at promoting poverty alleviation, but economic development and prosperity as well. The impact of the implementation of such an approach would be felt at both the household and community levels, and also would ramify onto the national level. Based on the foregoing, the size of a commercially-viable smallholder plot should thus be determined on the basis of such factors as potential output of various crops per hectare, livestock carrying capacity per hectare, and of course the availability of water. This should be in addition to other factors such as agro-ecological, agronomic, as well as market conditions. When taking these factors into account, in
the South African context such plots could range from 10 to 20 hectares for less land intensive operations/activities such as piggery, poultry farming, aquaculture, and the production of ‘niche’ crops such as flowers, as well as a range of vegetable crops, to 100 hectares for the production of cereals and livestock. A rough calculation based on the proposed target of redistributing up to 40 to 45 per cent of un-utilised and under-utilised land in the country suggests that a critical mass of such producers could number in the region of around 300 000 to 400 000 households in the whole country.

Also of key importance in the context of the promotion of smallholder production systems is the need for the beneficiaries of land redistribution to be organised effectively around their interests and activities in production. Co-operatives constitute the most successful and tried and tested mode of organisation among producing groups in countries that have experienced agrarian change in many parts of the world. Even the period of white minority rule in South Africa is replete with examples that show conclusively that co-operatives constitute the most effective form of organisation in this regard. These co-operatives owe their success in no small measure to the handsome financial support that was provided to them by the apartheid government. Biko also held a strong belief in the role of co-operatives, which he articulated as follows: “We must seriously examine the possibilities of establishing business co-operatives whose interests will be ploughed back into community development programmes”. It is a well-known fact that many of today’s large companies in the agricultural and agro-processing sectors started off as co-operatives.

Another issue that is of immense importance in the South African context – and one that is generally downplayed or conveniently ignored - is the need for a deliberate process to be embarked upon whose primary aim would be to de-congest the former bantustans. This would have to be undergirded by a programme of large-scale re-settlement of Africans in the commercial farming districts that are situated outside these areas. Such a process would address one of the most debilitating legacies of colonialism and apartheid, which is the widespread overcrowding that remains a central defining feature of these localities. This overcrowding was accentuated by deliberate measures that were implemented during much of the apartheid era, of dumping the victims of forced removals from the so-called ‘black spots’. Needless to say, decongesting the former bantustans would also contribute significantly towards the introduction of a more equitable and racially representative spatial configuration in the countryside. It would also address many of the challenges associated with the unsustainability of commercial agriculture within the former bantustans.

Another important lesson to be drawn from the Zimbabwean experience is that the country’s policy explicitly projects resettlement as one of the main objectives of its land reform programme. This approach has the effect of giving the whole programme a holistic character within the context of rural development. In the longer term, the net effect of the implementation of such an approach is that land reform is also linked to a dynamic process of re-shaping the spacial landscape and the restructuring the agricultural economy. Since the aspect of resettlement is largely absent in the approach that is currently being pursued by the South African government, this is clearly a major gap in current official policy and in the the discourse on land reform in the country, that needs to be filled urgently.

The experience of the past 19 years also points firmly towards the need for movement away from the freehold system of tenure that has thus far been used in land reform settlements. When considering the fact that a large number of land reform projects have collapsed because of sheer neglect, it might be useful for serious consideration to be given to the replacement of the freehold system with a long-term leasehold system. In addition to the fact that the leases can guarantee strong rights which cannot be revoked arbitrarily, a long-term leasehold system also makes it possible to cancel the leases of holders who continue to leave their land lying fallow or refuse to comply with prescribed rules that govern their tenure and land use activities. Again, it is from Zimbabwe that useful lessons can be drawn in this regard, as that country is implementing a 99-year leasehold system for the beneficiaries of its ‘fast-track’ land reform programme. In this context, the communal system of tenure provides some important lessons, as it is also characterised by the principle of ‘use it or lose it’, and of the enjoyment of long-term usufruct rights for as long as a household utilises the land allocated to it for the intended purposes.

Finally, the last faultline that has to be guarded against – which at this stage is more of a potential threat than an actual fact - is that of the possibility of ‘compradorisation’ or ‘embourgeoisement’ of the land redistribution process. By this is meant a process where the elite group in the leadership of the ruling party and in the machinery of the state benefit disproportionately from the redistribution of economic assets and benefits at the expense of the poorer groups. This faultline is related to the peculiar trajectory that black economic empowerment has assumed in South Africa. This type of argument has also formed an important part of the critique of Zimbabwe’s ‘fast-track’ land reform programme (or to some of its critics, ‘violent farm seizures’), although an increasing number of recent empirical studies appear to refute this. While it is a fact that senior party and government personalities, and other luminaries of the liberation struggle have benefited immensely from the farm transfers, in Zimbabwe, there is conflicting evidence as to whether, and the extent to which, this has happened at the expense of more broadly-based redistribution to landless and land-hungry peasants. Indeed, the evidence that has been provided from recent studies shows not only a high uptake of farms among large numbers of peasants, but their increasingly high levels of contribution to the production of staple crops, as well as export crops such as tobacco. These producers are also making a meaningful contribution to the slow but inexorable rehabilitation of Zimbabwe’s agricultural economy.

In conclusion, I wish to point out
that I am acutely aware of the fact that there are no easy answers to the complex the issues and challenges that I have dealt with in this address. However, at the same time I believe that it is important to constantly seek solutions to these issues and challenges, for change is the only option that should remain constant in our quest for a better life and future for all our people.

In this regard, I am reminded of a very apt statement that was made by Professor Sipho Shabalala when addressing a seminar organised by AgriSETA, that: “A social structure that has produced underdevelopment cannot be used for producing development.”

In other words, the positive changes to the lives of millions of rural inhabitants that are envisaged through land reform can and will only be brought about when the old system, bequeathed to our country by colonialism and apartheid, is not only comprehensively transformed, but is totally eradicated.

REFERENCES


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