

# Land reform

## South Africa at the crossroads

by ANDILE MNGXITAMA

**The current piecemeal approach must be replaced by a comprehensive plan to avoid a stormy horizon for South Africa.**

The tragedy of the South African land reform crisis lies in the perennial denial by the state that 26 million poor and landless urban and rural people represent a crisis and the cosmetic commitment to land redistribution by the white land-owning elite.

The state's main objective is the creation of a black commercial farming class. The land reform programme is based on the discredited principle of 'willing seller – willing buyer' (WSWB) or 'market-assisted land reform'. Less than 2% of land – barely over 1 million hectares – has been distributed in the past eight years. In the same period, scores of farm dwellers and urban residents of informal settlements have lost land rights, cancelling the modest gains of the reform process.

The land reform programme comprises:

### Redistribution

This is the main programme. It's stated intention is to provide grants to landless people to buy land on the market. Its critical components are the Settlement and Land Acquisition Grant (SLAG) and the Land Redistribution for Agricultural Development (LRAD). The latter is aimed at developing 70 000 African commercial farmers, who will occupy 30% of agricultural land by 2015. Whilst the SLAG programme is based on a means test, LRAD is based on 'own contribution'. Grants are given on a sliding scale starting from R20 000

for an own contribution of R5 000.

Redistribution depends on the goodwill of the landowner. Many projects are little more than rescue initiatives for a white farmer in trouble. The end result is likely to be the accumulation of debt by new entrants into the market and, ultimately, further land loss by those who were dispossessed.

### Restitution

The land restitution programme attempts to provide redress to the estimated 4,5 million people (and their descendents) who lost their land through racist dispossession laws after 1913.

**‘There are no success stories in modern history for land reform based on the goodwill of the landowners.’**

Between 1994 and the cut-off date in 1998, about 68 000 restitution claims were filed. Of these just over 12 000 claims were reportedly settled at about 445 248 hectares. This cost the state R425 million. The programme has spent about R1,2 billion on financial compensation payments to claimants who have not received land. The first eight years of the restitution programme benefited only 386 000 people – a tiny fraction of the victims of apartheid-era forced removals. Most beneficiaries have been urban rather than rural claimants. The widely-used financial compensation route perpetuates injustice. While urban victims of forced removals are paid a flat household

compensation rate of about R40 000, farmers whose land is purchased by the state for restoration to claimants are compensated at about R3 million per farm.

### Tenure

The Tenure Reform programme covers two main areas – the tenure rights of more than 7 million farm dwellers living on 65 000 mainly white commercial farms and the tenure rights of more than 12 million people living in the former homelands on the 13% of land occupied by black people during apartheid, but nominally owned by the State.

The Extension of Security of Tenure Act and the Land Rights (Labour Tenants) Act purport to provide land rights to farm dwellers and labour tenants. In reality, however, neither of these laws have led to any significant land redistribution or increase in substantive rights for farm dwellers.

Market-based land reform breeds social upheaval such as the one we are witnessing across the Limpopo. The current piecemeal approach must be replaced by a comprehensive plan to avoid a stormy horizon for South Africa.

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