



## Chapter 5

# From Van Riebeeck to Ubuntu: Exploring South Africa's Land Legacy

Lizelle Janse Van Rensburg 

The land is thus an example of historical injustices  
colliding with demands for contemporary fairness.  
- James Gibson

### Introduction

South Africa – a nation brimming with natural beauty, cultural diversity, and a turbulent history – is a glaring example of land inequality. Amidst its post-apartheid era, the scars of a deeply entrenched system of racial segregation continue to haunt the nation's socioeconomic fabric.

Outsiders might be surprised that tensions caused by economic inequalities focus on land, although farming has not been South Africa's key industry for decades. The issue of land distribution and people's access to land has consistently held a prominent position on South Africa's political agenda, fuelling emotionally charged debates. The intensity of these discussions stems from the profound significance of land for many South Africans. "...for South Africans, 'land' is a symbol of far more than an expanse of soil. For most people, it has nothing to do with agriculture."<sup>1</sup> It transcends mere resource value, embodying symbolic solid meaning, fostering a deep attachment to place, and symbolising notions of freedom.<sup>2</sup> This multidimensional importance encompasses spiritual, political, and economic dimensions. However, from a narrower economic perspective, land is often viewed as one of the four production factors, with the neoclassical school of thought (which has been

dominant in Western economic reasoning) considering it a subset of capital rather than an independent factor. Within this framework, land is regarded as a fixed and immovable input to production, akin to a form of capital.<sup>3</sup> The divergent viewpoints surrounding land intertwine economics, politics, and ideologies. When an object simultaneously holds spiritual significance and is treated as a commodity, it becomes a fertile ground for entrenched differences and potential conflicts over who should make decisions regarding land and how those decisions should be made.<sup>4</sup>

This chapter aims to provide a concise overview of the complexities of land inequality in South Africa, exploring its historical underpinnings, contemporary manifestations, and the multifaceted implications it poses for social cohesion, economic development, and the pursuit of justice.

## **Overview of South African Property Distribution**

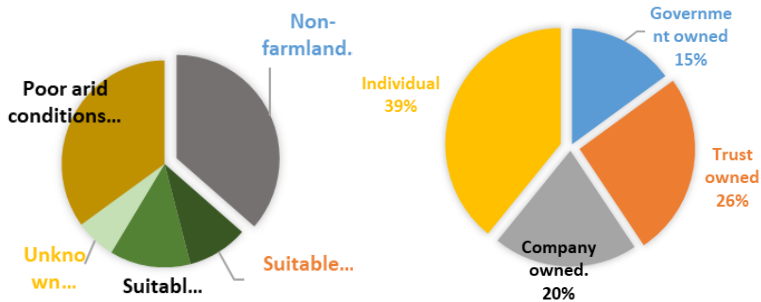
Land distribution refers to allocating and arranging land among individuals, communities, or entities within a given society or geographical area. It involves dividing land into different parcels or plots and determining the rights, ownership, and use of those parcels. Land distribution can occur through various mechanisms, such as inheritance, purchase, lease, or government allocation.

### **Snapshot of the current situation regarding land ownership**

The total surface area of South Africa is 122 million hectares, of which 77.580 million hectares is farmland. Notably, only 17% to 20% of the total 77.580 million hectares of farmland is suitable for field crops, irrigation, and horticultural production. The majority – around 55% – is primarily ideal for extensive grazing, characterised by poor and arid conditions where animals can roam freely (such as the Karoo region). An additional 20% of the land is suitable for intensive pastures and animal production, with good rainfall and pastures for grazing (as found in the KwaZulu-Natal Midlands).<sup>5</sup> The government's land audit report in November 2017<sup>6</sup> records that South Africa had 114.2 million hectares registered at the title deeds office. The government owned

17.1 million hectares, while trusts owned another 29.3 million, and companies owned 23.1 million. These figures demonstrate the limited potential for utilising farmland to create full-time sustainable livelihoods.

Figures 1 and 2 represent the South African land area and ownership composition.



**Fig. 1** Quality of land in SA

**Fig. 2** Land ownership in SA

According to statistics from Stats SA<sup>7</sup>, agriculture holds strategic importance and plays a critical role in the economic development of South Africa. The sector has been a significant employer, providing job opportunities primarily in rural and farming areas. Between 2018 and 2022, the agriculture sector employed an average of 843 177 people annually, accounting for approximately 5.4% of total employment in the country.

There has been a gradual decline in the agricultural sector's contribution to the country's Gross Domestic Product (GDP) over time. The World Bank (2023)<sup>8</sup> and Stats SA (2023)<sup>9</sup> report that the sector's contribution to GDP dropped from 9% in 1960 to 3.4% in 1994 and declined to 2.5% in 2021. This decline aligns with the theory of economic development, which suggests that the share of the primary industry diminishes as the economy progresses, with secondary and tertiary sectors gaining prominence. In 2021, the industry and services sectors contributed 24.5% and 63.02% of the total value added.

Despite the decreasing share in GDP, the agricultural sector has witnessed substantial real-term growth in output over the

past 28 years, doubling its production.<sup>10</sup> This growth has occurred alongside structural changes within the sector. Since 1994, South Africa has experienced shifts towards higher-yielding agricultural varieties, adaptation to climate change, and the adoption of modern farm machinery and irrigation technologies. Additionally, trade policy liberalisation resulted in removing agricultural subsidies, leading to a deregulation process in the mid- to late-1990s and establishing a free market system. As a result, the sector has seen improvements in efficiency, terms of trade, and farm profits.

Although the overall productivity growth has slowed compared to previous periods, the agricultural sector has recorded positive job creation, exports, and output developments. The sector plays a vital role in rural development, foreign earnings, and employment generation.<sup>11</sup>

Forty thousand, one hundred and twenty-two (40 122) commercial farms are registered for VAT, which requires them to have an annual turnover of at least R1 million. Additionally, 202 099 farmers may be involved in commercial farming but must meet the VAT registration threshold. These farmers depend on commercial agriculture as their primary source of income, while some also do farming on the side. In total, there are 242 221 households involved in commercial agriculture.<sup>12</sup>

Determining the racial composition of commercial farmers is challenging. However, Kirsten and Sihlobo<sup>13</sup> analysed various data sources – such as the 2011 population census, the 2017 agricultural census, and the 2016 community survey – and concluded that estimations indicate that most of the commercial farm enterprises are black-owned. Only 18% of these households are estimated to be white. White commercial farmers own approximately 44 000 out of the 242 221 farming units, which amounts to 61 million hectares. This represents 78% of privately owned farmland, or half of all the land in South Africa.

The attestation that commercial agriculture is characterised by large-scale, white farmers arises from a misunderstanding of the terms ‘commercial’ and ‘scale’ in agriculture. It is crucial

to separate discussions about the scale of farming operations from the racial identity of farmers to understand better the diversity and dynamics within South Africa's commercial agriculture sector.

Commercial agricultural production refers to farming practices that extend beyond subsistence needs, with a significant portion of the produce sold in the market. This typically involves the purchase of inputs like seeds and fertilisers.

However, commercial production can occur at various levels or scales. The scale of farming is not determined by the size of the land but rather by the gross farm income or turnover of the farming enterprise. Land size alone does not indicate the scale of the farming operation. For instance, a small 10-hectare irrigation farm can generate substantial turnover, while a vast 10 000-hectare extensive grazing farm is unlikely to surpass R1 million annually.

Examining the census of commercial agriculture reveals that commercial farming in South Africa primarily consists of small-scale, family-based operations. Nearly 90% of all VAT-registered retail farming businesses can be classified as micro or small-scale enterprises, with turnovers below R13.5 million. However, it is also true that there are slightly over 2 600 large farms (1.1% of the total) with an average turnover above R22.5 million per year. These farms account for 67% of all farm income and employ more than half of the agricultural labour force.

When considering farms that are not registered for VAT, it becomes evident that 98% of all farming operations in South Africa are small-scale. However, it is mistaken to assume that all white commercial farmers operate on a large scale while all black farmers are limited to small-scale operations. Many discussions on South African agriculture should have clarified the operation's scale with the farmer's race.

Most white commercial farmers in South Africa operate as small-scale, family-based enterprises. Only a minority (2 600 farms, or 1.1%) are categorised as large-scale operations, mostly owned by white farmers.

### **Why is a more equal distribution of land such an issue?**

A substantial volume of international research pushes the narrative that a more equal land distribution can alleviate social inequality and poverty and bring about inclusive economic growth. Although many authors sporadically acknowledge that high levels of inequality in asset ownership are challenging to reverse or even do more harm than good, the arguments for a more equal land distribution enjoy overwhelming support.

At the front and the most-cited argument is the one of historical injustices. The narrative states that land distribution in South Africa has been marked by a history of colonialism and apartheid, leading to significant land dispossession and inequality among different racial and ethnic groups. Equality of land distribution can promote reconciliation by providing marginalised communities – mainly black South Africans – with access to land and resources that were historically denied to them.

Furthermore, a more equal land distribution can foster social cohesion and reduce social tensions by addressing the deep-rooted inequality and land ownership disparities in South Africa. It can help build trust and promote community belonging, leading to a more inclusive and cohesive society.

Given the high poverty levels in South Africa, it is argued that access to land can be instrumental in poverty alleviation. Equal land distribution provides marginalised communities with opportunities for sustainable livelihoods, food security, and economic empowerment. It can help break the cycle of poverty and uplift the living standards of vulnerable populations.

Eventually, economic development can be obtained by providing small-scale farmers and landless communities access to land to unlock their potential and stimulate economic activity at the local level. It can increase agricultural output, job creation, and overall economic growth.

However, equality of land distribution may raise concerns about property rights and undermine the principle of private ownership. Protecting property rights is essential for economic growth and attracting investments. A sudden and extensive land

redistribution without due consideration for property rights would negatively affect the economy and discourage investment.

Rapid land redistribution without sufficient planning and support can disrupt agricultural production and decrease productivity. Many commercial farms in South Africa are highly efficient and contribute significantly to the country's agricultural output. Care should be taken to ensure that land redistribution does not negatively impact food production or compromise the country's agricultural sector.

Redistribution of land may lead to market distortions and inefficiencies. Suppose land is redistributed without proper planning and support for agricultural infrastructure, training, and market access. In that case, it can result in decreased productivity, inadequate resource allocation, and challenges in the functioning of agricultural markets.<sup>14</sup>

Implementing a fair and effective land redistribution programme requires careful legal and administrative processes. The complexities of identifying rightful beneficiaries, resolving disputes, and ensuring equitable distribution can pose significant challenges. Poorly designed and executed land redistribution efforts can lead to corruption, bureaucracy, and legal uncertainties, hindering the intended outcomes.<sup>15</sup> It is crucial to approach the issue of land distribution in South Africa with sensitivity, considering the unique historical context, socioeconomic factors, and the need to balance social justice with economic considerations.

It should be noted that, although a large volume of research regarding equality of land distribution and redistribution exists, their results vary regarding the overall success of redistribution efforts and resultant economic development for the country. The research usually suggests a theoretical potential to increase economic growth and development. This does not mean that the theoretical arguments in favour of land distribution cannot be realised in practice; it serves as proof of how complex the topic is, with many other variables also playing important roles. Each country has a unique set of variables that play differing roles in land distribution efforts and their aftermath. Additionally,

the time window considered in the research renders some land redistribution efforts economically unsuccessful in the short run. At the same time, positive results are obtained when a long-run perspective is taken. Given these variations and differences in research methodologies, Cipollina, Cuffaro and D'Agostino<sup>16</sup> found in their meta-analysis of works on land inequality and economic growth, empirically controlling for publication biases and other shortcomings, evidence that land inequality hurts economic growth, particularly in the long term. Furthermore, such an impact is more substantial for developing countries. Suppose we can agree that a more equitable land distribution is preferable. In that case, we can explore fair means to achieve this outcome that will be well received by all stakeholders, regardless of their racial background.

It should also be noted that increased land ownership inequality tends to be an international trend. A recent report published by the International Land Coalition<sup>17</sup> states that land inequality is growing in most countries. It alleges that 1% of the world's farms operate 70% of crop fields, ranches, and orchards. This trend started in the 1980s as control over the land became more concentrated directly through ownership and indirectly through contract farming, resulting in more monocultures and fewer carefully tended smallholdings.

## **Historical Context**

To fully understand the land distribution issue in South Africa, it is essential to contemplate the country's unique historical background. However, it should be acknowledged that providing a justified, comprehensive historical account would require extensive text. Historical events cannot be viewed in isolation, as they are intertwined within a dynamic and evolving context. Additionally, historians' retelling of these events is influenced by their personal and political biases of the era. It is essential to consider that these events were impacted by significant international and geopolitical changes, such as the transition from feudalism to industrialisation, colonisation, the commercial revolution, and groundbreaking scientific discoveries. The reality of South Africa's historical backdrop, as it relates to land

issues, is far more intricate and influenced by many seemingly unrelated events than what is commonly acknowledged by many authors on the subject. The following section briefly notes a few of these events raised and questioned in discussions about land distribution. The aim is to provide an overview of the 'conventional' history as recorded by the first historians, as well as the recent interpretation and resultant narrative that some influencers follow.

### **Whites stole the land – different interpretations of early history**

Archaeological findings suggest that for over 1 000 years before the Dutch arrived at the Cape of Good Hope, Iron Age farmers and late Stone Age peoples had been living in the interior of South Africa. These earliest distinct groups of inhabitants are referred to as the Khoisan.

It is widely accepted that a significant migration of black peoples occurred from the Great Lakes Region of Central Africa, moving southward until they reached Southern Africa, where they encountered indigenous populations already residing in these regions. According to the Institute Pasteur,<sup>18</sup> this migration of black people spanned over a thousand years. This migration is corroborated by recent DNA research and manuscripts of historic Portuguese sailors and Arabic slave traders.<sup>19</sup>

Some authors describe this pre-colonial era<sup>20</sup> as a period in which land was plentiful, essential for livelihoods, had little exchange value, and was vested in groups. All members of the group had rights to land access and land tenure. The tenure systems' shared use of resources, grazing, and water was a vital feature. Land rights and tenure had a close relationship to the political and social status of the individual. The pre-colonial period's land relations remained socially embedded.

The first permanent Europeans came to the Cape in 1652 to establish a settlement where passing ships could get fresh produce. Until 1671, white settlement was limited to the Cape Peninsula, but as the need for farmland grew continuously, it began to expand into the interior. Individuals owned farmland in the European sense of the word, while the Khoisan did not 'own'

land because it was not part of their culture. In their culture, a region with unclear borders belonged communally to the tribe. This led to the first clashes between the 'free burghers' and the indigenous peoples.

In February 1713, a devastating smallpox outbreak, brought by a Dutch ship's crew, struck the Cape's refreshment station. The Khoisan had no prior exposure to this foreign disease, and thus had no access to indigenous remedies or treatments. One year later, the few remaining Khoisan survivors reported to the Cape's governor that less than 10% of the original Khoisan population in the southwestern Cape had survived the epidemic. Entire clans were wiped out in many cases. In others, the surviving individuals could not rebuild coherent clans as even their leaders had perished and forever altered their communities and way of life.<sup>21</sup>

Coinciding with the migration of the Bantu people from the north and the movement of the settlers from the south is the period of the recently debated *Mfecane/Difaqane* (Zulu and Sotho languages respectively), which means "The Crushing". It refers to a period of heightened military conflict and near-genocidal wars amongst black people that depopulated portions of the land and sparked a chain reaction of violence as fleeing groups sought to conquer new lands.<sup>22</sup>

It is argued that the smallpox epidemic and the *Mfecane* led to large tracts of land being uninhabited. The settlers learned about this land without owners and moved there. Even in places where they encountered resistance from the local people, the *Mfecane* had already weakened those kingdoms, and the Dutch either negotiated for land or defeated the inhabitants and moved into the interior. At the time of these events (conclusion of treaties and conquests), the white people – with their European background and knowledge – regarded this as a valid acquisition of land. At the time, land was expropriated in both legally correct and socially and politically legitimate ways.<sup>23</sup>

The *Mfecane*, its lead-up, and its aftermath are often used to explain historical land ownership and support certain aspects of the apartheid regime during the 20<sup>th</sup> century. On the other hand, some historians deny the occurrence of the *Mfecane* or

blame white settlers for causing it, to justify land expropriation and reform today.

In a series of unpublished and published papers written since the early 1980s, Julian Cobbing has challenged the notion that such a thing as the *Mfecane* ever happened.<sup>24</sup> The *Mfecane*, he has maintained, was in origin a “colonial myth” to conceal white wrongdoing and to justify historic land expropriation. Several South African researchers have lent support to the thrust of his critique. These anti-*Mfecane* writers argue that these upheavals were a result of colonialism and an increased white demand for African labour. In short, these historians either reject the occurrence of the *Mfecane* or argue for an alternative narrative opposing the long-standing ‘orthodoxy’.

In reaction to the new interpretation of historical events, historians like Omar,<sup>25</sup> amongst others,<sup>26</sup> have put forward an analysis that shows that the anti-*Mfecane* historians’ arguments are unsubstantiated. They conclude that history cannot be re-imagined by ignoring primary sources and cherry-picking from past events to create a politically correct past.

The unequal distribution of land between blacks and whites can be traced back to the earliest years of contact, and the different views of land tenure of that time. Judgement of the events of a hundred or more years ago cannot take place from a modern point of view. However, the new narrative gained traction, especially amongst liberal scholars and opportunistic politicians who quote phrases like “the empty land myth in South Africa” and “Whites stole the land” from the ‘indigenous’ black population.

### **Historical events through the 19<sup>th</sup> century**

The historical events throughout the 19<sup>th</sup> century that shaped the country’s political, social, and economic landscape were characterised by the colonisation, tensions, and wars between the British, Zulu, Xhosa, Sotho, Tswana, and Boers and the dispossession of property by the victor, the establishment of independent Boer republics, British expansion and settlement, and the emergence of mining industries and resultant immigration. These processes laid the groundwork for later racial

segregation and land inequalities, which would have long-lasting effects on the country's socioeconomic and political dynamics.

Tembeka Ngcukaitobi,<sup>27</sup> in his book *Land Matters*, explains that boundaries for African countries were constructed in 1883 by Otto von Bismarck, the German chancellor. The British entrenched its control and sovereignty of land in South Africa after the 1899–1902 Anglo-Boer War. When the war ended, the Native Reserve Location Act was passed to form the basis for settlement and land ownership. Cooperation between the Dutch and British settlers led to the formation of the Union of South Africa in 1910. Still, the black population was denied voting rights and property rights in specific areas.

After having studied the historical course of land distribution in South Africa, Changuion and Steenkamp conclude that land tenure and the segregation of the two main population groups at the time were unavoidable to a large extent. However, colonial exploitation and the systemised oppression under segregation left a racially skewed distribution of property ownership in South Africa. This resulted in 93% white-owned land and 7.5% black 'reserves'.

Reserves served as political exclusion and home base for migrant labourers. Attempts were made by colonialist authorities to provide individual titles in some of the black 'reserves' with legislation such as:<sup>28</sup> the Native Locations and Commonage Act of 1879 and the Glen Grey Act of 1894. These acts were instead seen as ensuring the cheap supply of labour for the mining industry, as the size of plots was too small to sustain a proper livelihood.

The period from 1910 in South Africa introduced and systemised a rigid apartheid urban structure and a dualistic agrarian structure.<sup>29</sup> The agrarian rural structure consisted of a white capital-intensive commercial farming sector with large-scale production linked to international markets, and the black homelands characterised by low-input, labour-intensive subsistence production. The Land Act No. 27 of 1913 did not create the 'reserve' system as much as entrench the existing locations and overall land distribution. The Land and Trust Act of 1936 added another 6% of the country where blacks would be allowed

land rights. This resulted in white ownership of 87% and 13% black land ownership in South Africa. The Fagan Commission, after the Second World War, recommended that African workers in the secondary industries be settled in 'white' areas permanently. However, the Bantu Authorities Act of 1951<sup>30</sup> confirmed the establishment of tribal authorities and traditional rule in the black homelands. The Bantu Laws Amendment Act of 1952 provided the state president power to appoint, depose, and define jurisdictions and to limit or extend the powers of individual chiefs. This act also introduced the 'Permission to Occupy' (PTO) certificates issued to blacks to utilise a specific piece of land in the 'reserves'. Reserves excluded Africans from holding or leasing land in the 'white' areas, and served as a base for the migrant labour system and underpinned the political policy of segregation.

The apartheid policy of the National Party, which came into power in 1948, was a continuation of the policy of segregation based on different ethnic groups. The difference was that laws were introduced to enforce social, residential, cultural, economic, and political apartheid. Property ownership and settlement were based on the Group Areas Act No. 41 of 1950, and the Reallocation of Natives Act No. 19 of 1954, which created separate suburbs for race groups.<sup>31</sup> Despite the industrialisation of the economy and the urbanisation of all race groups, black urbanisation was not acknowledged as a permanent phenomenon. The Tomlinson Commission, which published its report in 1956, concluded that the policy of integration would lead to racial tensions and recommended that ethnic groups should be developed separately. The commission also recommended that the black homelands and border industries be developed to make homelands economically viable and stop the inflow of people to the urban areas.<sup>32</sup> The National Party's policy led to the removal of Africans from farms, 'white' areas, and 'white' cities in accordance with the Bantu Laws Amendment Act of 1952 and the Natives Urban Areas Consolidation Act of 1945. Thousands of Africans were convicted, under the so-called pass laws, for not qualifying for Section 10 rights. Section 10 rights permitted Africans to be present in 'white' areas on the following conditions: being residing in a prescribed area since birth, working continuously for one employer for ten

years or living with more than one employer for at least 15 years. These rights were extended to the wife and children of qualified people. By 1981, 50% of the urban black labour force qualified under Section 10 rights and township housing.

The Nationalist government neglected the demand of blacks for political participation in a common system, urban housing and infrastructure for blacks, and subsistence farming in the reserves. This resulted in a constant inflow of Africans to the 'white' areas. Despite the influx-control measures by the state, the inflow of people to the cities continued as the economy of South Africa industrialised.

### **Post-apartheid land distribution**

South Africa's first democratic election in 1994 celebrated the end of a struggle for political freedom. Political freedom led to a land reform programme in South Africa.<sup>33</sup> The purpose of the land reform included:

- redressing the injustices of apartheid;
- fostering national reconciliation and stability;
- underpinning economic growth; and
- improving household welfare and poverty alleviation.

Two critical pieces of legislation were developed to address these issues. They were the 1994 Restitution of Land Rights Act and the 1997 Land Reform White Paper. Together, they provided a framework for a policy based on three pillars: restitution, redistribution, and tenure reform.

Restitution involves people claiming back land taken away from them after June 1913, or compensation for their loss. The act provided for establishing the Land Claim Commission and the Land Claims Court. It granted communities dispossessed of property after 1913 the opportunity to lodge a claim for restitution of that property or comparable redress.

Land redistribution involves acquiring and transferring land from white to black farmers for various purposes, including farming and settlement. The Land Reform (Labour Tenants) Act No. 3 of 1996 was introduced to protect the property rights of

labour tenants. The Extension of Security of Tenure Act (ESTA) of 1997 introduced protection from unfair eviction for people who live on land. The Interim Protection of Informal Land Rights Act No. 31 of 1996 protected people from their former homelands against abuses regarding property rights.

Due to the colonialist and apartheid policies applied before 1994, it can be argued that property ownership in South Africa allocated between the different races can be estimated at 13% to blacks and 87% to whites. The new dispensation after 1994, in terms of legislation, urbanisation, and structural changes, led to a dramatic change in ownership patterns. The property right is enshrined under Section 25 of the Constitution of the Republic of South Africa Act of 1996, stating that nobody may be deprived of property in terms of law of general application, and no law may permit arbitrary deprivation of property. The following section analyses the land reform programme, changes, and trends of agrarian and urban property ownership.

### **South Africa's Land Reform Programme**

From 1994 to 1999, the primary focus in addressing past imbalances was the market-led 'willing seller, willing buyer' approach. From 1997 to 1999, Settlement and Land Acquisition Grants (SLAGs) were introduced to assist poor households in acquiring farming land.<sup>34</sup> A grant of R16 000 per household enabled individuals and groups to buy land directly from willing sellers. The size of the grant required households to merge with other households to be able to buy farming land. The merging of households and ownership required a diplomatic approach to the property's decision-making and management process. This attempt failed to provide sustainable solutions, and many projects became poverty traps.

In 2001, the Land Redistribution for Agriculture Development (LRAD) initiative tried establishing a class of black commercial farmers. Grants between R20 000 and R100 000 were made available to establish black farmers. The LRAD made grants available to individuals, meaning that more than one individual per household could apply for the grant. In 2006, the

Pro-Active Land Acquisition Programme (PLAS) was launched to replace LRAD. The government obtained land ownership, and beneficiaries could get ownership after a period.

The government's land reform programme aimed to transfer 25 million hectares of farmland (30% of the total) to black communities by 2014. Chanquion and Steenkamp note in their concluding remarks that this objective aligns closely with the estimate that these indigenous black nations originally inhabited around 33% of the land before the arrival of the white settlers.<sup>35</sup>

### **Tracking progress and debunking myths**

The government needs to catch up on the goal of transferring 30% of the total farmland to Previously Disadvantaged Individuals (PDIs) and communities, and critics have chastised it for the sluggish progress of land redistribution and the steep cost of land restitution. At first, the 'willing seller, willing buyer' (WSWB) principle was blamed for the slow progress and high cost of land redistribution and restitution. Consequently, the WSWB principle was abandoned.

Another debating point revolves around the actual progress made. The government reported, after nearly three decades of democracy, that around 9% of commercial farmland has been transferred through restitution and redistribution. In contrast, independent researchers like AfriForum, AgriSA, notable figures such as Wandile Sihlobo and Professor Johann Kirsten, along with others, argue that around 24% of all agricultural land has either been redistributed or land rights have been restored considering restitution, redistribution, private transactions, and state procurement transactions.<sup>36</sup>

This inconsistency in data interpretation highlights significant data flaws, a concern shared by most participants in the land reform conversation. Data reside in a very fragmented way, with different government departments, organs of state, or parastatals as data custodians in South Africa. To illustrate one aspect of the complex data discrepancies, consider Afriforum's thorough examination of 11 sources that revealed South Africa's land size. While seemingly close with less than 0.8% difference,

these datasets show a substantial discrepancy of 960 949 hectares. To put this into perspective, imagine a density of 20 housing units per hectare, each occupying 500 m<sup>2</sup> and an average of three people per unit. This calculation leads to a staggering 19 218 981 potential housing units, accommodating over 57 million people – more than the estimated population of 56 million in 2016.

The issue extends to deeds registry data, where an apparent disparity emerges between official records of black landowners in rural and urban areas and the actual situation on the ground. Attempting to link race to property ownership in any credible way is also hampered by the challenges of obtaining more data. More information on race and land is needed to make a link that can satisfy the land debate. Even in the most recent Land Audit Report (2017)'s own admission, the process needs to be revised, for instance recognising that using people's names as the basis for racial classification is inadequate for an objective and fair assessment.

In general, the lack of accurate information on land reform and the rural economy allows much of the public debate to be misinformed and is a severe constraint on policymaking. A formal comparison and evaluation of the various datasets, their shortcomings, and methodological flaws fall beyond the scope of this chapter.

Another problem is the politicisation of land reform, with different stakeholders holding varying views on how it should be carried out. Shifts in government policies, political priorities, and debates over constitutional amendments have created uncertainty that hindered progress. Consider, for instance, the decision of the 2017 ANC National Policy Conference to amend Section 25 of the Constitution. The political rationale was that this would enable the expropriation of land without compensation under specified conditions, which, in turn, would accelerate land reform. However, most experts in the field agree that the failure to implement the land reform policy should be attributed to weaknesses in the state, such as capacity constraints, a lack of political will on the part of the government, corruption, and

mismanagement. The state blaming the Constitution for the slow pace of land reform is misplaced. Land reform is pre-eminently driven by the state, and it's been indicated that the state has been captured by elite interests.

However, land ownership has changed since 1994. Land classified as agricultural land in 1994 amounted to 79.3%, of which PDIs and the government owned approximately 14.9%, including communal land from the previous dispensation. The amount of land classified as agricultural decreased to 76.3% in 2016, while that owned by PDIs and the government increased to 26.7% based on transactional data. The reduction in land classified as agricultural land can be linked to the expansion of urban areas, conservation areas, forestry, and mining. The diagram below (Figure 3) compares agrarian land ownership in 1994 with 2016 per province (physical size Ha).

### HOW LAND OWNERSHIP HAS CHANGED

Percentage of agricultural land owned by blacks

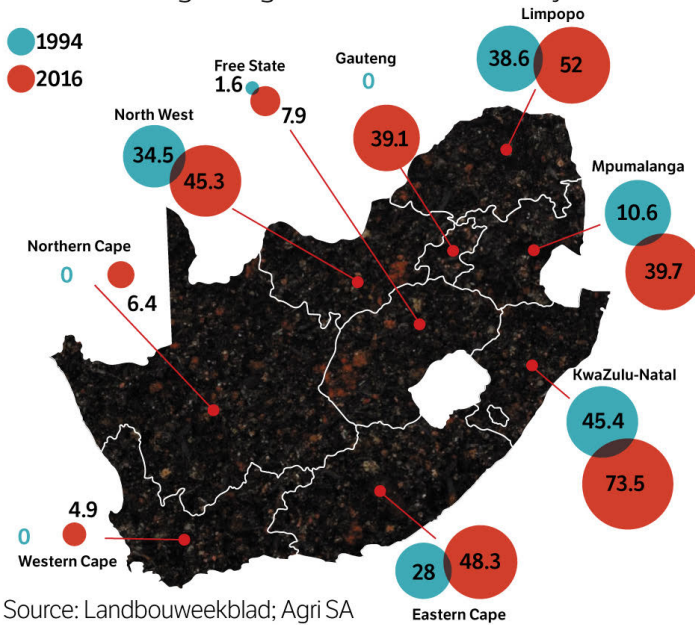


Fig. 3 Change in land ownership

When comparing land ownership, the argument follows that the monetary value of the land and its potential should be considered. For instance, a large piece of land with low potential or fertility – such as some areas in the Northern Cape – will yield less than a smaller piece of land with a high potential or fertility. Thus, comparing land ownership in terms of the size in hectares does not account for differences in the potential or fertility. When we assess ownership by PDIs and the government, factoring in both the value and potential of the land, the ownership share increases significantly. In terms of monetary value, the share amounts to 29.1%, and considering the land’s potential, the share rises to 46.5%. This is notably higher compared to the 26.7% ownership share based solely on hectares owned. At the provincial level, these statistics are summarised and compared to PDIs’ and the government’s hectare ownership shares in Table 1 below.

**Table 1** Land Potential in SA Source: Agri-SA Documents – Politicsweb

<b>Province</b>	<b>Hectare</b>	<b>Value</b>	<b>Land Potential</b>
Western Cape	4.9%	7%	11.3%
Northern Cape	6.4%	7%	12.3%
Free State	7.9%	15%	18.7%
Eastern Cape	48.3%	45.7%	54.1%
KwaZulu-Natal	73.5%	59.6%	76.1%
Mpumalanga	39.7%	34.4%	44.7%
Limpopo	52%	50.6%	64.7%
Gauteng	39.1%	38.8%	23.6%
North West	45.3%	48.8%	36.8%

These broader statistics indicate a greater level of ownership by PDIs than is commonly suggested in debates arguing for extreme transformation policies and laws.

Policies before 1994 introduced rigid apartheid town and city structures. Economic development and urbanisation resulted in the fast urbanisation of all race groups in South Africa. By 2010, 62% of South Africans lived in urban areas, up from 52% in 1990.

The influx of the new black middle class, the lack of restrictions on settlement, low interest rates, and a long, uninterrupted period of economic growth before the Great Recession of 2007 have led to radical changes in the ownership of urban residential properties.

The Statistics South Africa Household Survey (2014)<sup>37</sup> indicates that Africans claim to own 52% of the land if measured by the value of occupied houses and the land size in private hands (see Tables 3 and 4).

**Table 3** Value of owner-occupied houses in South Africa by race. Source: www.economist.co.za

African	52%
White	35%
Asian	6%
Coloured	7%

According to the survey, most first-owned properties are African-owned; more than ten times the number of Africans stated that their formal property is fully paid off compared to other races. Africans own 94% of second properties.

Data released by the General Household Survey of 2015<sup>38</sup> indicate home ownership by race as follows: African 79.2%, White 11.1%, Coloureds 7%, and Asian 2.7% (see Table 4), and changes in type of dwelling from 1996 to 2015 by race (see Table 4).

**Table 4** Homeownership by race (proportions), 2015. Source: Stats SA, General Household Survey 2015

Status	African	Coloured	Asian	White	Total
Owned and fully paid off	84.1%	6.4%	2.1%	7.4%	100%
Owned, but not yet paid off to the bank	42.9%	11.9%	7.2%	38.1%	100%
Owned, but not yet paid off to private lender	58.8%	7.1%	4.1%	30.0%	100%
Total	79.2%	7.0%	2.7%	11.1%	100%

## **Culture matters**

The Ingonyama Trust was established in 1994 by the erstwhile KwaZulu government in terms of the KwaZulu Ingonyama Trust Act (Act No. 3KZ of 1994) to hold all the land owned or that belonged to the KwaZulu government. The mandate of the trust is to have all this land for the “benefit, material welfare, and social wellbeing of the members of the tribes and communities” living on the land. The sole trustee to land under the Ingonyama Trust is the Zulu king.

In 2021, the court ruled that the Ingonyama Trust Act does not have the authority to convert Permission To Occupy (PTO) certificates granted to residents in the former Zululand Bantustan into leases.<sup>39</sup> The court ruled that the leases were unconstitutional, and that – according to Zulu culture and law – the land belongs to the people, and the king is seen as the administrator of the land, and not the owner. Therefore, paying rent to the king was unheard of, and ownership was instead vested in the families that occupied the land. Individual and exclusive ownership is necessary under Zulu culture and law. This also implies that PTO certificates should be converted to full title ownership instead.

Indeed, there is a lot of evidence that the ANC government wants to upgrade the security of tenure for people living on communal land. These rural residents face numerous challenges due to traditional authorities’ governance of communal lands. They need to gain land ownership to use the land as collateral and investment, which could improve living standards.<sup>40</sup> Nonetheless, the endeavour by the government to secure tenure rights for communal residents is a hot-button issue because the traditional leaders hold significant political power and are unlikely to react positively to any attempts to limit their authority over the land they administer.

The Ingonyama Trust generates revenue from mineral rights and commercial leases from businesses operating on land it controls. By 2022, the trust was earning more than R20 million a year from the land reform department.<sup>41</sup>

## Conclusion

The success of any land reform policy and progress can only be determined if accurate quantitative measures exist. The Department of Rural Development and Land Reform published its latest Land Audit Report in 2017, which aimed to provide information on private land ownership by race, nationality, and gender as of 2015.<sup>42</sup> However, many commentators in the discourse on land criticised the methodology employed and the resulting accuracy of the data.

Ultimately, a strategy that avoids compromising food security, investment, and economic growth is essential; agriculture is a cornerstone of the South African economy. Legal clarity and proper procedures will reassure all landowners, regardless of their racial background. South Africa requires a feasible resolution that tackles the increasing demand for land in both rural and urban regions. Land ownership is intricate and ever-evolving; however, the historical displacement effects cast a significant shadow. Persistent challenges of poverty, unemployment, and inequality continue to pose substantial and lasting threats to South Africa's stability and economic prosperity. The government must articulate a more precise vision outlining how it intends to achieve the most significant benefit for most of the population.

The problem of fair land distribution will likely become progressively more complex over time, since the population has increased drastically and will continue to do so in the future, but the land has not increased. Land reform in South Africa will only succeed if implemented fairly and honestly, if the provisions of the Constitution are complied with, and if there is no deviation from the regulations for law enforcement. Everyone needs to recognise that land reform is necessary, while also understanding that land ownership is a right for all citizens of the country, regardless of their race.

## Endnotes

- 1 Friedman, S. (2018). *Power in Action: Democracy, Citizenship and Social Justice*. Johannesburg: Wits University Press. <https://doi.org/10.18772/12018113023>
- 2 Bezerra, J. (2018). "Land claims in South Africa: it's about the meaning of the land, not just money". *The Conversation*. Available at <https://theconversation.com/land-claims-in-south-africa-its-about-the-meaning-of-the-land-not-just-money-100259> [Accessed 14 June 2023].
- 3 Thomas, R. & Foley, D.K. (2018). *Handbook of Alternative Theories of Economic Development*. Online: Edward Elgar Publishing Limited.
- 4 Quan, J., Tan, S. & Toulmin, C. (2004). *Land in Africa market asse tor secure livelihood*. Natural Reserve Intitute. Available at <https://www.iied.org/sites/default/files/pdfs/migrate/12516IIED.pdf> [Accessed 14 June 2023]
- 5 Roets, E. (2019). *Single Narrative: How the media is distorting the facts about SA*. Pretoria: Kraal Publishers.
- 6 Department of Rural Development and Land Reform. (2017). *Land Audit Report*. Available at [https://www.gov.za/sites/default/files/gcis\\_document/201802/landauditreport13feb2018.pdf](https://www.gov.za/sites/default/files/gcis_document/201802/landauditreport13feb2018.pdf) [Accessed 18 July 2023].
- 7 Statistics South Africa. (2022b). *South Africa Quarterly labour force surveys*. P0211, Pretoria: StatsSA.
- 8 WB. (2023). World Bank data. Available at <https://data.worldbank.org/indicator/NV.AGR.TOTL.ZS?locations=ZA>. [Accessed 6 May 2023].
- 9 WB. (2023), World bank data. Available at <https://data.worldbank.org/indicator/NV.AGR.TOTL.ZS?locations=ZA>. [Accessed 6 May 2023].
- 10 SARB. (2022). Quarterly Bulletin No 306. Pretoria: South African Reserve Bank.
- 11 Fuglie, K. & Rada, N. (2013). "Resources, Policies, and Agricultural Productivity in Sub-Saharan Africa". *USDA-ERS Economic Research Report No. 145*. <https://doi.org/10.2139/ssrn.2266459>
- 12 Kirsten, J. & Sihlobo, W. (2022). "Land Reform in South Africa: 5 Myths about farming debunked". *The Conversation Africa*. Online: <https://theconversation.com/africa/topics/black-farmers-113582> [Accessed 7 May 2023]
- 13 Ibid.
- 14 Mukarati J., Mongale, I.P. & Makombe, G. (2020). "Land redistribution and the South African economy". *Agric. Econ. Czech*, 66, pp. 46-54. <https://doi.org/10.17221/120/2019-AGRICECON>.
- 15 Cousins, B. (2010). "Property Rights and Land Reform in South Africa: A Summary of Current Debates and Developments". *Journal of Agrarian Change*, 9(3), pp. 421 - 431. <https://doi.org/10.1111/j.1471-0366.2009.00218.x>
- 16 Cipollina, M., Cuffaro, N. & D'Agostino, G. (2018). "Land Inequality and Economic Growth: A Meta-Analysis". *Sustainability*, 10(12). <https://doi.org/10.3390/su10124655>
- 17 Oxfam. (2020). Land Inequality at the heart of Unequal society. Rome: International Land Coalition. Available at [https://d303cb4w253x5q.cloudfront.net/media/documents/2020\\_11\\_](https://d303cb4w253x5q.cloudfront.net/media/documents/2020_11_)

- land\_inequality\_synthesis\_report\_uneven\_ground\_summary\_en\_single\_page.pdf [Accessed 17 June 2023].
- 18 Institute Pasteur. (2017). "The migration history of Bantu-speaking people: Genomics reveals the benefits of admixture and new light on slave trade". Paris: Institute Pasteur. Available at <https://www.pasteur.fr/en/home/research-journal/press-documents/migration-history-bantu-speaking-people-genomics-reveals-benefits-admixture-and-sheds-new-light> [Accessed 1 August 2023].
- 19 Tishkoff, S.A., Reed, F.A., Friedlaender, F.R., Ehret, C., Ranciaro, A., Froment, A., Hirbo, J.B., Awomoyi, A.A., Bodo, J.M., Doumbo, O., Ibrahim, M., Juma, A.T., Kotze, M.J., Lema, G., Moore, J.H., Mortensen, H., Nyambo, T.B., Omar, S.A., Powell, K., Pretorius, G.S., Smith, M.W., Thera, M.A., Wambebe, C., Weber, J.L. & Williams, S.M. (2009). "The genetic structure and history of Africans and African Americans". *PubMed*, 22;324 (5930), pp. 1035-44. <https://doi.org/10.1126/science.1172257>
- 20 Cousins, B. (2007). "More Than Socially Embedded: The Distinctive Character of Communal Tenure Regimes". *Journal of Agrarian Change*, 7(3), pp. 281-315. <https://doi.org/10.1111/j.1471-0366.2007.00147.x>
- 21 Potgieter, D.J., et al. (eds). (1970). "Smallpox Epidemic Strikes at the Cape". In *The Standard Encyclopaedia of Southern Africa*. Cape Town: NASOU. p. 378. Available at <https://www.sahistory.org.za/dated-event/smallpox-epidemic-strikes-cape> [Accessed 12 June 2023].
- 22 Encyclopaedia Britannica. (2015). "Mfecane". Available at <https://www.britannica.com/event/Mfecane> [Accessed 19 June 2023].
- 23 Louis Changuion, L. & Steenkamp, B. (2012). *Disputed land: The historical development of the South African land issue, 1652-2011*. Pretoria: Protea Book House.
- 24 Cobbing, J. (1988). "The Mfecaneas Alibi: Thoughts on Dithakongand Mbolompo". *The Journal of African History*, 29(3), pp. 487-519. <https://doi.org/10.1017/S0021853700030590>
- 25 Omer-Cooper, J.D. (1993). "Has the Mfecane a Future? A Response to the Cobbing Critique". *Journal of Southern African Studies*, 19(2), pp. 273-294. <https://doi.org/10.1080/03057079308708360>
- 26 Mensah, E.T. (2016). "The Mfecane and Its Effects". GRIN. Available at <https://www.grin.com/document/317679> [Accessed 30 June 2023].
- 27 Ngcukaitobi, T. (2021). *Land Matters – South Africa's failed Land Reforms and the Road Ahead*. Cape Town: Penguin Books.
- 28 Vosloo, C. (2020). "Extreme apartheid: the South African system of migrant labour and its hostels". Department of Visual Arts at the University of Pretoria. <https://doi.org/10.17159/2617-3255/2020/n34a1>
- 29 Hall, R. (2004). "A Political Economy of Land Reform in South Africa". *Review of African Political Economy*, 31(100), pp. 213-227. <https://doi.org/10.1080/0305624042000262257>
- 30 Levin, R. & Weiner, D. (1996). "The politics of land reform in South Africa after apartheid: Perceptions, problems and prospects".

## Endnotes

- The Journal of Peasant Studies*, 23(2-3), pp. 93-119. <https://doi.org/10.1080/03066159608438609>
- 31 Muller, C.F.J. (1990). *500 Jaar Suid-Afrikaanse Geskiedenis*. Pretoria: Academica.
- 32 Simon, D. (1989). "Crisis and Change in South Africa: Implications for the Apartheid City". *Transactions of the Institute of British Geographers*, 14(2), pp. 189-206. <https://doi.org/10.2307/622812>
- 33 Ibid.
- 34 Hall, R. (2004). "A Political economy of land reform in South Africa". *Review of African Political Economy*, 31(100), pp. 213-227. <https://doi.org/10.1080/0305624042000262257>
- 35 Changuiou, L. & Steenkamp, B. (2012). *Disputed land: The historical development of the South African land issue*. Pretoria: Protea Book House.
- 36 Wandile, S. & Kirsten, J. (2021). "Agriculture in South Africa". In Oqubay, A., Tregenna, F., & Valodia, I. (eds). *The Oxford Handbook of the South African Economy* Available at <https://doi.org/10.1093/oxfordhb/9780192894199.013.10> [Accessed 7 Aug. 2023].
- 37 Statistics South Africa. (2014). *South Africa's Household Survey of 2014*. Pretoria.
- 38 Statistics South Africa. (2015). *South Africa's Household Survey of 2015*. Pretoria.
- 39 Mthembu, Z. (2021). "Property Rights, customary law, and Land Reform". *Politicsweb*
- 40 Samuelson, R. (2001). "The Spirit of Capitalism". *Foreign Affairs* 80(1), pp. 205-211. <https://doi.org/10.2307/20050053>
- 41 Harper, P. (2022). "ANC integrity body wants Ingonyama Trust gone". *Mail & Guardian*. Available at <https://mg.co.za/politics/2022-08-19-anc-integrity-body-wants-ingonyama-trust-gone/> [Accessed 4 July 2023].
- 42 Department: Rural Development and Land Reform. (2027). *Land Audit Report*. Pretoria: Department: Rural Development and Land Reform. Available at [https://www.gov.za/sites/default/files/gcis\\_document/201802/landauditreport13feb2018.pdf](https://www.gov.za/sites/default/files/gcis_document/201802/landauditreport13feb2018.pdf) [Accessed 4 July 2023].