

Land Reform in Post-Apartheid South Africa – Jonathan Avis

In economic terms South Africa is considered a middle-income emerging market. It is rich in natural resources, and is generally more successful than its sub-Saharan neighbours. However, the country is plagued by massive inequality, high unemployment, and widespread poverty; and these problems are worse in rural areas. The level of inequality has its root in the Apartheid policies of the former colonial government, which actively excluded the bulk of the population from economic opportunities and from land ownership. Since the end of Apartheid in 1994 many blacks have risen to the middle and upper classes, but the condition of the poorest segment of the population has yet to see significant improvement. The ambitious land reform programme promised by the post-Apartheid ANC government inspired hope among the rural poor, but it has been slow to deliver results. The capitalist class has been deracialized, but overall inequality has increased and the poor and working class are now relatively worse off than in 1994. Outside of the urban centres where development is concentrated, economic opportunities are severely limited, making agricultural land the most important means of production for the rural poor.

Background

→The *Natives' Lands Act* of 1913 was the cornerstone of Apartheid-era land policy – prevented blacks from owning land outside of “scheduled native areas”. These reserve areas comprised less than 10% of the land mass and generally consisted of less productive land.

→At the end of Apartheid in 1994: 86% of arable land white-owned – 55,000 white capitalist farmers holding 102 million hectares, 1.2 million black micro farmers on 17 million hectares.

Land Reform

The ANC instituted a three pillar land reform programme consisting of **restitution**, **redistribution**, and **tenure reform**.

→Restitution: Land Claims Court either provides monetary compensation or returns land lost through racial laws or illegal means. (Claims restricted to land lost after 1913.)

→Redistribution: Grants provided to aspirant farmers to buy land from existing owners on “willing buyer, willing seller” basis.

→Tenure Reform: The 1997 *Extension of Security of Tenure Act* sought to regulate evictions by requiring a court order.

- This approach to land reform raises serious questions of justice. Much dispossession occurred prior to 1913, and no restitution is available for this land. There is also the question of whether the holders of land that was acquired illegitimately should be entitled to full market value for that land. The *nemo dat* principle would seem to suggest otherwise.

- Due in part to influence from the World Bank, South Africa's approach to land reform has been largely market based, and this approach has reproduced patterns of inequality. Financial austerity measures have meant low funding for grants, and the pace of land redistribution has been very slow. Redistribution has been geared towards those applicants looking to enter the commercial market, at the expense of those who aspire to own land for small-scale farming. With a lack of opportunities for formal employment in rural areas, more small-scale farming could do much to improve the condition of the rural population.
- The end of Apartheid delivered formal equality and political enfranchisement, but for the country's most impoverished people this has translated into little more than the right to vote. Capitalist class relations have been consolidated under ANC rule, and while some black capitalists have benefitted, the massive inequality created under Apartheid has not been remedied.