

# **Land Reform in South Africa**

**Still Waiting**

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*The land reform process in South Africa underlines how patterns of class, gender, and racial inequality have been reproduced in the 'new South Africa.' The achievement of a non-racial parliament was an enormous advance for ordinary people. Yet in the wake of this accomplishment, there has been a steady consolidation of the power of a newly deracialized capitalism. ... In the twenty-first century, the struggle for a new South Africa continues.*

From the founding of the ANC in 1911 in response to the threat of what became the 1913 Land Act, to the rise of the Industrial and Commercial Workers Union (ICU) in the 1920s, to SACP organising drives in the Northern Transvaal, to current struggles to organize the country's one million farm workers, land and the agrarian question has been a key political issue and a central component of the struggle in South Africa.

With the enactment of the 1913 Land Act, African land ownership was initially restricted to African reserves that made up less than 10 percent of South Africa's land surface. The Land Act was directed specifically against the small class of successful, market-oriented African farmers that had emerged over the preceding 50 years, as well as against the numerous African sharecroppers who rented white-owned land outside of the reserve areas. The effect of the Land Act was to force sharecroppers into labour tenancy, to increase the pool of migrant workers for the cheap labour mines, and to undermine the basis for an independent African peasantry.

With the collapse of the ICU in the late 1920s, no mass rural organization remained to organize workers against ruthless exploitation by farmers. Rural resistance continued, although its locus shifted in the 1940s and 1950s to the reserve areas, where peasants took up arms against "betterment schemes" and taxes in 1956 and 1958. In the 1960s, forced removal policies led to further emmiseration as an estimated 4 million people were relocated into segregated urban and rural areas.

By the early 1990s, when the apartheid government finally unbanned and entered into negotiations with the ANC, ownership of arable land was concentrated into the hands of an estimated 55,000 mainly white capitalist farmers holding 102 million hectares of land. In the former reserves, renamed "homelands," 1.2 million micro farmers shared about 17 million hectares. In 1994, apartheid ended officially with the electoral victory of the ANC, backed by grassroots community, labour, and student movements. Yet, the "new South Africa" began with 86% of the land remaining under white ownership, and an enormously impoverished rural population, of which an estimated 70 percent earned less than R300 a month per household. The rural working class, outside of such industries as forestry and food processing, was largely bypassed by the labour movement that emerged in the 1970s and expanded throughout the manufacturing industry in the 1980s and the public sector in the 1990s. Moreover, almost the entire agricultural sector was exempted from labour law prior to 1995.

## **Land reform in the early post-apartheid era**

Given these enormous disparities, it might be expected that the newly-elected government would introduce a radical land reform programme. Indeed, the ANC had formally committed itself to this goal in the Reconstruction and Development Programme (RDP), initiated by labour and finalised after consultation between the ANC and its allied social movements. The RDP had identified the issue of land redistribution as vital, stating "a national land reform programme" that addresses the injustices of the apartheid past "is the central and driving force of a programme

of rural development.” Such a programme would be “demand driven” and “aim to supply residential and productive land to the poorest section of the rural population and aspirant farmers.” Special attention was also paid in the RDP to women who faced customary and legal obstacles to accessing land.

Yet the actual policies set out in the RDP to attain land reform were radically counter posed to the program’s general Keynesian and developmentalist thrust. The section on land reform rested centrally on a restrictive and neo-liberal policy framework that had been lifted directly from a World Bank report on land reform in South Africa entitled the Rural Restructuring Programme. According to this framework, land reform in South Africa rested upon two central pillars termed “restitution” and “redistribution.” “Restitution” referred to the establishment of legal channels to allow claims to be lodged with a Land Claims Court for the return of, or compensation for, land lost through racial laws or through illegal means after the passage of the 1913 Land Act. “Redistribution” referred to a process whereby the government would help communities and aspirant farmers buy land from existing land holders on a willing-buyer-willing-seller basis by providing grants of R15,000 to households.

These two pillars were incorporated into official government policy after the April 1994 elections swept the ANC into power, although a third pillar was added: the reform of land tenure. In an effort to regulate the evictions of labour tenants, the 1997 Extension of Security of Tenure Act set in place procedures governing how evictions would take place. Previously, tenants could be removed at the whim of the farmer. Evictions would now be regulated by court orders taking into consideration factors such as length of residence on the farm, and the reasons for the eviction. The law, however, was criticised by organisations such as the National Land Committee and COSATU for doing too little too late, for regulating rather than ending evictions.

## **Actually existing land reform**

In practice, the land reform programme implemented by the ANC massively fell short of achieving its stated goal of redistributing 30 percent of South African land by the 1999 national elections. Despite the fact that the Land Claims Court was supposed to have finished its work and disbanded by then, less than 800 claims out of nearly 64,000 had been processed, mostly in urban areas. Evictions continued apace, and overall employment in the agricultural sector fell by 10 percent between 1989 and 1999. Despite the extension of union rights to farm workers in the 1995 Labour Relations Act and the 1997 Basic Conditions of Employment Act, unionisation in the sector remains exceedingly low, with the most optimistic estimates placing the number of union members at under 40,000 out of one million paid employees. The main union, the South African Agricultural Plantation and Allied Workers’ Union, a COSATU affiliate, has remained ineffective and its closure was suggested at the 1999 special COSATU congress.

Farm labour remains highly flexible and insecure, with at least 300,000 casuals and seasonal paid workers in addition to numerous labour tenants and undocumented workers. Average wages in 1995 were around R457 per month, with 50 percent of agricultural workers earning R400 or less. The highest wages in the sector were barely over R1,000 a month. Violence remains a common feature of agrarian social relations on the commercial farms. Recent high-profile cases include the death of six-month-old Angeline Zwane, after a farmer fired on her sister for trespassing; the

appearance of a farmer and his sons in court for dragging a worker behind a tractor; and the arrest of a farmer for painting a worker silver.

## **On the ground**

In retrospect, the failure of the land reform programme seems inevitable. The fiscal austerity policies of the ANC government – codified in the post-RDP neo-liberal Growth, Employment and Redistribution Strategy (GEAR) of 1996, continually undermined the overall land reform process.

In the largely rural Mpumalanga province, for example, it is not at all uncommon to find Department of Land Affairs (DLA) district offices, such as the one in Ermelo, with a staff of two people. Leaving aside the injustice of restricting land restitution claims to the post-1913 Land Act period, the land restitution process, which relies heavily on research and documentation, has foundered as the result of neo-liberal budget cuts. Infighting within the DLA itself as well as between national, provincial, and local structures, and underdeveloped land reform procedures compounded these capacity problems. Research in Mpumalanga showed that government has provided no real post-transfer support to resettled farming communities.

The market-driven willing-buyer-willing-seller approach championed by the World Bank and incorporated into the RDP had continually shown its inability to deliver real land reform across Africa. The basis for the failure of the policy is its inability to address the underlying class relations that produce and reproduce unequal patterns of ownership. Simply ignoring the skewed power relations in the market, the ANC government dressed up a process of actually buying back land originally acquired in highly unjust circumstances as a program of redistribution to the poor, rather than a radical retreat from popular demands.

In addition, strict limitations on state expenditure also provided an incentive to government structures to hinder the allocation of grants and ensure that sufficient funds would never be available for buying back 30 percent of land in South Africa. The limited size of the grants, which were wholly inadequate to purchase farmland in most areas, also encouraged people to band together as “communities” in order to pool enough resources to gain access to land.

In several cases in Mpumalanga, this has effectively meant the invention or reconstitution of tribal groups under authoritarian chiefs who subsist on rent paid by other community members. In some instances, community members were under the impression that the land that they had purchased was actually owned by the chief. In other cases, they recognised the unfair nature of the situation, but accepted it as the only way of accessing land. The reconstitution of the chieftaincy – and the attendant dangers of tribalization and ethnic division that this portends – may have been unexpected by the formulators of the land reform policy. But it certainly underlines how a process meant to benefit the poor has not only failed to challenge existing power relations, but also laid the basis for the development of new exploiting classes.

## **How the land was lost**

A range of factors help explain why South Africa came to adopt such an evidently flawed land reform programme. In part, the reasons lie in the nature of the compromise reached in the transition to a new South Africa. With neither the national liberation movement nor the

apartheid regime able to secure a decisive victory in the clashes of the 1980s, the democratisation process of the 1990s proceeded on the basis of a series of compromises.

The class content of these compromises centred on an agreement that private property would not be redistributed and that capitalist relations of production would remain unchanged, although reformed in ways that were politically desirable. The land question, in this context, differs fundamentally from questions such as the desegregation of the social welfare budget. Land, as a productive resource, was evidently not simply something that would be up for grabs for the working class. This compromise meant, in effect, that the class interests of capital – agricultural capital included – would not be threatened by democratisation, even if social categories such as the white working class would lose their privileged position.

The international context reinforced class domination in South Africa. The unipolar neo-liberal world order ruled out more statist forms of capitalism and narrowed the space for radical reforms. The general demoralisation of the Left, the enormous influence of neo-liberal ideology, the power of the multi-lateral institutions and multi-national corporations, and the overall context of post-1973 global capitalist crisis provided the backdrop to the apparent victory of the national liberation struggle in South Africa.

In this context, it is not surprising that the World Bank's Rural Restructuring Programme was able to secure such an impressive influence within ANC circles. Lavish conferences and presentations by the Bank on this program helped secure this hegemony; and the ANC's neo-liberal position on the land question preceded and prefigured its dramatic general neo-liberal drift after 1994. It would be mistaken, however, to see the ANC as the victim of overwhelming forces. The ANC itself, as Oupa Lehulere pointed out in a previous issue of Southern Africa Report, was a party of the frustrated African petty bourgeoisie with a mass working class base, not a radical opponent of capitalist property relations. At its most radical, the ANC championed a mixed capitalist economy. Its petty bourgeois and bourgeois layers readily accommodated themselves to the new world order, even at the cost of the black working class.

Nor were working class forces able to stop this development. Trade unionism was historically centred in the urban areas, as were most post-1950s struggles, and rural issues never featured highly on the agenda of the 1980s national liberation movement. Rural workers and labour tenants remained largely disorganized and inarticulate outside of forums organised by NGOs, and they lacked the power to challenge the ANC's land reform policies. The only exception was labour tenants in the KwaZulu-Natal and Mpumalanga provinces, whose 1996 rallies and threats of "war with the farmers" underlay the passage of the 1997 Security of Tenure Act. Overall though, the NGO sector remains under-resourced, and subject to declining funding in the 1990s. As such, the NGOs are unable to mount a major drive into the countryside, and their ability to capacitate rural communities is limited. Indeed, organisations such as the Farmworkers Research and Resource Project have collapsed entirely in this context.

By contrast, the chieftaincy, one of the few beneficiaries of the current land reform measures, had long been represented in the ANC and in the ANC-aligned Congress of Traditional Leaders of South Africa, founded in 1987. The ANC's increasing accommodation to the institution of the chieftaincy reinforces the power of this group.

## From bad to worse?

Recent developments indicate that the land reform process is set to become even more anti-labour than before. Following the 1999 elections, the new Minister of Agriculture and Land Affairs, Thoko Didiza, set out a policy statement, the Strategic Directions on Land Issues. The document dropped the RDP's focus on "the poorest section of the rural population and aspirant farmers." The focus was now explicitly on creating a black agrarian capitalist class by changing the "structure of the South African agriculture by opening opportunities and thereby creating a significant number of black commercial farmers operating on a medium and large scale." This policy directive is bound to reinforce and reshape rural gender and class based rural inequalities. The new focus on the creation of a "black class of emerging farmers" represents a particular kind of response to the failure of the 1994-1999 land reform process. It is a response that abandons any concern for the working class and support for poor communities in the context of redistribution in favour of redistributing land to bourgeois and aspirant-bourgeois Africans.

An overall commitment to rural development and rural redress has been replaced by a programme championing rural capital accumulation and rural class relations, albeit now partly deracialized by the entry of African capitalists. This is underlined by proposed reforms of the government grant system for "land redistribution." To receive R30,000, the aspirant farmer must contribute R10,000. To access between R35,000 and R100,000, the aspirant farmer would be expected to contribute R40,000. For projects in the next window of up to R300,000, the aspirant farmer would have to raise R135,000.

Poor rural women, who constitute one of the most oppressed layers in South African society, are also set to be losers. The lot of working women on the farms has often been to provide cheap and often seasonal labour, with access to land typically dependant on employment in the homelands. In addition, women's access to land has been limited by traditional institutions such as the chieftaincy. The ever-increasing centrality of the market to the government's land reform programme is set to reproduce these patterns, as poor rural women lack the money necessary to set up as independent farmers.

The land reform process in South Africa underlines how patterns of class, gender, and racial inequality have been reproduced in the "new South Africa." The achievement of a non-racial parliament was an enormous advance for ordinary people. Yet in the wake of this accomplishment, there has been a steady consolidation of the power of a newly deracialized capitalism. The class agenda of the Mandela and Mbeki governments may be seen in the implementation of GEAR; in the drive to privatise; in cuts to social services; in the deregulation of capital and commodity flows; in attempts to discipline labour; and in a land reform programme that has moved from bad to worse. In the twenty-first century, the struggle for a new South Africa continues.

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