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## Land reform in South Africa

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Commentary by the Department of Agriculture, Land Reform and Rural Development: Branch Spatial Planning and Land Use Management<sup>1</sup>, October 2019

### 1. INTRODUCTION

Since coming to power in 1994, the democratically elected government of South Africa has been trying to address the various issues concerning land. It has been acknowledged that the complex and emotive land question relates to inequality in terms of use, accessibility, and skewed ownership patterns. This opinion piece, submitted as a commentary on behalf of the Department of Agriculture, Land Reform and Rural Development to the *Town and Regional Planning Journal* and *SACPLAN* special issue journal, provides an overview of the land-reform programme in South Africa.

### 2. HISTORICAL OVERVIEW

South Africa has been grappling with the historical imbalances and distortions related to land arising from the Native Land Act of 1913, which was reinforced by both the colonial and apartheid regimes. The numerous policies and legislations that were passed during these periods, coupled with forced removals, compelled the country's indigenous population to move out of their ancestral land into areas that were demarcated as homelands or Bantustans. This has resulted in the current status quo, as 79% of the land is in private hands of the minority White population. Both urbanisation and production process have aggravated the situation where the needs of traditional societies transformed into towns, mines, and commercial farms. In the process, indigenous people were relegated to mere labourers in these production centres with limited or no rights to access, use or own property other than in the designated Bantustans. The latter were characterised by poor infrastructure and most of the occupants had no security of tenure. Yet, this position has still not changed.

This process of dispossession dislocated the indigenous people in many ways. It included, but was not limited to:

- Loss of ancestral land;
- Loss of their wealth;
- Disruption of social relations;
- Disruption of productivity;
- Loss of identity, and so on.

In this regard, the complexity of the problem that the government is currently trying to unravel in addressing the land question and existing spatial inequalities must be understood from the structural nature of the problem. It is beyond the mere quantitative issue of restoring land to the indigenous people through meeting specific targets. This process must also ensure that the socio-economic equilibrium is not upset.

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### 3. LAND REFORM IN SOUTH AFRICA

The development and implementation of the country's land-reform programme is at the centre of the post-apartheid government's policy intervention to address the land question. The focus, as articulated in different policy pronouncements, is to reinstate land ownership, particularly agricultural land, from the White minority to the poor and landless Black majority population. The government still remains resolute in its mandated target of redistributing 30% of prime agricultural land. (This has now been revised to 20% by 2030 in the National Development Plan.) Since the inception of the land-reform programme 25 years ago, an estimated 8.4 million hectares of land have been acquired and made available to the landless Black population. The original target was an estimated 24 million hectares, which, in this context, translates to the backlog of roughly 16 million hectares of land.

The government's land-reform programme is multifaceted and multidimensional in its approach, which rests on three pillars, namely land restitution, land redistribution, and land-tenure reform. It is envisaged that the successful implementation of the land-reform programme will:

- Enable proper configuration of the multi-form land-tenure system into a single and coherent system, while improving the existing customary and statutory tenure to become drivers of economic development.
- Ensure that all South Africans, especially the poor, women and youth have a reasonable opportunity to gain access to land with secure rights to fulfil their basic needs for housing and productive livelihoods.
- Ensure clearly defined property rights supported by an effective judicial and 'governance' system, which ensures that all citizens have access to a fair, equitable and accountable land-administration system.

- Restitute land through restoration of land that was lost or comparable redress.
- Promote the effective management of urban land, rural production and social support centres for the development of sustainable infrastructure and other approved developments within centres and hinterlands (South African Land Reform Policy Document, 2012).

To this end, the government has enacted to date no less than 30 pieces of legislations to deal with the myriad of problems that have not had the desired impact to address the persistent inequalities. It is commonly accepted that the land-reform process has been slow, considering that the initial target was supposed to have been achieved within the first five years after democracy. The slow pace of land reform and the failure to achieve its socio-economic objectives have been attributed to, among others:

- Financial challenges, especially in the acquisition of land.
- The willing-buyer willing-seller land-reform model that shifts power to landowners.
- Lack of capacity in the public sector, especially in addressing post-resettlement needs.
- Lack of knowledge among beneficiaries in using and managing land.
- Lack of support mechanisms rendered to resettled beneficiaries.

This perspective has led to debates on the amendment of Section 25 of the Constitution, in order to make provision for expropriation of land without compensation. Parliament has initiated work with regard to the amendment of the Constitution. Much is anticipated to change, with intensified calls to fast-track land reform. The amendment of the Constitution has been identified as a critical enabler to the process. However, the central issue remains: providing access to land for the landlessness and the related inequality need to be dealt with decisively through

- the necessary mechanisms and institutional support provided in pursuit of socio-economic advancement, peace, and stability, and
- effective land reform to address the triple challenges of poverty, unemployment, and inequality in the country.

A number of policy inadequacies are currently being addressed to ensure that the land-reform programme is accelerated, including focusing on providing tenure security to enable the empowerment of the majority of the population who do not enjoy the benefits of having security of tenure. The Inter-Ministerial Committee (IMC) on Land Reform is spearheading a number of interventions through the Department, in order to fast-track and stabilise the land-reform programme, with the focus on the use of state land for both land reform

and human settlement purposes. Work is also being undertaken to address urban land reform which has not received adequate attention in the past, in order to assist in driving spatial transformation in our cities.

The Advisory Panel on Land Reform and Agriculture, appointed by the President, finalised their report in May 2019. The report, released in July 2019, makes a number of recommendations to help improve the land-reform programme. The IMC on land reform is overseeing government's response to the recommendations.

#### 4. CONCLUSION

The land-related systematic and structural challenges faced by our country are deeply entrenched. Whilst government has put considerable effort into the land-reform programme, the impact has been minimal for various reasons. It is understood that land reform is an important process for the country, and not an event. The land-reform programme is part of the government's policy, the impact of which should be viewed from a holistic perspective, in that it affects other sectors of the economy. Therefore, the government will remain focused on pursuing this national vision, in order to achieve conclusive solutions to spatial inequality and equitable access to land.