The South African Land Reform since 1994: Policies, Debates, Achievements

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The resolution of the land question ... lies at the heart of our quest for liberation from political oppression, rural poverty and under-development.

Minister of Land Affairs, Derek Hanekom on the occasion of his maiden budget speech to parliament in September 1994, quoted in Walker 2005: 805

A national land reform programme is the central and driving force of a programme of rural development ... this programme must be demand-driven and must aim to supply residential and productive land to the poorest section of the rural population and aspirant farmers. As part of a comprehensive rural development policy, it must raise rural incomes and productivity, and must encourage the use of land for agricultural, other productive or residential purposes. The land policy must ensure security of tenure for all South Africans, regardless of their system of land-holding. It must remove all forms of discrimination in women’s access to land.

RSA 1994a

Colonialism and apartheid were rooted in the dispossession of the African people of their land, the destruction of African farming and the super-exploitation of wage labourers, including farm workers and their families. Poverty, inequality and joblessness are the consequence of centuries of underdevelopment and exploitation ..., which had its most destructive and enduring impacts on rural South Africa. Consequently, the structural faults that characterised the apartheid rural economy remain with us today.

ANC 2007

Introduction

A long and coercive historical process resulted in the loss of land rights for African communities in South Africa: under colonialism and apartheid
millions of people were dispossessed of their rights on the land and, consequently, of their livelihoods. The year 2013 marked the centenary of the *Natives Land Act* promulgated in 1913.¹ The Act has been the starting point of a number of segregation laws, which have defined a one-century history of land dispossession in South Africa and consolidated the divided past of the country. In the words of Sol Plaatje, the first Secretary General of the African National Congress (ANC), in his book *Native Life in South Africa*, “Awaking on Friday morning, June 20, 1913, the South African Native found himself, not actually a slave, but a pariah in the land of his birth” (Plaatjie 1916: 21). This history of dispossession culminated during the apartheid regime when most of rural dwellers were uprooted from their ancestral lands, often with violence and without compensation (Pepeteka 2013; see also DRLR 2013). Indeed, “state-sponsored forced removals were among the most flagrant human rights violations of the apartheid era” (Walker et al. 2011: 1). As mentioned in the 1997 *White Paper on South African Land Policy*,

Forced removals in support of racial segregation have caused enormous suffering and hardship in South Africa and no settlement of land issues can be reached without addressing such historical injustices.

DLA 1997: 53

Therefore, in post-apartheid South Africa the land question is still a strong symbol of past injustice and oppression, and, because of the history of dispossession of rural blacks (and coloureds), together with other issues such as a high level of poverty in the rural areas, maintain a central role in the political discourse (O’Laughlin et al. 2013).

In 1994, following the first post-apartheid elections, the ANC launched a land reform programme in order to redress inequalities in landownership. Since then, a significant debate on the land question developed and a wide consensus coalesced around the above-mentioned *White Paper*. Indeed, there was an agreement on the need for land reform, given the history of inequalities (Hall 2010). In 1994, 87 per cent of the land was still controlled by about 60,000 white farms (most of them large-scale and commercially oriented), while African peasants were relegated in the remaining 13 per cent of the land in the former Bantustans. As signalled by Du Toit (2013) this consensus resulted in the definition of an agenda that seemed able to reconcile diverse

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