

The African National Congress (ANC) and the Impact of the Land Restoration Process in Democratic South Africa Since 1994: Socio-ecological Challenges to Poverty Alleviation?

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ABSTRACT The year 2013 marks the centenary of the proclamation of the famous 1913 Land Act in South Africa. Therefore the present inequitable distribution of land as faced by the African National Congress (ANC) government in a post-apartheid South Africa can be traced back to the Natives Land Act of 1913, the Urban Areas Act of 1923, and the Group Areas Act of 1950. In the 1990s, after the unbanning of the liberation movements including the ANC, there were high expectations among both rural and urban people (especially those who were victims of land dispossession), that land would be speedily returned to them and that the advent of democracy would mean that opportunities to own and use land would be opened up across the country. After December 1998 which was the cut-off date for the lodgment of land claims, the ANC came up with a somewhat ambitious but unsuccessful plan of returning at least 30 percent of the land to the original inhabitants by 2014. Interestingly, the ANC government has since acknowledged that the above will be unrealisable by 2014. Therefore, this study interrogates the historical and ecological impact of the land claims under the ANC's rule in South Africa since 1998 and how this compromises the issue of poverty alleviation. The challenges of this venture will also be scrutinised in view of its impact on the livelihoods of poor South Africans. On the basis of the findings of this study, recommendations are made for handling the issue of land by the ANC's government in South Africa.

INTRODUCTION

Although the ANC government took a bold stance in its call for land claims with the cut-off date of December 1998, the study argues that to date (2013) not enough has been done in this regard. To most South Africans who were victims of land dispossession, little attempt was made to have the land returned to them. Furthermore, the study contends that the ANC tried its best in properly handling the land issue in a professional manner, but there were many challenges that it had to grapple with before the land restoration process could be finalised. Some of these challenges were beyond its control. Without doubt, it is argued in this study that access to land could help to address the serious backlogs of landlessness and poverty alleviation in South Africa. A critical question addressed by the study, is whether the return of the portions of land to those who managed to have benefited from land restoration, succeeded in addressing the issue of poverty alleviation in South Africa or not. In the quest to address the above question, the study will highlight some successes and shortcomings of this land restoration process in its attempts to alleviate poverty.

In South Africa, the demand for land reform took various forms and arose from various sources. These included formal and informal demands; legal or illegal demands for land redistribution; demands which could be based upon the restitution of historical rights; or contemporary demands based upon different needs. Hall and Ntsebeza (2007: 8) argue that 'although from the side of the dispossessed communities, a demand for land appears as an economic asset. Ownership of land in a post-apartheid South Africa also represents a source of identity and a symbol of citizenship'.

Unlike other studies on land restoration, this one discusses three critical and interrelated themes underpinning the issue of land dispossession and land claims in a democratic South Africa, with the focus on attempts to alleviate poverty. Firstly, broad outlines of land dispossession and later land claims' processes are presented. Secondly, an evaluation of the processes to date is discussed. Thirdly, the challenges of the ANC government in addressing the issue of the land dispossession are highlighted. Although the process of land claims was introduced by the ANC government, as indicated previously, this study opines that the ANC has

not yet made significant strides in successfully addressing this problem. As the country mostly comprises rural areas, the study addresses the question of fast-tracking the issues of the return of land and land claims as significant tools for the distribution of social benefits to needy South Africans. In addressing the above, a few cases of the land claims lodged will be scrutinised.

Furthermore, the study firstly notes that, although land ownership is considered the most secure form of tenure available to South Africans, this presumption is not necessarily true for poor people who use land as a livelihood base, rather than an economic asset. Available tenure options are the result of extremely bifurcated land administration systems with no linkages between them. On one hand, the formal system offers highly technical registered rights that theoretically can be used as an economic asset and on the other hand, the informal and often communal system gives rise to officially invisible, off-register rights that often form the basis for multiple livelihood strategies. Secondly, the official approach has tended to correlate securing tenure with transferring land. In communal or group systems, this has resulted in ownership vesting in a legal entity created through a community constitution or trust deed. As a consequence, the perceptions of community homogeneity are reinforced, which obscure the multiple interests people have in land. Therefore, the above bureaucracy fails to provide equitable platforms for the redress of the imbalances of accessibility to land ownership by a majority of South Africans.

In order to fully understand the dynamics behind land dispossession in South Africa, the following brief historical background may prove helpful. It is argued in this study that land restoration, small farms, and land claims, are all concerned with livelihood. Rural development through land restoration has to be about all the various assets rural people access, as well as the structures and processes which mediate how these assets are transformed into income and other desired outcomes (Ashley and Maxwell 2001: 411).

Purpose of the Study

The study was designed for the following purposes: to establish the impact of land res-

toration in a post-apartheid South Africa; and the socio-ecological challenges posed by this process for the rural people of South Africa, particularly the African population. The study attempts to answer the following questions: What were the motives for land dispossession in South Africa? Why the ANC government ventured into the land restoration process? What were challenges experienced by the ANC government in this venture? What are the success stories with regard to land restoration in South Africa? What is the impact of land restoration on the issue of poverty alleviation in a post-apartheid South Africa?

Literature Review

The question of land restoration is an emotional issue in South Africa. Despite this, few books, chapters in books, journal articles and commissioned research reports have been published on the subject. In most cases, the question of land restoration is mainly addressed by scholars dealing with rural and agrarian development through programmes, such as land reform. To a certain extent, in passing, these sources highlight the importance of land restoration for the purpose of poverty alleviation in South Africa. However, few scholars have pointed out some of the positive impacts of land restoration to advance the course of rural and agrarian development with the aim of poverty alleviation in South Africa (Van Zyl et al. 1996; Cousins 2002; Bernstein 2007). Bernstein (2007: 27) argues that rural development and land reform should address the aspects of the redistribution of land to those dispossessed of their land.

Recently, Twala and Selesho (2013: 10) stated that the question of rural development coupled with land restoration should be recognised as a multi-level process rooted in historical traditions because international trends show that wide disparities in access to land continue to plague rural areas. The successful implementation of the processes of land restoration implies the creation of new products and services and the associated development of new markets. Consequently, this could also lead to the alleviation and later, the eradication of poverty in South Africa. It should be noted that the question of land restoration in a post-apartheid South Africa, dominated the discussions and debates in both the National Conference on Land Reform and the Land Question in 1991 and the Peo-

ple's Land Conference in 1994 (Werner and Odendaal 2010: 3).

RESEARCH METHODOLOGY

The purpose of this study is to evaluate the impact and outcome of land restoration in post-apartheid South Africa. It will highlight the approach from its implementation to the present day (2013). In order to reach this aim, the formative or on-going evaluation research approach is applied. Wollman (2003c: 231-258) points out that the evaluation research approach has its origin in the United States of America (USA) and has been growing since the 1960s when newly implemented governmental programmes needed to be evaluated. The evaluation approach can generally be subsumed under the umbrella of the 'policy-analysis' approach. The aim of policy evaluation, however, is not the extensive analysis of the entire policy-cycle, but rather, the understanding of the outcome of a specific policy, its consequences, impacts and effects.

The objective of this study can be examined on the basis of the analysis and interpretation of sources. These include existing statistics; existing and ongoing evaluation and research reports; contemporary and past action plans; newspaper clippings; as well as government papers published by relevant official governmental departments. These sources were of great assistance in this study.

A BRIEF HISTORICAL BACKGROUND TO THE ISSUE OF LAND DISPOSSESSION IN SOUTH AFRICA

For decades in South Africa, discrimination policies had an impact on the socio-political imbalances in which the country found itself. South African racial problems had deep historical roots that began with the arrival of the Dutch in the Cape in 1652, and then the Great Trek which took place between 1835 and 1841 (Elphick and Giliomee 1978; Magubane 1993; Landsberg 2004). The above factors led to deprivation, the dispossession of land and other property, exploitation and the violation of human rights of the African population in South Africa. It also led to the exclusion of Africans participating in political and economic activities. Discrimination and exclusion from land was intensified when the National Party (NP) won the elections on its apartheid platform in 1948 and took over the run-

ning of the government. Apartheid was institutionalised and legalised; thus, land dispossession became the norm because of the government's political stance which dominated the social and economic sphere. The issue of land dispossession had started long time ago before the coming into power of the ANC. The introduction of the Native Land Act in 1913 was instrumental in triggering the whole process. Magubane (1993: 52) avers the following:

The policies of apartheid were based on several major pillars: the Population Registration Act; the Group Areas Act; the Land Act; the Separate Amenities Act; and the Bantu Education Act. These pillars of apartheid controlled and dictated virtually all aspects of people's lives including their places of residence; ownership of property; movement; access to social and recreational amenities; access to educational facilities; rights of association; and franchise rights.

Long before the ANC could take over power in South Africa, the question of rural development and poverty alleviation became critical. For example, between 1929 and 1930 the Carnegie Commission was established to investigate the poor white problem which was mainly associated with poverty (Twala 2012: 214). Recently Botlhoko and Oladele (2013: 201) wrote that: 'Agriculture is an important sector in the economic development and poverty alleviation drive of many countries such that its development requires technologies, organizational and institutional innovations'. According to Antwi and Oladele (2013: 273), the past land policies were a major cause of insecurity, landless citizens and poverty in South Africa.

It is clear from the above, that the issue of land dispossession and claims in a post-apartheid South Africa is an emotional one for both the victims and the victors. For the country to heal from its apartheid past, one argues that the ANC government should address the question of imbalances, as far as land distribution is concerned.

DISCUSSION

The Challenges of Land Restoration which Compromised the Poverty Alleviation Processes

As previously mentioned in this study, a century ago the Native Land Act of 1913 was

passed by the Union of South Africa which provided the legislative basis for dividing the country into a 'white core' encompassing 87 percent and most of the wealth of the country, with the remaining 13 percent for Africans. In 2013, the dynamics have changed; below is the discussion of such dynamics.

The Land Restoration Process as an Attempt to Redress the Imbalances of the Past

When the apartheid legislations were gradually removed from the beginning of 1990, another turn of events occurred after the ANC had replaced the Government of National Unity (GNU). The imbalance in land tenure had to be rectified by taking land away from the white landowners, who owned by far the largest portion of the agricultural land and make it available to the African population which constituted between 75 and 80 percent of the total population of the country. The assumption was that most of the white landowners (or their ancestors) had unlawfully acquired the land they owned and had to 'return' it to the lawful owners. According to Feinberg (1993: 65-109, 2009: 41-42), the Act's most important provision was to prohibit Africans from buying land in 93 percent of South Africa. Furthermore, as it was argued by other scholars, the Act included important anti-squatting measures to stop share-cropping and defined the boundaries of the reserves which were referred to in the Act as 'scheduled areas'.

However, post-apartheid land reform seems to have produced little success stories, with only 7.5 million hectares of land exchanging hands from whites to blacks. This represents a paltry 7.5 percent of formerly white-owned land in South Africa. To redress this and attempt to alleviate poverty, the ANC embarked on a massive task of land restitution through the land claims process. In order to be entitled to land restitution, the criteria set down in Section 2 of the Restitution Act had to be met. The Act stipulated that a person shall be entitled to the restitution of a right in land if: he or she is a person dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices; or it is a deceased estate dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices; or he or she is the direct descendant of a person referred to hereof above; is a com-

munity or part of a community dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices; and the claim for such restitution was lodged not later than 31 December 1998 (Twala and Sesho 2013: 16).

Changuion and Steenkamp (2012: 275-276) write the following about the question of land claims in an attempt to bridge the inequality gap:

Shortly after the publication of the procedures to be followed to reclaim land, the first claims were submitted and soon the various offices of the Commissions for Restitution of Land Rights were flooded with hundreds of claims. Two years after the commencement of the restitution programme, it already appeared that the government had undertaken a task that would take many years to complete, if it was not totally impracticable. Soon a huge backlog arose in the completion of the claims. When the deadline for submission of claims, 31 December 1998, had expired, it was announced that more than 60 000 claims had been submitted. A year later, this figure increased dramatically and it was announced that a total of 79 000 claims had been submitted before the deadline, a drastic increase in claims.

During the Land Summit in July 2005, strong views for and against the different approaches to land reform were taken. Once again, there were those who objected to the Act of 1913 as the cut-off date for land claims. They felt that it was unfair to people who had lost their land before 1913 (Changuion and Steenkamp 2012: 279). There was even great support for the proposal that 1652 ought to be the cut-off date. In an interview with the *Mail and Guardian*, Rural Development and Land Reform Minister Gugile Nkwinti said the ANC government had paid out 71 292 claims on land reform instead of transferring land. He said that, if these claims were translated into hectares and properly quantified, it would reveal far greater progress than has been acknowledged. The government thought that when the claimants lodged their claims, they would opt for the return of land, but only 5 856 opted for land restoration (*Mail and Guardian* 2013: 13).

The above situation was due to the following factors: many people have become urbanised; poverty and unemployed people are opting for money rather than land; and some rural people have been 'de-culturised' in terms of till-

ing land. For example, out of a sample of 301 land reform beneficiaries in the Western Cape, KwaZulu-Natal and the North West provinces, only 167 are actively farming. Many of them use only a small piece of their land for farming activities. One reason for this situation is that post-transfer farmer support programmes were sometimes lacking. In the National Assembly in January 2013, the Minister said that farms transferred to Africans from 1994 to 31 January 2013 amounted to 4 813 farms. This translated into 4 123 million hectares benefiting 230 886 people (*Mail and Guardian* 2013: 13).

The Farmers' Attitudes Towards the Transfer of Land

Most of the farmers on whose farms claims were made, assumed a wait-and-see attitude. Many of those who had been notified that a claim against their farm had succeeded stopped farming and sat and waited to be paid out. The outcome of this was that farming, in general, gradually declined. Soon production suffered and as a result of diminished production, the economy suffered. Farmers who had farmed almost exclusively for the export market had to scale down. Until and including 2008, the commercial farmers in South Africa produced 92 percent of the country's food, but in that same year, there already was a shortfall and food had to be imported (Changuion and Steenkamp 2012: 280).

The Lack of Post-Transfer Farmer Support Programmes

In South Africa, land reform has to be more than securing land rights and transferring a certain number of hectares to African people. Broadly speaking, it was to take into account the uneven spatial development patterns created under colonial and apartheid rule. People who have secured land rights and access to them should be enabled to improve their livelihoods and deal with other challenges afflicting rural areas, such as high unemployment, poverty, HIV/AIDS and a dilapidated infrastructure. Land reform as a whole, particularly the redistribution and restitution programmes, have assisted poor rural people to gain access to land for a range of purposes (Jacobs 2003: 1).

However, it should be noted that the government's first land redistribution subsidy, Set-

tlement/Land Acquisition Grant (SLAG), made no provision for post-transfer support. In 2001, the Department of Land Affairs (DLA) unveiled a new redistribution grant package called the Land Redistribution for Agricultural Development Programme (LRAD), directed at individual planning to acquire land for farming. The LRAD policy sets out to close the post-transfer support gap that prevailed under SLAG. The design of LRAD was ostensibly informed by the need to link land acquisition to support for the participants to aid them to use their land effectively and thus improve incomes and livelihoods.

Within a few years after the commencement of the land redistribution programme, there were many cases where farms handed to African farmers were declared totally bankrupt within a year or two and where farms that used to be successful enterprises had gone to ruin. A large number of projects undertaken by the government also failed. There were indeed a few successful cases, such as the Klipgat Project in the North West; the Ntamamyama Project in KwaZulu-Natal; the Swartberg Project in Gauteng; the Kube Project in the Western Cape; and the Blue-sands Project in Mpumalanga (Changuion and Steenkamp 2012: 281). Many African farmers who had acquired farms as a result of a claim they had submitted and won, failed to make as success of it. Critics pointed out that it was simply part of human nature not to appreciate something that had been acquired for free.

Land Use and Livelihoods

The issue of land claims cannot be underestimated in South Africa. There are arguments that many activities can be pursued if the land returns to its original inhabitants. Francis (2000) observes that rural economies are not just about farming. The concept of 'multiple livelihoods' arose in response to attempts to analyse the impact of interventions to induce 'commercial farming' in developing economies. It should also be noted that multiple livelihoods were conceived as the non-farm contribution to farming, in order to generate the capital to re-invest in agriculture. However, in South Africa, there is a great diversity in how livelihood strategies combine and lead either to enhance social and economic circumstances, or simply remain as survival mechanisms. Land as a physical resource plays a critical role in multiple livelihood strate-

gies, but not only in agriculture (Xaba and Associates 2003: 22).

Wachter (2010: 39) states the following important observation about land use and livelihoods: 'In areas where land is a scarce resource, the first settlers have developed other forms of ownership. In these cases, descendants of the first settlers inherit the land, work it for their lifetime, and pass it on to the next generation. In legal terms, strong individual rights exist within the lineage's common property. The right of a person to farm land is derived from the membership of a specific community. This right is usually inherited and therefore secure as well. Under conditions of abundant land, soil fertility is maintained by forms of shifting cultivation. This right, however, is not linked to a specific plot within the boundaries of the commonly used land'.

The Debate of Equity, Growth and Poverty Alleviation

Xaba and Associates (2003: 23) contend that: 'there are competing and overlapping demands for different land uses across national, local or household spheres. The way these uses are mediated is a function of the respective priorities of these potentially competing interests, and the outcome depends on macro and micro economic policies, land policies, historical land use patterns of ownership and access to political power'. Land restoration supporters often cite the argument that the transformation from large-scale commercial farming to smaller family farming systems generates higher levels of economic growth and contribute in this way to poverty alleviation.

CONCLUSION

It has hopefully been shown by this study how important the question of land restoration is for poverty alleviation in South Africa. The slow pace of land restoration, the lack of delivery and the implementation of a wider range of governmental measures, regulations and programmes, as well as an ineffective support system, has created problems for the rural South African population. All these measures are critical to ensure an enabling environment for agriculture. Combining historical research with a quantitative analytical methodology, the study

has demonstrated that the question of land restoration is still a contested terrain in a post-apartheid South Africa. Countries that are less successful in rural poverty alleviation and reduction are those with an unequal land distribution process.

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