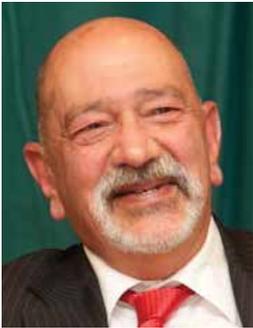


Overview and welcome



Francis Antonie is the Director of the Helen Suzman Foundation. He is a graduate of Wits, Leicester and Exeter Universities. He was awarded the Helen Suzman Chevening Fellowship by the UK Foreign Office in 1994. From 1996 to 2006 he was senior economist at Standard Bank; thereafter he was director of the Graduate School of Public Development and Management at Wits University. He is the founding managing director of Strauss & Co.

This year marks 100 years since the passing of the Natives Land Act of 1913. This Act has had profound consequences not only for individuals and communities, but it has also, in part, determined the political trajectories of modern South Africa. This edition of Focus is devoted to the Land Question.

The so-called ‘Land Question’ in South Africa is fraught with many difficulties. These include the challenge of establishing what land belongs to whom; managing land administration and land claims; promoting urban development; agricultural transformation; and securing tenure-security and genuine ownership for millions of South Africans.

The Constitution protects existing rights to land and authorises the promotion of land reform within the framework provided by Section 25. It may very well be true to say that Section 25 is characterized by a tension between protecting existing property rights and achieving justice in access to land. This tension, it could be argued, is exacerbated by land reform policies that are perceived to be failing so many South Africans.

In response, Government has indicated a need to intensify the land redistribution program (apparently moving from a ‘willing buyer, willing seller’ to a ‘just and equitable’ approach). More recently, the National Development Plan (NDP) recommends that every municipal district with commercial farmland within its borders should establish representative committees to facilitate a 20% transfer of land to black ownership, under very specific guidelines to prevent market distortions.

But there remain significant doubts as to whether land reform policies are effectively designed, or even coherent.

In this edition, various distinguished scholars and writers discuss the broader implications of land reform.

The edition opens with an article, **The Natives’ Land Act: Ten historical quotes**, that presents “ten extracts from contemporaneous texts of the time, or history books written after the signing into law of the 1913 Natives’ Land Act”. It provides an insightful context to frame the articles that follow.

Ben Cousins’ article, **Land Redistribution, Populism and Elite Capture: New Land Reform Policy Proposals under the Microscope**, argues that the rural poor and small-scale farmers are not the intended beneficiaries of government’s land redistribution policies, and that existing and new policies are not properly designed. Cousins is critical of the policies that government has pursued since 1994, and what has remained of these in new land policies (the State Land Lease and Disposal Policy, the Recapitalisation and Development Programme Policy, and the Agricultural Landholding Policy Framework). Cousins argues that the real

beneficiaries of land redistribution policies are the emergent black bourgeoisie.

Gerrit Pienaar's article, **Land Tenure Security: The Need for Reliable Land Information**, looks at the land registration system and some aspects of the history of land registration and its shortcomings. He argues that a suitable land administration system is lacking, and that this results in tenure insecurity and a lack of administrative support for agricultural activities. Land administration is the "integrated processes of determining, recording and disseminating information on tenure, value and usage of land in the context of developing suitable land management and development policies." Pienaar argues that a fully computerised land registration system is a solution.

Tara Weinberg's article, **Overcoming the legacy of the Land Act**, requires a Government that is less paternalistic, more accountable to rural people, argues that the post-apartheid government has actively excluded rural people from land policy by solely considering the interests of commercial farmers and traditional leaders. This paternalistic approach has negatively affected rural people, and especially rural women. Weinberg argues that the restitution programme is being used to consolidate the power of elites. She concludes that "if government is to move towards realizing the right to tenure security, it should approach land reform with less paternalism and more accountability to rural people."

Ernest Pringle, in his article, **Land Reform and white ownership of agricultural land in South Africa**, criticises the government's targets for land reform. He argues that these have been incorrectly measured.

Pringle argues that land distribution is not as racially skewed as is supposed, if a proper measurement is applied.

Theo De Jager, in his article, **Legacy of the 1913 Natives Land Act – Taking up the challenge**, argues that farms are businesses and that agricultural and commercial investment cannot be ignored, and

cannot be regarded as valueless. Small-holder farms are valuable, but they have a specific place in the value-chain. De Jager argues that "land reform must be about more than merely the transfer of land and rectifying injustices of the past", it must be about transforming the sector. Farmers should be directly involved in the transformation of the sector, and government should provide options and incentives to this effect.

Sipho Pityana, in his article **The Constitution, the Land question, Citizenship and Redress**, argues that Section 25 of the Constitution does not have to be interpreted as only supporting a 'willing buyer, willing seller' model, and that a more liberal reading is possible. He argues that limitations placed on land reform are limitations of policy choices and that these have found expression in laws passed by parliament rather than the Constitution. Pityana points out that mineral resources and capital accumulation are at the centre of our economy, more so than just agriculture. These players should also be involved in addressing the legacy of the Land Act. He poses some difficult questions to government and citizens, reminding readers that our constitutional democracy is based on "affirming the values of human dignity, equality and freedom".

Finally, **Leon Louw**, in his article, **Land Distribution Paradoxes and Dilemmas**, points out that the land question in South Africa is misconstrued because it relies on a number of problematic assumptions that are assumed to be true. He attempts to point out what he perceives to be misconceptions underlying discussion about land distribution, ownership, and proposed policy. Louw argues that "if politicians are serious about achieving a vision of racial equity and equality, they would declare all permanent holders of land to be unambiguous owners of freely tradable, mortgage able and lettable land".

We conclude this edition with three book reviews: by **Anele Mtswesi** and **Wim Louw**; **Kameel Premhid**; and **Anthony Egan**.