

Land Distribution Paradoxes and Dilemmas



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"It ain't ignorance causes so much trouble; it's folks knowing so much that ain't so." – Henry Wheeler Shaw

"The land question" is seldom a question. Typically it is a slew of dogmas and myths as tenacious as they are erroneous. Virtually every supposed fact about land in South Africa is not just wrong, but so far off the mark as to make the adoption of sound policies virtually impossible.

We all know – do we not? – that black land dispossession started precisely 100 years ago with the 1913 Natives Land Act, that blacks had 13% of the land until 1994, that land is economically important, that landless people are condemned to destitution, that current land policy is to redistribute 30% of South Africa's land to blacks, that apartheid land policy ended in 1994 when blacks were given full "upgraded" land title, that whites own most South African land, that black housing is RDP housing, that black commercial agriculture is a disastrous failure, and so on.

We also know that things changed profoundly in 1994, especially regarding "the land question". Yet, as we shall see, these axioms are all largely or completely false, and, when it comes to land, *plus ça change, plus c'est la même chose* (the more things change the more they stay the same).

In the emotional land discourse, nefarious motives and ideological agendas tend to be read into whatever corrective facts are cited. Basic facts are perceived, usually with justification, as being political, even racist, rather than informative. Point out, for instance, that land dispossession started long before 1913, or that many blacks who lost land after 1913 have been denied restitution since 1994, and you are advancing a "black" agenda. Note, on the other hand, that "settlers" acquired much land by treaty rather than coercion, or that some blacks were themselves settlers (from the North) who seized the land of truly indigenous blacks, and you are an anti-transformation racist.

Few issues are as bedevilled by the hard-wired inclination to see issues of race in black and white, in both senses of the term. A binary imperative seems to drive us into adopting one of two sides when things are seldom that simple.

Since the land debate is construed as a binary black-white matter (pun intended), it is hard to find references to land in the context of other population groups. How many well-informed South Africans are even vaguely aware of the tenure under which Coloureds and Asians lived historically or live today, or how

much land was “set aside” for their occupation? What, if any, future did apartheid envisage for them? What proportion of land do they have now, and is it included in the white or black estimates?

Is Land Really Important? Why the Heated Debate?

Why the land question generates so much passion entails its own conundrum. It is widely and erroneously presumed that land in the abstract is important and that “access to land” ameliorates poverty and inequality. The world’s experience, however, suggests that land is surprisingly unimportant. There is no statistically significant correlation between the amount of land people have as a group or individually and their prosperity. If anything, there is a reverse correlation in that countries with less land (or “natural” resources generally) *per capita* are often the most prosperous such as Lichtenstein, Luxembourg, Switzerland, Hong Kong, Singapore and Mauritius.¹ “Resource-rich” countries and communities, on the other hand, including countries with lots of land *per capita* are typically so poor that economists lament the “resource curse” and the “paradox of plenty”.²

Scholars of the determinants of prosperity, such as Robert Barro³ and Lord Bower⁴, find so little evidence of land being a significant variable that they scarcely mention it. Celebrated Peruvian economist and land activist, Hernando de Soto⁵, argues compellingly that when land is not fully owned (“titled”) and freely tradable, which remains true for most black South Africans 20 years after apartheid, it is “dead capital”. His argument is not that land is needed for prosperity, but that for land to be a valuable resource, it must be fully owned and redistribution must be by way of voluntary transaction in freely operating land markets. Julian Simon argues equally compellingly in his seminal book, *The Ultimate Resource*⁶, that the only “natural” resource needed for prosperity is the “ultimate” resource, namely people. He uses advanced data analysis to show that other factors, including land, are relatively inconsequential.

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The “land question” here, as elsewhere, does not concern the most valuable land, which is urban rather than agricultural land. This compounds the paradox, because the world’s most prosperous countries, and the most prosperous parts of countries, are often devoid of agriculture. This is almost a blessing because they are not seduced into counter-productive policies to ensure so-called “food security”. Neither an individual nor a city or country has to produce a single agricultural product to have food security. Places like Monaco and Gibraltar are blessed with the world’s cheapest and best food on demand because they are free to buy whatever they desire from anywhere. If food can be sourced cheaply elsewhere, why waste scarce resources producing it locally at excessive cost? That is as irrational as consumers producing their own food and clothes instead of shopping.

If land, specifically its quantity and its distribution, is empirically unimportant, what explains the enduring myth that the “land question” is pivotal? The most plausible explanation may be that it has more to do with crude Darwinian instinct than anything objectively significant in the modern technological world.

The myth is so deep that questioning why countries have departments of agriculture is unheard of, despite the fact that there is no coherent reason why agriculture, especially modern agriculture, should not fall under the same department, laws and policies as any other business sector. The most commonly advanced justification, weather, is no more than another knee-jerk myth. Countless non-agricultural enterprises are weather-prone, such as tourism, outdoor entertainment, sport, recreation and salt mining.

Land Myths – Almost Every Supposed “Fact” Is Wrong

A typical example of land mythology is a quote from Collins and Burns: *A History of Sub-Saharan Africa*, 2007⁷.

“The Natives Land Act of 1913 was the first major piece of segregation legislation passed by the Union Parliament, and remained a cornerstone of Apartheid until the 1990s when it was replaced by the current policy of land restitution. The act decreed that only certain areas of the country could be owned by natives. These areas totalled only 13% of the entire land mass of the Union.”⁸

Land dispossession and segregation was not new. Far from being the start of land dispossession and discrimination, the 1913 Land Act was essentially a consolidation and continuation of much that preceded it.

In so few seemingly accurate words there are as many errors as assertions. It was not the first “major piece of segregation legislation”, it did not remain “the cornerstone of Apartheid”, it was not “replaced” in the 1990s, it did not decree that certain areas “could be owned by natives”, and the areas did not total “13%”. It is hard to imagine anything so axiomatically correct being so absolutely wrong.

It was one of the first – though not the first – pieces of “segregation legislation” in the “Union Parliament” for no more complicated reason than that it was new. It inherited, presided over and retained many racist laws from the pre-union governments, and had already passed such racist laws as the “colour bar” Mines and Works Regulations Act, 1912.

Land dispossession and segregation was not new. Far from being the start of land dispossession and discrimination, the 1913 Land Act was essentially a consolidation and continuation of much that preceded it. Paradoxically, it was regarded by some blacks, most prominently Jonathan Jabavu⁹, as an improvement in that it provided for previously denied private ownership and the addition of substantially more “black” land. Far from things having changed fundamentally, the promises of equal ownership rights and “equitable” redistribution have not been met to this day.

Many whites opposed the Act because they thought improved land rights for blacks (albeit in black “reservations”) would deprive whites of black labour, especially farm labour, and revenue from black tenant farmers.

13% Equals Zero

The 13% mantra was an understatement because it did not include such “black” land as homeland consolidation land, but it was also a gross overstatement because blacks never owned whatever the percentage might have been. What they owned was zero.

Given the tenacity of the mantra that might be hard to grasp, but it is true. It

cannot be over-emphasised that **blacks did not own any of the iconic 13%**. All the land in question was owned by the government in one of its many incarnations.

Paradoxically, what land blacks did own, which was of much greater significance, especially during apartheid's twilight years, was and remains defined as "white" because it was in historically "white South Africa". It included "black spots" and land in burgeoning "townships"¹⁰, "locations"¹¹, "settlements"¹² and "grey areas"¹³.

In other words, blacks owned none of the notorious 13%. What they did own was an unknown percentage of land defined then and now as "white".

If the 13% or whatever the truth might have been is "black" because blacks occupied it, then all black occupied land should likewise be "black". By that definition blacks always "had" much more than 13%, but "owned" much less. However one looks at it, "13%" is a refrain devoid of substance.

The Illusive 30% – Good Policies from Bad Data?

If basic information that informs the land discourse is flawed there is little prospect of addressing the "land question" properly. Consider the implications of the twin myths that (a) what the government is doing is redistributing land to blacks, and (b) that the policy is "failing" because the official target of blacks owning 30% of the land is not being met due to the 'willing buyer, willing seller' policy.

These propositions are riddled with conundrums, the most basic of which is that, for practical purposes, no land is being redistributed to blacks. It is being acquired by the government and blacks are occupying it under amorphous forms of title and tenure seldom constituting full unambiguous freely tradable and lettable ownership, called "full title".

In other words, even if all white land were to be "redistributed" blacks would own none of it; it would belong to the government (*de facto* or *de jure*). Far from the "cornerstone" of apartheid land policy – blacks living on government controlled land – having been "replaced" it will have been exacerbated.

It gets worse. It has until recently been unclear to what the 30% refers. Is it 30% of all land or only "white" farm land? Is it 30% of land owned by whites individually or does it include corporate land, which is a substantial proportion of "white" land? Does "black" mean blacks in their own name, or does it include black participation in land-owning entities such as companies, institutions and the government? Does "black" include coloureds, Asians and other population groups? Does it include all blacks or only blacks of South African decent? Does 30% refer to land by area or what really matters, land by value? Would the target be reached if 30% is desert and semi-desert land? Does it matter that were blacks to have 30% of high-value land, demographic proportionality would be exceeded by value? Does "redistribution" include market redistribution? Does it include, for instance, land bought privately by blacks, or is it only land redistributed by government? Does it include land rented, occupied and utilised by blacks, or only owned land? If owned land, which kinds of "ownership"?

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Much of the terminology associated with the “land question” is anomalous. Land “redistribution” implies that land was initially “distributed”. Land and housing in free markets is, like wealth, incomes, skills and other endowments, not “distributed”. Virgin land may be distributed by a chief or government. RDP housing may have distributed. But once acquired, land is traded, developed, let, mortgaged and so on, but never “distributed”. It should be clear that what the government wants to do is buy or take land and improvements from someone who acquired it legitimately and give or sell it to a favoured beneficiary. It is in this role not a “redistributor” but an agent. One of the lessons that can be learned from this realisation is that the best people to implement its policy may be estate agents. Unlike disincentivised bureaucrats, they would not fail and, if they did, they would not blame their failure on a supposed absence of “willing sellers”.

The Meaning of Meaningless Data

Glib propositions that blacks should have a specified percentage are close to meaningless without elementary issues being clarified.

Depending on how these questions are answered, blacks might already “have” over 50% or less than 5%. Take just one unspecified variable: government land. Is it in the “black” 30%, the “white” 70%, neither or both in proportion to demographic ratios? The question of how much land by area, value or type is owned by the

government, let alone how or whether to classify the government racially, is a conundrum wrapped in a paradox bedevilled by myths.

If we start with the modest assumption that blacks “have” (as opposed to “own”) the former bantustans, they have at least the much vaunted (but erroneous) 13%. They also have whatever “consolidation land” was “incorporated” but never transferred in deeds registries to homeland governments. If we assume that such land pushes not-white land up to, say, 20%, what must be added to meet the 30% target is another 10%.

How far we have progressed towards or exceeded the 10% outside the former bantustans is almost

impossible to establish. If realistic definitions of “black” ownership are used, it is extremely probable that the 30% target has been exceeded. If not, it is a devastating admission of failure by the post-apartheid government to adopt economic policies conducive to black self-empowerment.

Despite such incontestable facts, a recent land audit by the Surveyor-General says that the government (as opposed to blacks) owns 14% of the land by area. The audit has been widely cited as factual and has been “approved” by the Cabinet¹⁵ despite being manifestly nonsensical. Since it has not been released, its methodology is as much a mystery as its conclusions are a myth.

Shades of Grey in Black and White

More fundamentally, the proposition that blacks under apartheid had 13% (or whatever low percentage) of the land and that all other land was “white” defines everything outside a bantustan as “white”, including all blacks, companies,

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institutions and the government. If the apartheid regime was “white” because whites controlled it, presumably the new government is “black”, or at least white only in proportion to the country’s demography, which makes it around 5% white. Since all 200 plus parastatals, including such massive entities as the IDC and the PIC that were “white”, are now not white, further adjustments are required.

Almost everything that purports to provide facts compounds confusion. In support of their ideological vision, Cherryl Walker and Alex Dubb,¹⁶ dispute the white-right proposition that all government land should be considered “black”. They, like almost everyone, incorrectly define non-bantustan land under apartheid as “white”, yet say correctly that little or no government land should now be considered “black”. Why the inconsistency? They cite with approval Land Reform Minister Gugile Nkwinti’s view that 87% of South Africa’s 122,081 hectares is white-owned and that 67% is “white commercial” farmland.

To what the 30% refers had never been defined until Minister Nkwinti volunteered clear definitions. The goal, he said, is to redistribute to blacks (by which he means the government) 30% of the 82 million hectares (i.e. 24.5 million hectares) “presumed to be in the hands of white commercial farmers” by next year.

By his classification, all agricultural land outside former bantustans is “white”. In other words, blacks, coloureds and Asians who buy farms are “presumed” white. Maybe so few buy farms as to be inconsequential. If so, it suggests that very few people other than whites want to be farmers, so why is apartheid-style resettlement of blacks onto 30% of “white” farms of such overwhelming gravitas? Of the 79 000 land claims lodged so far, only 6 000 claimants wanted land.¹⁷ This suggests that intended beneficiaries are not victims of the myth around land being an empowerment magic wand.

It is not that blacks cannot afford farms. Vivian Atud’s research¹⁸ shows substantial black advancement in every other area of economic life where they account for substantial and growing proportions, mostly over 50%, of new share purchases, companies, bank accounts, insurance policies, houses, credit cards,



credit agreements, mortgages, vehicles, apparel and the like. What is needed if we are to become a modern economy is fewer people, blacks especially, on “the land” and more people urbanising as residential tenants or owners. Urbanisation is one of the defining features of progress and as such should be supported rather than countermaned by blind faith land ideology.

According to the Minister, 6.7 million hectares has been transferred by the government, as opposed to the market, to blacks, although who precisely owns (in the full sense of the word) “redistributed” land is unknown; maybe unknowable. He says that 90% of blacks who get farms from the government fail and he laments the propensity of black farmers who get redistributed farms (presumably with tradable title) to sell them back to whites.¹⁹

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“Often, we say 30% by 2014, without specifying what we’re talking about. That’s really [what is causing] the confusion around this,” Nkwinti said.²⁰ Here we have one of the few objectively true and unambiguously clear statements about land.

Quite how amorphous the policy has been was explained by former Deputy President, Kgalema Motlanthe. *Times Live* reported him as saying that the percentage attached to the government’s plan to redistribute land to black South Africans was “a mythical figure”.²¹ So mythical, in fact, that the target of 30% redistribution by 2014 “was still a government goal” despite being “impossible to implement”.

“I think”, he told the Parliamentary Press gallery “there are difficulties in just scanning the land surface and saying this percentage is in the hands of white South Africans and therefore still needs to be distributed to other South African nationalities.”

Accordingly, as reported, “it was not possible to tell which part of the country needed to be distributed to satisfy land hunger. Where do you start? [Do you] drive across the Karoo and say nobody seems to be occupying this land, so we’ll get people

to come and reside here or do you go to the gems of this country, the most beautiful panoramic areas and say these people are deserving to enjoy this space?" he asked.

Motlanthe suggested that the government "first identify the purpose for which land was needed, and then procure the piece of land."

He was also mystified by the "furore surrounding the willing buyer, willing seller model."

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Where prices were "inflated by land owners", the government could expropriate and "the aggrieved party will then go to court, and the court of law then places itself at the boots of the willing seller, willing buyer [model] to make a determination." He did not, so it was reported, "understand how it had become a stumbling block."

How much land does the government own? How much can it Redistribute?

In one of its typically informative analyses the South African Institute of Race Relations (SAIRR) debunks the 13% myth.²² Although this is one of the more accurate analyses there has been, it repeats some of the myths, such as the supposed 13% being black-owned. As noted above, most of what people have in mind belongs to the government, much of it held and administered by chiefs "in trust". The SAIRR asserts that of the "total surface area of 122 million hectares ... 31 million hectares or 25% ... was in the hands of the State."

Superfluous state land of most significance is urban land. That is where blacks can and should get land. Agricultural land, on the other hand, can at best be farmed viably, sustainably and commercially by no more than a few thousand blacks.

This 25% figure has been floating around for decades as the informed guess of experts. It is probably a conservative minimum. It excludes some land that is de facto state land, such as urban "reserved" land. Reserved land is probably the most valuable state land there is. It is seldom considered because it remains registered in the name of private property developers when they have land "proclaimed", some of which happened over 100 years ago.

The 25% estimate first appeared in an official estimate in the 1996 Land Policy Green Paper. It added an estimate that seems never to have been mentioned again, that much of that land is "superfluous" (unutilised and underutilised) and therefore easily redistributed without the need to acquire white land. This raises myth by omission. By far the easiest, cheapest and least conflict-provoking way to bring about land transformation is for the government to redistribute land loot it inherited from the apartheid regime.

The Gutto Report²³ is a classic example of the kind of nonsense that parades as fact. Its estimate, at one point, of the government owning no more than 20% of the land (by area) is based on the absurd fact that "land owned by municipal authorities are (sic) not yet included under 'state land' but is still listed under 'private land'".

It lists only two government departments, the provinces, traditional land and "Coloured Rural" as state land. Everything else is called "private" and everything "private" is in the Report as elsewhere presumed "white". That includes, by

implication, other government departments, parastatals, municipalities, and entities not normally considered “private” such as not-for-profit organisations (missions, churches, conservation trusts, etc).

About 30% of farms are in “corporate” ownership. What is the race of “corporations”? Without bothering to check, everyone happily assumes that 100% are 100% “white”. This is no trivial matter since, according to the Gutto Report, nearly 80% of farms by value and over a third by area are “corporate” owned.

Later in the Report where the definition of the government is slightly extended, the percentage of state land (by area) creeps up to the more plausible 25%.

What is meant by “white” and “black” ownership? Does it mean only land registered in the Deeds Registry in the name of a white or black individual? If not, would land cease to be racially classified if registered in the name of a company, cooperative, trust or partnership? How are all population groups classified?

Superfluous state land of most significance is urban land. That is where blacks can and should get land. Agricultural land, on the other hand, can at best be farmed viably, sustainably and commercially by no more than a few thousand blacks. Why then is there so much pro-redistribution fervour amongst blacks who will never get any redistributed land, on one hand, and so much anti-redistribution angst amongst whites who will not lose land, on the other? There does not seem to be any rational basis for so much heat and so little light.

How Many Black Beneficiaries?

There are fewer than 40,000 white commercial farmers.

If we make the charitable assumption that everything defined in law as a “farm” is “white” and “commercial” (as opposed to land used for recreational, conservation, tourism and other purposes), if the government redistributes 30% of these farms to blacks, if land is in fact transferred to blacks (as opposed to simply nationalised and occupied by black wards of the state), if every white farmer is replaced by two black farmers, if these black farmers are successful, and if they never sell to white farmers (thereby mangling manicured numbers), there will be about 25,000 black beneficiaries. That is below 1% of black South Africans.

Consider another estimate, the number of blacks who already have other forms of land in “white” areas and traditional areas (residential and arable allotments, and kraals). Many have land in both urban and tribal areas. No one knows how many pieces of land are involved. No systematic effort has been made to produce a reliable estimate. Most of this land is not separately registered in deeds registries. Much is documented in local government and traditional authority registers. The established consensus is that most of those records are hopelessly incomplete.

Informed estimates suggest that the number is between five and ten million pieces of land²⁴. Urban land tends to be more valuable by area than rural land, which means that land already held by blacks is worth many-fold more than all agricultural land in the country.

This means that redistribution by government of land it already has and is already occupied by blacks would constitute by far a bigger land reform by value and by numbers of beneficiaries than Julius Malema dreams of in his wildest fantasies. At the stroke of the statutory pen South Africa could, at virtually no cost, become a nation of land owners.

But why is it not done? Why is this not what demonstrators and rioters demand? Why is it not the primary promise of any political party that wants votes? And why do most black South Africans still live under apartheid tenure despite repeal of the 1913 Land Act?

How to Make an Accurate Assessment of Land Ownership

An absolute precondition for making an accurate assessment of land ownership in South Africa is to start with coherent definitions. What is meant by “white” and “black” ownership? Does it mean only land registered in the Deeds Registry in the name of a white or black individual? If not, would land cease to be racially classified if registered in the name of a company, cooperative, trust or partnership? How are all population groups classified? What is meant by “private” and “state” ownership?

Once there are coherent definitions, they could be used to make statistically valid estimates. Those estimates should be more concerned about land value and the nature of land than crude land area.

A static analysis and one that ignores market redistribution should be replaced by one that is inclusive and estimates dynamic change along the lines of Vivian Atud’s proposed Transformation Index.²⁵

One of the few rigorous analyses was the 1997 White Paper on Land Reform Policy.²⁶ It repeated most of the erroneous axioms, but did at least produce sensible policy proposals. Perhaps because it is long and dense, it has been largely ignored. It proposed *inter alia* “legally enforceable rights to land”, a “unitary non-racial system”, eliminating “second class systems of tenure developed exclusively for black people”, and constitutionally consistent “basic human rights and equality”.

One of the few ways to make reasonable estimates of who owns what land is surprisingly straightforward, yet seldom if ever used, namely to establish from local government records who, if anyone pays land rates and taxes. Land that is not taxed can safely be presumed to belong to government or a non-profit organisation, such as a club or religious mission. Land that is rated has, in most cases, a readily classifiable identity.

Why the Pre-emptive Period?

People living in RDP houses and as tenants in pre-transition apartheid housing, live as they did under apartheid – under a kind of house arrest. A virtually universal assumption prevails to the effect that people who get RDP houses should not be allowed to sell or let them immediately, that they should personally occupy them for a prescribed period. The existing statutory period is an arbitrary eight years. The Department is considering reducing the period to five years and the Democratic Alliance suggests two years.

The interesting question is why they want any period at all. Is it based on logic or emotion? It is hard to believe that someone sitting in an air conditioned office about to drive home in a luxury 4x4 to a mansion in the leafy suburbs knows better

Amongst the RDP housing myths is the notion that stupid destitute sellers will become indigent vagrants if they sell or let prematurely. Firstly, for every seller there is a buyer. Buyers demonstrate both the ability to save and invest, and to maintain a home, including paying rates and taxes.



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than someone with detailed knowledge of their unique personal circumstances what is best for them. Amongst the RDP housing myths is the notion that stupid destitute sellers will become indigent vagrants if they sell or let prematurely. Firstly, for every seller there is a buyer. Buyers demonstrate both the ability to save and invest, and to maintain a home, including paying rates and taxes.

Secondly, sellers will get far less for their house than they would were it freely tradable. Since they may not give buyers lawful title, and since buyers live under a permanent sword of Damocles whereby they will be evicted without compensation if caught, “black market” prices tend to start at around one tenth of what free market prices would be, and then rise as the statutory period approaches. This means that the value of houses to beneficiaries and the country as a whole is destroyed.

Thirdly, no one knows why beneficiaries sell. They have a kaleidoscope of complex motives almost all of which people who bother to acquaint themselves with the unique circumstances of each case will agree, are rational.

Fourthly, the reality is that people do not accept pre-emptive house arrest. Housing audits find that up to 90% and seldom below 50% of RDP houses are illegally occupied. All pre-emption achieves is to decimate the benefit of being a beneficiary.

Fifthly, there is no rational period other than zero. Everything between a minute and a century is a matter of degree not principle.

Millions of black South Africans suffer loss of wealth and dignity, and live in fear of being caught, for what appears to be a whimsical psychological desire not to have injured feelings when giving what someone else pays for, to someone they do not know.

Conclusion

The racist and discriminatory legacy of the 1913 Land Act is alive and well despite being nominally “replaced” in the new South Africa. The Land Act centenary is a time for bold reflection on how to end the long shadow it casts over the land. If politicians are serious about achieving a vision of racial equity and equality, they should pass a new Land Act that declares all permanent holders of land to be unambiguous owners of freely tradable, mortgageable and lettable land. By doing so they will divert attention from the myopic obsession, sometimes fuelled by envy and retribution, with what happens to a few “white” farms to the substantial empowerment and emancipation of millions of victims of apartheid. They will have converted an estimated one trillion rands worth of dead capital into dynamic capital.

NOTES

- 1 Economic Freedom Network, Annual Economic Freedom of the World Index, www.freetheworld.com. Leon Louw, Habits of Highly Effective Countries, Law Review Project, Johannesburg.
- 2 <http://en.wikipedia.org/wiki/Resource curse>; <http://www.investopedia.com/terms/r/resource-curse.asp>
- 3 http://en.wikipedia.org/wiki/Robert_Barro
- 4 http://en.wikipedia.org/wiki/Peter_Thomas_Bauer
- 5 De Soto, Hernando, *The Mystery of Capital*, Basic Books, 2003.
- 6 Princeton University Press, 1996.
- 7 Cambridge University Press, 2007.
- 8 http://en.wikipedia.org/wiki/Natives_Land_Act,_1913
- 9 http://en.wikipedia.org/wiki/John_Tengo_Jabavu
- 10 “Townships” are in law proclaimed urban residential areas regardless of race. However, the term is more commonly used to refer to historically and predominantly “black” areas. Their “white” counterparts are commonly called “suburbs”. Despite being called “townships” most such “black” areas are not lawfully proclaimed as such; they are defined by less formal layout plans instead of Surveyor-General diagrams.
- 11 “Locations” were the common name for “black” residential areas alongside “white” towns and cities. The term tends today to refer to older formal and lawful “black” urban areas, especially smaller country towns where Afrikaans is the dominant vernacular.
- 12 “Settlements” were and are “informal” and “semi-formal” places where blacks settled technically as unlawful squatters, sometime by way of “land invasions”. Most “settlements” become recognised in fact if not in law as permanent unplanned black-occupied areas.
- 13 “Grey areas” were rapidly expanding “white group areas” into which blacks were relocating in large numbers unlawfully, such as Hillbrow, Berea, Yeoville and Lombardy in Johannesburg.
- 14 <http://www.dla.gov.za/news-room/newspaper-clippings/file/1795>.
- 15 http://www.iol.co.za/news/politics/state-owns-14-of-sa-land-audit-1.1574347#Uje0_sZkOfs.
- 16 The Distribution of Land in South Africa: An Overview, Institute for Poverty, Land and Agrarian Studies (PLAAS), 2013.
- 17 <http://m.news24.com/fn24/Economy/Farm-output-trumps-transfer-targets-20130813>
- 18 <http://www.freemarketfoundation.com/issues/black-economic-empowerment-and-job-creation>
- 19 <http://www.dailymail.co.uk/news/article-2032588/Black-farmers-South-Africa-cash-selling-land-given-government--whites-originally-owned-farms.html>
- 20 <http://www.fin24.com/Economy/Nkwwinti-spells-out-land-reform-target-20120301-2>
- 21 <http://www.timeslive.co.za/politics/2012/08/30/30-land-distribution-aim-a-myth-motlanthe>
- 22 <http://www.sairt.org.za/sairt-today-1/research-and-policy-brief-land-ownership-and-land-reform-in-south-africa-27th-february-2012>
- 23 Report and Recommendations by the Panel of Experts on the development of policy regarding Land Ownership by Foreigners in South Africa, 2007.
- 24 Author interviews with recognised experts such as the Chief Registrar of Deeds, the head of organised conveyancers, the President of CONTRALESA, and academic specialists.
- 25 Ms Atud, an academic economist, has made considerable progress towards generating an as yet unpublished “Transformation Index”. Her index is the first systematic and comprehensive measure of black advancement. Unlike “empowerment indices”, which tend to be confined to government-induced “empowerment”, her index includes all forms of transformation, including market-driven black advancement, i.e. what blacks do for themselves.
- 26 http://www.polity.org.za/polity/govdocs/white_papers/landwp.html