

Sustainable redistribution of land remains crucial to human rights in South Africa, as political parties jostle for voter support

By [Peter Setou](#)

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The 64th commemoration of Human Rights Day earlier this month served as a stark reminder of the brutality of the apartheid regime and the urgency to address the legacy of landlessness that was precipitated by state-orchestrated land dispossession.



Source: Supplied.

This has created racially skewed ownership patterns that have excluded the majority of South Africans from land assets and inclusion in rural economies.

Sadly, the promise of restorative justice seems to be somewhat elusive with each passing year, owing to the sluggish pace of the land-reform programme.

In a bid to redress the past injustices stemming from the widespread land dispossession from the indigenous African majority, the democratically elected government in 1994 legislated a plethora of legislation to address the land question.

These legislative interventions were anchored on three pillars, namely restitution which was the settlement of land claims lost

during apartheid either through resettlement or the monetary equivalent; redistribution which is transferring white-owned commercial farmland to black Africans, and land tenure reform, which sought to provide more secure land access to those residing in former homelands.

In pursuit of restitution, the state has had a mixed bag of successes and challenges. The limited success can be attributed to a range of factors, including the prohibitive costs of acquiring the claimant land against the backdrop of limited government finances and the lack of post-settlement support offered to beneficiary communities that have resulted in the land acquired being used sub-optimally.

The simmering frustration with the slow pace of land reform has necessitated the state embarking on a policy rethink which has culminated in the promulgation of pieces of legislation such as the Expropriation Bill and growing calls for the amendment of Section 25 of the Constitution in order to make explicit provision for land expropriation without compensation.

Political parties' manifestos on land reform

As South Africa approaches the upcoming national elections, political parties are fully taking advantage of the gaps in the land-reform programme, unveiling their manifestos, outlining their vision and promises for the country's future, with land reform emerging as one of the dominating features of various manifestos.

Different political formations have leveraged the promise of land redistribution and restitution as the trump card to garner support and shore up votes from the increasingly frustrated landless electorate who believe that land ownership would alleviate poverty and offset deepening levels of inequalities that continue to characterise South African society.

As is to be expected, all the major political parties are out on the beat using land reform to woo the electorate. Land expropriation without compensation is the rallying cry of the Economic Freedom Fighters (EFF).

Unveiling its 2024 election manifesto, the EFF has pledged to make the state the custodian of all the land, replace land restitution with land redistribution, and promised to allocate 50% of the land to the black African majority within five years of its rule.



Contested Expropriation Bill closer to becoming law, but don't hold your breath

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Interestingly, the prominence of land reform in the election manifesto of the ruling African National Congress (ANC) is a reference to land reform in its 2024 manifesto, the ANC has made an undertaking to "more effectively use provisions in the Constitution and expropriation legislation to accelerate land reform". Beyond that, there is very limited emphasis on the issue.

The main opposition party the Democratic Alliance (DA) reaffirmed its support for a land-reform process "that achieves redress in rural communities, that promotes economic inclusion to lift rural people out of poverty and supports growth and prosperity in the agricultural sector".

The party says its land-reform strategy is informed not by the need to achieve quantitative land targets but to support a thriving commercial agricultural sector that protects food security, poverty alleviation and the promotion of emerging, small-scale farmers. To that end, it has committed to implementing a land-reform strategy that encourages private-sector participation and offers post-settlement support to beneficiary communities.

On the other side of the political spectrum, the Freedom Front Plus reiterated its opposition to expropriation without compensation and insisted that there is sufficient unused state-owned land that is available for redistribution.



Now's the time to put land reform beneficiaries in order

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The party proposes that the beneficiaries of the land restitution programme should be given full title deeds and government's involvement in these projects should be kept to a minimum, while partnerships between emerging farmers and commercial farmers should be established instead.

The Inkatha Freedom Party (IFP) has promised to commission a full-scale land audit to determine land ownership and use the findings of this exercise to redistribute state-owned land to support co-operative and commercial farming.

The party vowed to encourage partnerships and mentorships with experienced farmers to attract and train new farmers, and to develop supporting industries such as transport services.

Land tenure a catalyst to economic development

In light of South Africans having commemorated Human Rights Day, it is pertinent that we continue to take stock of what these rights mean and whether we are all enabled to exercise these hard-won liberties, regardless of race, class, religion, gender, or creed.

One of the protected rights enshrined in the Constitution is the right to a healthy environment, housing, health care, food, water, and social security.

Millions of South Africans will take cold comfort in the enactment of the aforementioned rights as their lived reality is devoid of these rights. As noble as the intentions of the legislators were when they were promulgating the Constitution, these rights are meaningless to millions of South Africans who are languishing in abject poverty.

The current economic environment is characterised by high standards of living, and rising food, fuel, and electricity prices. This has amplified calls for the acceleration of the land-reform programme.



How collaboration can drive land reform success in the next decade

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According to the World Bank, approximately 55.5% (30.3 million people) of the South African population is living in poverty while a total of 13.8 million people or 25% are experiencing food poverty.

Shortage of decent and affordable housing is another challenge that the state is grappling with. Although the Department of Human Settlements reports that the government has built some 2.7 million low-cost houses over the past 15 years, there is still an estimated backlog of two million more. Using an average of six people per family as a guideline leaves some 12 million people in dire need of houses.

Access to and ownership of land is therefore seen by many as an antidote to poverty, hunger, and homelessness. In addition to restoring their dignity, land tenure and ownership also enable people to build a homestead, and access much-needed capital to start or scale up a business thus creating more jobs or embark on subsistence farming. The World Bank agrees:

“Land is at the heart of development. Secure land tenure is thus vital to building the inclusive, resilient, and sustainable communities that will propel economic and social progress well into the future.”

The World Bank continued: “Recognising indigenous peoples’ land rights is not only a human rights issue, but it also makes economic and environmental sense.

Once their land rights are recognised, indigenous peoples will be able to use the resources on their land more sustainably, thus improving their economic and social status as a constructive force in society...Secure land and property rights are not only at the heart of sustainable development, but they should also be lifted to the top of the global agenda.”



Common measuring instruments needed to assess the success of land reform in SA

Peter Setou 23 Mar 2023



Land tenure and access to the use of land have the potential to generate immense social and economic spinoffs for South Africans as alluded to by the World Bank.

It is a trite fact that as land and land-use are intricately tied to food production and food security, policies that affect land ownership and land use must prioritise the need to ensure the continued supply of food at prices that are affordable to ordinary South Africans.

Land tenure and access to land will give expression to the aforementioned rights and will go a long way in revitalising rural economic development, slowing down a move to urban areas in search for opportunities, alleviating housing backlogs, reducing hunger and fostering entrepreneurship.

Democracy should mean more than just freedom of speech and association but should translate into the ability to derive social and economic benefits. At the heart of it, human rights is about restoring dignity.

Importance of strategic partnerships

Vumelana Advisory Fund has been at the coalface of the land-reform programme for the past 12 years and has been instrumental in facilitating partnerships between beneficiary communities of the land-reform programme and private investors. These partnerships have provided a positive narrative of the land-reform programme, where the Community Private Partnership (CPP) model has been used.

Since 2012, Vumelana has facilitated 26 partnerships between land reform beneficiary communities and private investors through its CPP model, putting approximately 70,000 hectares of land to productive use, benefiting more than 20,000 beneficiary households, and attracting more than R1bn in potential investments.

The success of these partnerships has reaffirmed our conviction that the success of the land-reform programme hinges on the active participation of diverse stakeholder groups, with private investors playing a crucial role as they have the requisite skills, and access to finance and markets, which are the key ingredients required to ensure that the land is put to productive use, to achieve social and economic benefits for beneficiary communities.

Despite the uncertainties about the prospects for land reform in South Africa, we believe that there is room to turn the corner and change the narrative about the country’s land-reform programme.

There is a growing body of success stories that need to be scaled, and perhaps the focus going forward should be on how interventions can be customised and replicated. Land reform is too important to fail.

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