

LAND IN SOUTH AFRICA

*William Beinart
Andrew Bennie
David Coplan
Peter Delius
Bulelwa Mabasa
David Matsinhe
Kearabetswe Moopelo
Zenzo Moyo
Fani Ncapayi
Yacoob Abba Omar
Toendepi Shonhe
Quraysha Sooliman
Sithandiwe Yeni*

CONTESTED MEANINGS AND NATION FORMATION

EDITED BY
KHWEZI MABASA AND
BULELWA MABASA

A MISTRA PUBLICATION



MAPUNGBWE
INSTITUTE FOR STRATEGIC REFLECTION

Contents

Preface	v
Acknowledgements.....	viii
Contributors	x
Acronyms and abbreviations	xv

Introduction: Land, Agrarian Reform and Nation Formation <i>Khwezi Mabasa and Bulekwa Mabasa</i>	1
---	---

SECTION I: LAND, CITIZENSHIP AND NATION FORMATION

Chapter 1: Nationalisms and Nation Formation in South Africa <i>Yacoob Abba Omar</i>	31
Chapter 2: Decolonising Laws and Policies to Represent the People <i>Bulekwa Mabasa</i>	60
Chapter 3: Securing the Land: From customary land tenure to registered titled land? <i>Peter Delius and William Beinart</i>	84
Chapter 4: Traditional Leaders' Conceptions of Land Reform and Rural Citizens' Identities <i>Fani Ncapayi</i>	110

- Chapter 5: Magic Mountain: The spiritual meaning of land to South Africa's rural dispossessed, past and present
David Coplan and Kearabetswe Moopelo 133

SECTION II: AGRARIAN REFORM
AND SOCIAL JUSTICE

- Chapter 6: Abafazi Bayazbambela: A gendered response to South Africa's agrarian question
Khwezi Mabasa 159
- Chapter 7: Land is More than Farming: Former labour tenants' views on land expropriation without compensation
Sithandiwe Yeni 185
- Chapter 8: Dispossession and Displacement: Land, rights and dignity in rural Mozambique and Angola
David Matsinhe 212

SECTION III: INTERNATIONAL EXPERIENCES:
THE STATE, LAND AND POLITICAL AGENCY

- Chapter 9: Land Reform in South Africa: Lessons from Zimbabwe's radical land expropriation process
Zenzo Moyo and Toendepi Shonhe 257
- Chapter 10: Land Struggles, Democracy and Race in Brazil: Contesting the nation
Andrew Bennie 287
- Chapter 11: Land, Citizenship and Nation Formation in the Occupied Palestinian Territories
Quraysha Sooliman 319
- Conclusion: Nation Formation, Citizenship and Rethinking Land Reform
Khwezi Mabasa and Bulelwa Mabasa 347
- Index 365

Preface

The South African constitution emphasises land redistribution, restitution and tenure security as essential pillars in addressing the systematic land dispossession that was the essence of the colonial system. There is consensus across society that post-apartheid land reform programmes have, however, fallen short of the aspirations for broad-based land reform.

Given the minimal progress in this reform over more than two decades, there was bound to be intense contestation over how to address the country's land question. The reasons behind this pedestrian performance have variously been identified as lack of clear constitutional parameters on land redistribution, poor and vague formulations in legislation, and weak state capacity.

The recently published report of the Presidential Advisory Panel on Land Reform identifies some of these factors as being responsible for the failures in the implementation of these programmes. The report underlines what is perhaps the most fundamental question in debating land reform in South Africa: to what end?

Without deliberate focus on this issue, the debate can end up being dominated by narrow productivist agricultural approaches. Worse still, the genuine aspirations of the mass of the people can be appropriated by elites bent on securing assets for themselves, in a manner that perpetuates the inherited colonial relations with a change only to the

colour of the land barons. This is irrespective of the precise form of redistribution – whether it is through the current tenure regimes or through state custodianship over land.

It is in this context that this volume on *Land in South Africa: Contested meanings and nation formation* departs from the standard discourses. It seeks to underline the interconnection between land reform, social cohesion and nation formation.

The authors do this by pointing to the limitations of reducing land to a commodity, explaining the tangible and intangible values that should underpin land reform perspectives. The varied and contested meanings of land are identified in relation to how they intersect with core elements of nation formation such as identity, citizenship, a sense of belonging, culture and heritage. These meanings, the authors argue, should be integrated into land reform policies and governance frameworks.

Documented sources and field research, largely in rural areas, are used to bring into sharper focus the voices of affected communities. Significant policy gaps in the area of land tenure emerge. These derive from the fact that most South Africans hold tenure rights that fall outside of the legal protections of the deeds registry systems and commercial markets. It is therefore necessary to develop a new land tenure system that recognises diverse landholdings – some of them originating in the precolonial era – including individual, family and homestead arrangements.

Consultation, informed consent and broad agreement on development projects are essential for resolving the many land disputes across the country. This requires commitment from government officials, traditional leaders and the private sector, especially large corporations. These decision-makers need to comply with legislative prescripts; but the prescripts themselves need refinement in order to ensure meaningful land-based citizenship based on democratic land policies.

The international case studies covered in the book underline issues ranging from the impact of colonial occupation and land seizures to postcolonial collaboration between political elites and private companies to secure commercial projects at the expense of local

Preface

communities. Also critical in this regard are the gains that communities can make from persistent, organised campaigns to assert their rights and continually improve their utilisation of assets at their disposal.

The authors also draw attention to the experiences and expectations of labour tenants, and the profound impact that women-led subsistence agriculture has on households and communities in relation to poverty reduction and broader community imperatives. Further, there is much that needs to be done to strengthen and deepen the protection of, and access to, heritage resources that are important for the spirituality, religion and sense of belonging of communities.

The Mapungubwe Institute of Strategic Reflection (MISTRA) wishes to thank the authors and the teams across the publication chain, as well as those who contribute to the Institute's sustenance. We do hope that the insights and recommendations contained in this volume will help to broaden the discourse on land reform and nudge South Africa further towards the constitutional ideal of a country that truly belongs to all who live in it.

Joel Netshitenzhe
Executive Director