



## Land in South Africa: contested meanings and nation building

edited by Khwezi Mabasa and Bulelwa Mabasa, Johannesburg, MISTRA, 2021, 424 pp., R340 (paperback), ISBN: 978-1-928-50915-8

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## BOOK REVIEW

**Land in South Africa: contested meanings and nation building**, edited by Khwezi Mabasa and Bulelwa Mabasa, Johannesburg, MISTRA, 2021, 424 pp., R340 (paperback), ISBN: 978-1-928-50915-8

One of the glaring post-1994 governance failures in South Africa is the lack of progress on land reform. In a country where land dispossession laid the foundation for racialised structural inequality, the urgency to address the land question cannot be overstated.

In seeking to contribute to the ongoing discussions in South Africa that include the 2019 Report of the Presidential Panel on Land Reform and Agriculture, and the 2021 Parliamentary defeat of a proposed amendment to section 25 of the Constitution which sought to expressly allow for expropriation without compensation under certain circumstances, this volume proposes an alternative approach to land reform. It seeks to expand the discussion on land reform beyond the prevailing 'narrow agricultural approaches' to include an intersectional approach that looks at the role played by contested meanings of land in relation to 'core elements of nation building' (eg, culture, identity and citizenship), which the authors argue should be included in land reform policies and governance frameworks. Through adopting such an approach, the volume also aims to underscore the interconnections between land reform, social cohesion and nation formation.

The volume is divided into three sections. The first section on 'Land, Citizenship and Nation Formation' includes five chapters on nationalisms and nation formation in relation to land (Yacoob Abba Omar), decolonising laws and policies to represent the people (Bulelwa Mabasa), customary land tenure and registered titled land (Peter Delius and William Beinart), traditional leaders' conceptions of land reform and rural citizens' identities (Fani Ncapayi) and the spiritual meaning of land to South Africa's rural dispossessed (David Coplan and Kearabetswe Moopelo), respectively. The contributions of Omar and Mabasa stand out in particular.

Omar provides a valuable analysis of how African (in the Pan-African/Black Consciousness movement sense, as opposed to the non-racialist manner in which the term has been conceived of by the African National Congress) and Afrikaner nationalisms have had an impact on national identity, the land question and social cohesion. As Omar notes, the cracks that are showing reflect the ongoing challenge of building a nation and strengthening social cohesion in the face of continued inequitable access to land and resistance by the privileged to adopt necessary compromises (p. 54). This conclusion is reflected in the World Economic Forum's Global Risk Report of January 2022, where it lists 'social cohesion erosion' as a top short-term threat in South Africa.

Mabasa's contribution is on the continued marginalisation of the majority who remain without legally recognised rights or secure tenure. Mabasa attributes the persistence of this state of affairs to the fact that the law continues to 'mischaracterise the complexity of customary modes of landholding and occupation' (p. 81) and, in retaining its common law heritage, does not cater for African experiences about what constitutes property. Mabasa traces the elements in South African law, policy making and property markets that have exclusionary effects and results. Her analysis sheds further light on why the 'willing seller, willing buyer' programme has failed. These legal failures, including the separation of land reform from the

formal property sector and issues of spatial justice, are some of the factors identified as barriers to nation formation and fostering social cohesion.

The second section focuses on agrarian reform and social justice, and includes three chapters. The first looks at a gendered response to South Africa's agrarian question (Khwezi Mabasa), whereas the second examines the views of former labour tenants on land expropriation without compensation (Sithandiwe Yeni) and the third examines land, rights and dignity in rural Mozambique and Angola (David Matsinhe).

Yeni's contribution is highlighted in view of the fact that expropriation without compensation has been dominant in popular debate in South Africa. Yeni's research into former labour tenants and their descendants from the uMgungundlovu district who filed about 11,000 land claims highlights the challenges faced by claimants due to the weaknesses of the South African government. After lodging of their claims by the cut-off date of 31 March 2001, the group had to approach the Constitutional Court (which ruled in its favour in 2019) for the appointment of a 'special master' to oversee the processing of its claims. Yeni's contribution aims to highlight the voice of the former tenants,<sup>1</sup> which she argues is hardly included in public discourse. Among other things, the former tenants expressed support for expropriation without payment for the land for which they had lodged claims. According to the tenants, nothing could compensate for the historical dispossession, and the generational poverty resulting from landlessness and racial injustices. They argue, however, that any compensation should be paid to them (and other claimants) as reparations for colonial and apartheid dispossession, rather than the state compensating white landowners. The tenants emphasise the symbolic dimensions of land; the importance of belonging to the land. Yeni calls for pro-poor land reform that is informed by the experiences of the marginalised, and for increased organisation by the affected in order to strengthen their agency. Extrapolating from the experience of the former tenants, Yeni suggests that nation building and social coherence must also be informed by the experiences of the marginalised.

The third section focuses on international experiences in relation to the state, land and political agency. The three chapters contained in this section focus on lessons from Zimbabwe's radical land expropriation process (Zenzo Moyo and Toendepi Shonhe), land struggles, democracy and race in Brazil (Andrew Bennie), and land, citizenship and nation formation in the Occupied Palestinian Territories (Quraysha Sooliman).

Moyo and Shonhe take a political economy approach to assessing whether there are lessons which may be drawn from Zimbabwe's experience that could be applicable in the event that radical, transformative land reform is pursued in South Africa. These include the need to understand multisectoral impacts and the effect of land reform policies on vulnerable groups, as well as how property relations would be restructured and the role of global capital in responding to potential future reforms. Moyo and Shonhe note that a broader socio-economic analysis would need to be undertaken in order to also generate ways in which to foster social justice (p. 280). The social justice element is particularly important if South Africa is to succeed in nation building and achieving social cohesion.

The volume is a valuable contribution to the debate on land reform in South Africa. One of its major strengths lies in the fact that the authors have undertaken research which emphasises experiences in both urban and rural settings. The meanings attached to land discussed in the volume – such as identity, connecting citizens to their ancestral land, spirituality, dignity, and so forth – underscore their centrality to the attainment of social cohesion, social justice and nation building. In unpacking all these contested meanings, the authors have managed to highlight how critical the land question is in South Africa, as well as the urgency with which it needs to be resolved.

## Note

1. The Land Claims Court (LCC) appointed Professor Richard Levin as the Special Master of Labour Tenants for a period of five years from 2 January 2020. As per the Constitutional Court's ruling, the Special Master was an agent of the LCC and served a supervisory and monitoring role to ensure that the Department addressed the backlog. On 30 September 2020, the LCC approved a Revised Implementation Plan specifying how the Special Master would oversee the processing of all remaining claims by the Department.

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