

# **Transformation in South Africa: A Study of Education and Land**

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## **Introduction**

This paper examines the problems of education and redistribution of land in post-apartheid South Africa. The concern is to determine whether the land and the educational policies pursued by the post-apartheid black majority government have been effective in meeting the needs of the landless, economically dispossessed, and educationally deprived black people who had endured enormous hardship caused by the infamous apartheid system. The cornerstones of apartheid system in South Africa were the unequal distribution of land and the educational perversion designed to create racial and class bondage. These contentious and central issues have been the focus of debates in government and academia worldwide. In the post-apartheid era, how much of the roughly 87% of the land controlled by 5,000,000 white settlers has been made available for more than 30,000,000 black majority who had been occupying only roughly 13% of the land? What have been the reactions of the black majority on the government's market-driven policy on land reform? Is the interest of black majority including black women who till the land being considered? Most importantly, on whose terms is the issue of land reform being determined? These questions are addressed in the paper.

Education is the foundation of national development. The races, under the apartheid system, were educated separately in order to prepare them for their predetermined place in society. Education had played a major role in preparing whites to lead the economy and in simultaneously preventing blacks from occupying influential positions in the labor force. Education for whites was free and compulsory until the age of sixteen. White schools were provided excellent facilities, and a large percentage of the white minority under the apartheid system had diplomas in higher education at the government's expense. In contrast, educational opportunities for blacks were limited; it was neither free nor compulsory. As the then Minister of Native Affairs of the apartheid white minority government, Hendrick Verwoerd, once said:

...there is no place for him (blacks) in the European community above the level of certain forms of labor. Until now he has been subjected to a school system which drew him away from his community and misled him by showing him the green pastures of European society in which he was not allowed to graze. Who will do the manual labor if

you give the Natives an academic education? Education must train and teach people in accordance with their opportunities in life.<sup>1</sup>

With that in mind, a well-regulated technical education system was imposed on the black majority rather than an academic education.

The paper sketches the pattern of transformation of education in the post-apartheid era. Efforts have been made to present the South Africa's Ministry of Education strategies for effecting changes in both the governance and the funding of education. Performance indicators are introduced to highlight enrollment gaps experienced by the black majority, and performance indicators are also utilized to determine the extent of the improved education for blacks under the existing majority rule. How can a market-based educational system provide equal access to a black majority who had too long been deprived of acquisition of capital and academic education? To what extent are the traditional black and traditional white universities created by the infamous apartheid system being integrated? What are the hiring practices of graduates of both categories of schools? Is there a concerted effort towards a balanced racial composition of faculties and staffs in higher education of learning in the new democratic dispensation that may prevent the further development of intellectual servitude and cultural alienation? Until now, education in South Africa had been subjected to academic ethnocentrism, devoid of non-Western cultural discourse. Is it realistic to rely on the same white faculty and staff members who had long defended the apartheid system to provide meaningful education for the black majority? These are some of the immediate and legitimate concerns.

## **Higher Education in South Africa**

Before 1990, the formulation of education policy in South Africa was an exclusive preserve of the white minority government. The government maintained control in ways that were bureaucratically centralized and politically authoritarian. All of this changed on 2 February 1990, when the then President Frederick W. de Klerk announced the unbanning of the liberation organizations, the release of political prisoners and the acceleration of movement towards the first nonracial, democratic elections of April 1994. Since 1990, a flurry of education policies was unveiled in anticipation of the formal legal termination of apartheid by a num-

ber of stakeholders including the private sector, through the Private Sector Education Council (PRISEC) and then the early National Training Board (NTB); the labor movement, through the Congress of South African Trade Unions (COSATU); the broad democratic movement, through the National Education Policy Investigation (NEPI); the self-reforming apartheid state, through the Education Renewal Strategy (ERS)—in two versions—and A New Curriculum Model for South Africa (CUMSA); the international aid community, through multiple, self-funded sectoral reports; and the non-governmental sector, through a range of different program and policy positions and alignments. All these actors jostled for position at the starting line in 1990 as they prepared to develop signal policy positions for a “democratic South Africa.” The interactions that resulted among these various internal and external sectors formed the basic foundations for education policies after apartheid. However, the apartheid state, the business community, e.g., the Urban Foundation and the Anglo American Chairman’s Fund, the international aid community, e.g., United States Agency for International Development, the think tanks and other non-governmental organizations were very influential in the formulation of education policies during the transition to democracy.

The initial proposal by the ANC to institute free education at all levels and to bring education and training under a single coordinated system was generally supported by most black groups but was rejected by the white minority. Faced with internal and external pressures, the ANC decided to reexamine its position on education and appointed Cheryl Carolus and Trevor Combe to work out a compromise model. The Carolus Committee, among other things, recommended: (a) no free higher education in South Africa; (b) financial aid is needed to help some students pay the private costs of their education; (c) the scheme must be for financially needy students only, where need is determined by a national means test which contains no population-based criteria; (d) the scheme cannot be a demand-driven one, financial aid will be rationed on grounds of affordability.<sup>2</sup> The suggestion to apply a market-driven approach for the attainment of higher education was endorsed mostly by the white minority population, the business community, non-governmental organizations, and the international community. In the end, higher education in South Africa is essentially based on the option of who can afford it! But why was the policy of free education at all levels that the ANC had promised during the liberation movement not adopted? There are several theoretical and practical explanations.

Although the armed struggle, economic embargo, the collapse of Soviet Union, the withdrawal of Cuba’s influence in the region, the discreditation of communism, the psychological exhaustion of the white minority settler regime, and the material exhaustion of black liberation organizations provided the impetus for both the black majority and the white minority to come to the negotiating table for a peaceful settlement, the national liberation through the armed struggle which the ANC and other black groups sought did

not result in forced removal of the white minority government from power to allow a free reign of the black majority. Generally, while policymakers try to be innovative they also seek for precedents and consultations. Unfortunately, in the absence of a legitimate government, the ANC, before coming to power, had to rely on think tanks and non-governmental sector dominated by the white minority. Also, the protracted conflict resulted to a political fatigue of black leaders who had hoped that a negotiated settlement could produce accelerated changes. So, the difficulty that the payment of school fees can create should not be viewed only in a racial perspective, the focus of the paper, but it is also related to gender and class issues.

While the gender and class discourse is relevant to South African politics, it should be addressed adequately elsewhere and should not occupy our time here. Suffice it to say, however, that the school fees policy cannot provide access to education for many blacks and other poor South Africans with merger incomes. Under the market approach to educational reform, some well-connected black students could obtain financial assistance through public agencies that are supported by the taxpayers. It provokes a critical question: is it right for some students to be treated fairly and others unjustly even though they may have the same identical intellectual ability, productive capacity, universal recognition, and marketability of discipline? It is elitist in that the requirement for school fees—in a society whose black population had long been denied any meaningful educational and economic advancement—gives opportunity to a few blacks that may become an appendage to the status quo rather than become advocates for a change. While the school fees may be of little consequence to the few well-to-do black families, it creates enormous hardship for the majority of poor black parents who may have to make a choice between sending their young men or women to higher education. Based on African cultural experience, the choice is clear. Women’s education will be sacrificed for “holy” matrimony. We should also remember that during the apartheid era, many white students were able to attend colleges or universities of their choice at the state expense. It is therefore instructive that the black majority government should consider the interests of all segments of the society in the educational transformation.

Until 1994, there were 21 universities. Nine of these universities were created to serve non-whites (Blacks or Africans, Coloreds, Asians, and Indians) by discriminatory legislation. Historically, black universities did not enjoy academic freedom and autonomy. They were regarded as outposts of the National Department of Education.<sup>3</sup> Although white English universities (Natal and Rhodes, as well as the universities of Cape Town and the Witwatersrand) practiced open admissions, blacks were required to obtain a permit from the Minister of Education for admission. Also, some blacks considered *persona non grata* by the state were not admitted. Indeed, the horrors of apartheid, which are well documented, need not occupy too much space here, except to serve as a backdrop to our understanding of the nature of

the problems created by apartheid until 1994. What is needed is a presentation of the challenges to transformation. In doing so, black performance indicators are compared to other racial groups to demonstrate the enormity of the problems that the majority government has inherited.

One major challenge of a post-apartheid government is to find a way to increase the number of blacks in various academic disciplines, particularly in science and technology. As shown in Table I—Number of First Bachelors Degrees According to Field of Study and Population Group: 1980, 1986, 1989—the number of graduates in the natural sciences for blacks was a total of 502 compared to 11,964 whites. For the years specified, 1,928 (17%) blacks received degrees in medicine in comparison to 4,261 (72%) whites, while Asians accounted for 429 (7.3%) and coloreds numbered 191 (3.7%) of the degrees awarded in the field. In the humanities, black graduates numbered 4,894 (18%), while whites numbered 18,172 (67%). Coloreds numbered 2,036 (7.5%) and Asians 1,929 (7%). The table clearly highlights the gulf of racial disparities by field.

In another gloomy picture for blacks, Table II—Racial Distribution by Occupation, 1991—shows the enormous disparity among the races. Blacks were disproportionately underrepresented. In architecture, for instance, only four blacks were qualified compared to 1,370 whites. In astronomy, biochemistry, biology and biophysics, the table shows lack of black representation.

As shown on Table III—University Enrollments in Natural Sciences and Engineering Versus Social Sciences and Humanities (Post-Graduate)—there is a heavy concentration of Africans (blacks) in the social sciences as opposed to the natural sciences and engineering. Also, Table IV—South African Post-Secondary Enrollments in 1991—further demonstrates that blacks, though the majority in the country, still lag behind other groups.

Furthermore, income inequality, which is a social reality in South Africa, places a severe limit on the ability of many blacks to provide their children with quality education. Between 1975 and 1991, the income of the poorest 60% of the population dropped by about 35%. By 1996, the

**TABLE I**  
**Number of First Bachelor's Degrees**  
**According to Field Study and Population Group**  
**1980, 1986, and 1989**

<i>FIELD OF STUDY</i>	<i>Whites</i>	<i>Coloreds</i>	<i>Asians</i>	<i>Blacks</i>	<b>TOTAL</b>
<b>NATURAL SCIENCES</b>					
1980	3,160	70	127	87	3,444
1986	3,653	133	192	166	4,144
1989	3,881	162	313	249	4,605
<b>HUMAN SCIENCES</b>					
1980	5,738	359	465	572	7,134
1986	5,898	738	805	1,648	9,089
1989	6,535	939	659	2,674	10,803
<b>MEDICINE and RELATED FIELDS</b>					
1980	1,298	30	77	103	1,508
1986	1,415	61	141	347	1,964
1989	1,548	100	211	578	2,437
<b>COMMERCE &amp; ADMINISTRATION</b>					
1980	2,021	42	146	75	2,284
1986	3,392	107	162	213	3,874
1989	4,400	142	309	353	5,204

Source: C. J. Sheppherd et al. "Education statistics according to development region 1980, 1986, and 1989," HSRC, December 1992.

**TABLE II**  
**Racial Distribution by Occupation—1991**

<i>OCCUPATION</i>	<i>Whites</i>	<i>Coloreds</i>	<i>Asians</i>	<i>Blacks</i>	<b>TOTAL</b>
<b>EDUCATION</b>					
Teacher	60,107	35,081	11,599	139,184	245,980
<b>HOUSING</b>					
Architecture	1,370	39	9	4	1,422
Quantity Surveyor	2,164	55	140	45	2,404
Town Planner	713	11	6	10	740
Surveyor	261	26	24	58	369
<b>AGRICULTURE</b>					
Agriculturalist	1,818	12	19	649	2,498
Agronomist	211	0	2	23	236
Forester	187	27	0	2	216
Horticulturalist	874	8	15	19	916
<b>BUSINESS</b>					
Public Accountant	7,803	90	268	211	8,372
Management Account	13,131	486	746	616	14,979
Articled Clerk	6,663	169	310	278	7,420
<b>ACADEMIA</b>					
University Faculty	10,622	410	417	893	12,342
Technikon, Teacher Training	8,122	803	345	1,800	11,070
<b>HEALTH</b>					
Doctor	21,511	687	2,586	1,576	26,360
Dentist	4,194	173	258	450	5,075
Pharmacist	4,354	51	247	77	4,729
Physiotherapist	1,738	383	119	471	2,713
Radiographer	2,541	404	247	699	3,891
Veterinary Sciences	1,330	3	9	136	1,478
<b>SCIENCE</b>					
Astronomer	4	0	0	0	4
Biochemist	113	7	0	0	120
Biologist	26	0	0	0	26
Biophysicist	4	0	0	0	4
Chemist	1,526	72	175	96	1,869
Computer Analyst	6,373	340	405	186	7,304
Computer Programmer	5,433	427	573	223	6,656

**TABLE II**  
**Racial Distribution by Occupation—1991**  
**(continued)**

<i>OCCUPATION</i>	<i>Whites</i>	<i>Coloreds</i>	<i>Asians</i>	<i>Blacks</i>	<b>TOTAL</b>
Engineer	15,151	141	183	204	16,579
Geologist	1,488	5	12	42	1,547
Mathematical	1,361	128	16	79	1,584
Metallurgist	1,379	3	14	17	1,413
Physicist	289	6	2	5	302
<b>TECHNOLOGY</b>					
Engineering Technician	27,655	1,507	1,171	1,553	31,896
Agricultural, Forestry & Food Technologists	245	22	14	28	309
Biological Science Technologists	617	46	111	176	950
Natural Sciences Technologists	173	9	15	20	217
Physical Science Technologists	230	23	32	17	302
<b>PUBLIC ADMINISTRATOR</b>					
Director General	155	0	0	11	166
Director/Deputy	4,952	27	33	57	5,069
Executive Official	223	4	6	18	251
Government Administrator	827	21	3	224	1,075

Source: Manpower Survey, 1991, Occupational Information, Central Statistical Service, March 1993.

gap between rich and poor had grown even larger. The poorest quintile received 1.5% of the total income, compared to the 65% received by the richest 10%. The extreme income inequality suggested in Table V—Annual Household Income in Rands, 1996—limits the ability of individuals and households to finance the enhancement of skills, education, and training that are critical pre-requisites for improved participation in the labor market. Another critical area of social inequality relates to occupation and education. Two measures of equity are applied here: equity in the occupational structure and equity in education. In both cases the measures are disaggregated by race. The key result is shown in Figure 1—Black Representation by Occupational Category—that shows blacks are still grossly under-represented in the top occupations such as managers, senior officials, and professionals; they are over-represented in the low-level occupations classified as elementary occupations, non-permanent employees, and plant and machine operators and assemblers. This inequity calls for an aggressive government-assisted educational and training programs, not a piecemeal window-dressing approach, to bridge the gaps between black and white in the different occupations.

The Department of Labor Employment Equity provided qualitative indicators of barriers to employment equity in the labor market, for example, in the areas of access to training, recruitment, practices, succession, planning, performance appraisal and job grading systems. Despite the fact that blacks are under-represented in critical areas of labor force, in general, discrimination is still present in the labor market. One study that highlights the hidden discriminatory practices is the HRSC (Human Resource Strategy Center) Study of the first employment experiences of 1,806 graduates who graduated in the period 1991 to 1995. The study shows that the labor market discriminates against university graduates with respect to population group and academic institution. African (black) and other graduates from historical black universities (HBU's) were more likely to struggle to find employment. Although graduate unemployment is low at only 2%, the respondents graduating from the historically white universities (HWU's) who found employment immediately was 65%, as opposed to 28% of the respondents from the HBU's. With the exception of the Medical University of South Africa (immediate employment at 80%), all the HBU's fared worse in terms of immediate

**TABLE III**  
**University Enrollments in Natural Sciences and Engineering**  
**Versus Social Sciences and Humanities**  
**(Post Graduate)**

	1985	1986	1987	1988	1989	1990	1991	1992
<b>HONOURS NS&amp;E</b>								
White	2020	2149	2110	2182	2296	2195	2262	2250
Colored	67	68	73	89	76	78	103	108
Indian	47	67	75	123	112	130	119	130
African	132	249	225	388	417	465	538	565
<b>MASTERS NS&amp;E</b>								
White	4781	5240	5413	N/A	N/A	5807	6016	6155
Colored	67	88	97	101	130	134	154	148
Indian	264	346	348	324	366	413	444	505
African	170	187	209	266	311	411	485	533
<b>DOCTORAL NS&amp;E</b>								
White	1572	1648	1737	1660	1789	1806	1830	1864
Colored	22	23	27	29	32	33	40	49
Indian	41	40	46	54	63	62	71	80
African	25	28	35	39	43	51	65	75
<b>HONOURS SS&amp;H</b>								
White	11081	11908	11558	12307	12441	12671	13128	13541
Colored	833	847	846	991	1292	1419	1595	1387
Indian	1175	1412	1457	1479	1309	1412	1546	1618
African	2254	2825	3326	4201	4890	5091	5820	7331
<b>MASTERS SS&amp;H</b>								
White	8991	7866	8257	8741	8885	9179	9542	9726
Colored	225	222	218	250	428	444	504	509
Indian	231	248	304	307	N/A	269	455	513
African	342	409	524	677	756	967	1235	1328
<b>DOCTORAL SS&amp;H</b>								
White	2356	2503	2547	2608	2453	2461	2490	2536
Colored	31	36	38	36	58	62	63	59
Indian	32	32	49	54	66	81	85	81
African	91	87	101	109	110	149	180	212

**TABLE III**  
**University Enrollments in Natural Sciences and Engineering**  
**Versus Social Sciences and Humanities**  
**(Post Graduate)**  
**(continued)**

	1985	1986	1987	1988	1989	1990	1991	1992
<b>TOTAL NS&amp;F</b>								
White	8373	9037	9260	9207	9735	9899	10108	10269
Colored	156	179	197	219	231	243	297	305
Indian	352	453	469	501	541	605	634	715
African	327	464	469	693	771	N/A	1088	1173
<b>TOTAL SS&amp;H</b>								
White	20428	22276	22360	23656	237	243	297	305
Colored	1089	1105	1102	1277	1776	1925	2162	1955
Indian	4438	1692	1810	1840	1794	1862	2086	2212
African	2687	3321	3951	4987	N/A	N/A	N/A	N/A

Source: Science & Technology Policy, FRD, Pretoria: Draft Data for SA Science and Technology Indicators, 1995.

employment than the HWU's.<sup>4</sup> This discriminatory practice based on school affiliation can only be eradicated by an effective desegregation policy that undermines the historically white or black institutions. Without such a policy to dismantle the remnants of apartheid, blacks would continue to feel inferior and remain subordinated in the land of their ancestors.

It is also imperative for the government to use planning and funding mechanisms to encourage education and training institutions to transform the racially skewed character of the staff compositions. One measure of inequality is the extent of change in the racial composition of students and staff at South Africa's education and training institutions. Table VI shows the latest results for students in Higher Education and Training (HET). Black students (African students) are now in the majority in South Africa's HET institutions. This is an encouraging trend, but inequalities in the staffing of the institutions still prevail. In 1998, whites still constituted 80% of academic staff in HET, with Africans at 12%, Coloreds at 3%, and Indian academic staff at 5%. In the Technical Colleges during the 2000 period, whites still constituted 61% of academic staff, with Africans at 28%, coloreds at 8%, and Indians at 3%. This clashes markedly with the student composition that has changed dramatically in the past five years. Student enrollment in Technical Colleges now shows Africans (71%), Whites (18%), Coloreds (9%), and Indians (1%).<sup>6</sup> To prevent cultural alienation and educational servitude, HET institutions staff, faculty and administrative personnel must reflect the student enrollment

by population group. Without an aggressive affirmative action program to recruit staff, faculty, and administrative personnel in direct proportion to student enrollment by population group, blacks would greatly be shortchanged. More importantly, blacks would face the danger of being "miseducated" (i.e., education that perpetuates the subordination of blacks) because there are no indications that the white minority settlers have completely gotten rid of their apartheid mentality. The apartheid system of education was an agenda for cultural suicide and the displacement of indigenous systems of knowledge. Despite the decades of the nefarious system, the black majority has survived the academic and political tyrannies culminating in the rejection of the language of their oppressors: Afrikaans. In the post-apartheid era, the academic institutions should be thoroughly administered to salvage the indigenous cultures and the national heritage because salvation of a people is dependent upon education. Any meaningful educational reform must recognize this social reality.

In June 1999, the Ministry of Education presented a report to the incoming Minister of Education following the second democratic general election of that year. The Status Report, as we will call it, was more or less a compact yet informative review of the transformation of education since the advent of democratic rule. The Status Report highlighted, among other things, the five years of change (1994–99); the transformation of learning opportunities; and the policies, Acts of Parliament and regulations that constitute the legacy of the country during the last decade of the last millennium.

**TABLE IV**  
**South African Post-Secondary Enrollments in 1991**

Population Group	Total PSE Enrollments per 1,000% of 1991 Population	University Enrollments per 1,000% of 1991 Population	Total PSE Enrolled as % of Population Aged 18 – 122
White	51	35	60
Colored	13	7	11
Indian	35	25	33
African	9	6	9
<b>AVERAGE</b>	18	12	17

Source: National Education Policy Investigation, 1992:21.

Certain undeniable achievements and irreversible changes have been made between 1994 and 1999 under the administration of Nelson Mandela. The administration unleashed profound forces of democratization that could not but leave a significant imprint on the country's education and training system. An examination of the main thrusts of the changes, which are still far from dismantling the legacies of apartheid education, is as follows:

1. The complex disestablishment of nineteen apartheid education departments was initiated and completed. The pre-1994 education dispensation was replaced by a unitary, nonracial system of provincial education management and administration. Over time, the nine provincial departments, together with the national department, started the complex task of functioning as a single national system of education and training.
2. Without regard to race, class, religion or creed, South African children and university students were brought under one roof. These changes in the school and higher education sectors were brought about in compliance with the provisions of the South African Schools Act

of 1996, the Further Education and Training Act of 1998, and the Higher Education Act of 1997.

3. Some of the landmark developments associated with the South African Schools Act were the introduction of compulsory school attendance for all children between the ages of six and fifteen, as well as the establishment of elected and representative school governing bodies in public schools throughout the country.<sup>7</sup>

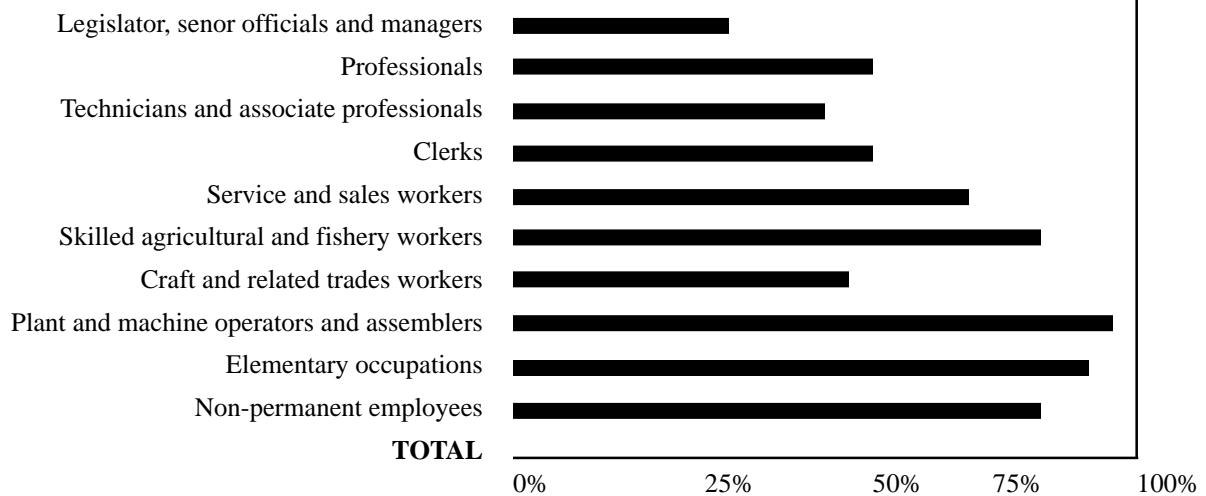
The teaching profession in South Africa has always been characterized by divisions of race, ethnicity and gender and steeped in inequality. Table VII shows that a substantial amount of money was allocated, for example, in 1991, to historically white universities compared to historically black universities. The universities in South Africa were not only segregated by enrollment, they were also governed separately according to race under the apartheid system. By 1999, all teachers were brought into one governing body by one Act of Parliament (Employment of Educators Act, 1998) and one professional council, namely, the South African Council for Educators (SACE).

**TABLE V**  
**Annual Household Income in Rands, 1996**

Income Bracket	African	White	Colored	Asian	Average
Poorest	2,383	29,549	8,214	17,878	3,572
41-60%	9,120	83,506	25,967	49,569	15,624
61-80%	19,183	134,821	46,463	80,882	36,797
81-90%	37,093	207,243	77,866	125,962	78,620
Richest 10%	108,568	406,091	168,005	258,244	222,734
<b>AVERAGE</b>	21,180	119,818	42,359	71,662	42,048

Source: Human Resource Development Strategy for South Africa: A Nation at Work for a Better Life for All. HRSC Publishers, Pretoria, 2000, p.7.

**Figure 1**  
**Black Representation By Occupational Category**



Source: Human Resource Development Strategy for South Africa: A Nation at Work for a Better Life for All. HSRC Publishers, Pretoria, 2000, p. 8.

Another significant legislation to come out of the first democratic Ministry of Education was the South African Qualifications Authority (SAQA) Act of 1995.<sup>8</sup> The enactment established the process for admissions of students and hiring of personnel into the higher institutions of learning.

Although a series of legislative acts were enacted to transform the educational system and to ensure a unitary, nonracial, nonsexist and equitable education of sustainable quality, the implementation of the laws have been problematic. During the early days of 1995 of the Government of National Unity (GNU), the National Party (NP) under Frederick W. de Klerk mobilized stakeholders such as the governing bodies to adopt certain politically preferred positions on many important education matters. Indeed, the education authorities in the non-ANC-controlled provinces of KwaZulu-Natal and the Western Cape believed they had a right to hold on to as much of the policy-making power as they could. Even certain civil society organizations appeared uncertain about the right of the Mandela administration to govern. At the heart of the rather acrimonious debates about the educational transformation was a perennial struggle for power, i.e., the power to make policy and thereby eradicate the racial inequalities of the past. Although the Mandela administration somehow succeeded in the passage of some legislative enactments in an effort to achieve the persistent pattern of racial educational inequity, there was little success in their implementations. This is in part because the administration met stiff opposition to effect changes and in part due to inadequate black educators to manage strategic areas in the education department. The various key units of the Ministry of Education are still controlled by the white minority. As a consequence, the gross inequalities in education persist.

## Redistribution of Land in South Africa

The cornerstone of apartheid was the unequal distribution of land and the consequent dispossession and economic disempowerment of the black majority, the legal underpinnings of which had been dismantled. On the eve of the new democratic South Africa or the post-apartheid era, various viewpoints regarding the explosive issue of land reform dominated most discussions. The NP insisted on a “willing buyer, willing seller” policy with a priority of preserving the existing commercial agricultural sector and safeguarding existing property rights. On other hand, the African National Congress led by Nelson Mandela emphasized “making land available to the land hungry masses” but without reducing production. After much debate, a market approach of “willing buyer, willing seller” was adopted. The question now is how much of the roughly 87% of land area previously reserved for about 5,000,000 whites has been made available for more than 30,000,000 blacks who had occupied only approximately 13% of the land? What resources have been made available to poor farmers to enable them to obtain and utilize land?

## Background

The institutionalization of racial inequality during apartheid South Africa was rooted through a land program. Although apartheid did not become the official policy of the South African government until after the NP was elected to a majority in the Parliament in 1948, a number of laws designed to control the land already existed. The President of the Chamber of Mines in 1912, one year before the first of

**TABLE VI**  
**Student Headcount in HET by Population Group, 1993–95<sup>5</sup>**

POPULATION GROUP	1993	1999
White	44%	29%
Indian	7%	7%
Colored	6%	5%
African	40%	59%

the Land Acts, had this to say:

What is wanted is surely a policy that would establish once and for all that outside special reserves, the ownership of land must be in the hands of the white race, and that the surplus of young men, instead of squatting on the land in idleness and spreading out over unlimited areas, must earn their living by working for a wage.<sup>9</sup>

This view led to the 1913 Natives' Land Act. It codified in law the white expropriation of the bulk of the land, including the richest farming and grazing lands, the forest, and all areas with known mineral deposits. No black could own or purchase new land in these parts, only in the reserves. The 1913 Act designated only 7.9% of the country as African reserves, an area subsequently deemed too small to be workable. The Native Trust and Land Act of 1936 accordingly revised the land allocation provisions to 13.7% of South Africa's land area, largely by incorporating territory that was still effectively under African occupation.<sup>10</sup>

The 1913 Land Act also abolished "farming-on-the-half," a system whereby Africans who owned their own plows and oxen agreed to cultivate, graze stock, and live on a white landowner's property in return for giving him half the harvest. The abolition of this system uprooted thousands of black Africans, forcing them to wander around the country without giving them any place to establish new homes. Secretary of the ANC in 1912, Sol Plaatje, described black Africans' plight: "Awakening on Friday morning June 10<sup>th</sup>, 1913, the South African Native found himself, not actually a slave, but a pariah in the land of his birth."<sup>11</sup> According to Francis Wilson, an economist at the University of Cape Town:

[F]ew laws passed in South Africa could have been felt with such immediate harshness by so large a section of the population. The system of farming-on-the-half, which had flourished ever since whites gained control of the interior, was dealt a blow for which it never recovered. The next three decades were to see the almost total elimination of that class of rural Africans who...had once been fairly comfortable, if not rich, and who enjoyed the posses-

sion of their stock, living in many instances just like Dutchmen.<sup>12</sup>

After the passage of the 1913 Land Act, the areas set aside for black Africans became reservoirs of labor for the mines, towns, and white farms. Consequently, the land wars of the nineteenth century were also labor wars. That is, black Africans, having lost access to their land by force, were permitted to draw sustenance from it as laborers, herdsman, tenants, or renters. According to C. W. DeKiewiet:

dispossession and collapse of the tribal system, erosion, and drought, cattle diseases and taxes...all these conspired to accelerate the change from independent tribesmen to a servile group. Because the 19<sup>th</sup> century created a great class of Black workers upon the farm and in industry, the impression was easily created that white society had won a special position for itself, elevating all of its members beyond the reach of the forces which govern the life of the natives.<sup>13</sup>

Following the two Land Acts of 1913 and 1936 and their descendants, the Group Areas Act 41 of 1950 (1950 Act), later consolidated by Group Areas Act 36 of 1966, residential segregation by race in South Africa was imposed. The 1950 Act provided the State President to set out specific rural and urban areas exclusively for ownership and occupation by members of particular racial groups: whites, colored, and indians. There were no areas designated specifically for black South Africans who were prohibited from occupying or owning land in areas designated for other groups.

By the 1980s, the legislative acts discussed above had geographically separated white and nonwhite South Africans, and effected a large-scale dispossession of land by blacks. The legislation accomplished this separation and dispossession through the group areas system, dividing blacks and whites in both rural and urban locations.<sup>14</sup> The acts also created several types of areas reserved solely for black South Africans. Four such areas were rural: the independent homelands of Transkei, Bophuthatswana, Ciskei, and Venda. Other homelands included the self-governing although not independent homelands, or national states of

**TABLE VII**  
**Human Research Expenditure by University**  
**Grouping (Rands in thousands) 1991**

Grouping	Government Sector	University Funds	Private Bursary	and Foreign	TOTAL
HWU	4,439	10,1761	8,783	82	115,065
Afrikaans	(62%)	(43%)	(52%)	(9%)	(44%)
HWU English	2,348 (34%)	79,056 (33%)	7,872 (47%)	745 (70%)	90,121 (34%)
HBU	130 (2%)	25,496 (11%)	98 (1%)	120 (13%)	25,844 (10%)
UNISA	104 (1%)	30,070 (13%)	N/A	N/A (12%)	30,174
<b>TOTAL</b>	7,111 <b>(100%)</b>	236,383 <b>(100%)</b>	N/A	N/A	N/A

Source: V. N. Vera in a paper presented at the National Conference of Black Political Scientists (NCOBPS) at Savannah State University, Savannah, Georgia, 6–10 March 1996.

Kandebele, Lebowa, KaNgwane, KwaZulu, Gazankulu, Quaqua, and a group consisting of black reserves or scheduled areas, and black-owned released areas or Trust-owned areas outside the homelands.<sup>15</sup> The basic notion underlying the creation of homelands and national states from the former South African reserves was that black South Africans could be denied equality within South Africa proper if they were citizens of their own ethnically defined states rather than the Republic of South Africa. The government also had two other objectives in promoting the Bantustan Strategy: to divide the population into smaller, more easily controlled units that would prelude the development of black unity; and to gain a modicum of international support by casting the policy as one of internal decolonization.<sup>16</sup> Conditions in the homelands were problematic from the beginning. Scarcity of land exacerbated poverty. Homeland unemployment was estimated at around 50%, with 80% of all households living below the generally accepted poverty line. A 1987 survey of rural Bantustan households, conducted by the private relief organization, Operation Hunger, found that 56.6% of all children were undernourished. Malnutrition in South Africa's rural areas, the study concluded, was worse than in many other countries in the region.<sup>17</sup> These were the conditions that the administration of President Mandela inherited.

## The Proposals for Land Reform

Nearly every political organization of any significance contributed to this important debate, either in general fash-

ion or concrete proposals. The National Party Leadership, the most powerful business organization, argued that any land reform, while involving a deracialization must nevertheless preserve the existing commercial agricultural sector and safeguard the existing (white) property rights.<sup>18</sup> This view, supported by the Inkatha Freedom Party led by Chief Gatsha Buthelezi, was advanced by the white minority regime in its March 1991 "White Paper" on land reform and by the Urban Foundation, a think tank and lobbying institution funded by major corporations and industrialists, in a September 1990 report entitled *Rural Development: Towards a New Framework*.<sup>19</sup> The Urban Foundation report revealed that without some measure of land reform, South Africa's large landholders might eventually confront much more drastic action by the country's millions of landless. The report stated that:

The current racially-divided system of rural development cannot continue into the future... In a context of black "land hunger" it is possible that people could [be] forced to illegally occupy other people's lands, thereby further complicating the already complex array of conflicting land claims.<sup>20</sup>

The report further asserted that the ultimate goal was to attain "a unified, national land market based on secure tenure for all."<sup>21</sup> The government "White Paper" stated along similar lines, "private ownership of land, including agricultural land, is a cornerstone of government policy."<sup>22</sup> With the creation of a land market open to all races, the Foundation ex-

pected to see the emergence of a new class of black farmers—but it hastened to add that “the entry of new farmers of all races into commercial agriculture need not displace existing efficient farmers.”<sup>23</sup> This was echoed by the Nationalist Party-led government, President De Klerk at a conference addressing white farmers: “I have committed myself to the position that landownership in South Africa will be organized on the basis of *kaart en transport* (full title deed) and private possession. It is an important principle that we dare not depart from... Your *kaart en transport* are safe.”<sup>24</sup> In contrast, the ANC Land Commission, established in 1990, identified three key aspects of a possible land reform program:

- (1) return of expropriated land to communities that had suffered from forced removals; (2) protection of occupation rights to prevent further evictions, a measure that would safeguard tenant families and farm workers currently living on white-owned farms, as well as those in the homeland areas threatened by betterment schemes; and (3) establishment of a mechanism, such as a Land Court, to evaluate competing claims to land.<sup>25</sup>

The ANC also called for a “program of affirmative action in regard to the acquisition of land for black people and in regard to supporting aspirant black producers.”<sup>26</sup> Yet, another black political organization, the Pan-Africanist Congress (PAC) called for the nationalization of all land, with compensation paid to former land-owners in the form of interest-bearing government bonds. Similarly, one of the progressive black groups, the Azanian People’s Organization (AZAPO), argued that “land distribution will have to be radical if it is to constructively and adequately address the problems facing the vast majority... It is clear that because land is the primary means of production, it belongs to the people and cannot become the property of individuals. Those using the land would pay rent to the national treasury.”<sup>27</sup> Indeed, individual freehold title, traditional communal tenure, and state ownership were all considered valid options, depending on the particular area’s history of land use and struggles for land rights, as well as the aspirations of those actually working the land.<sup>28</sup> But in the end, following the April 1994 electoral triumph of Mandela-led ANC, the market approach to land reform as advocated by the white minority and supported by the international community including the United States and its allies, was adopted as the most viable alternative. Therefore, due to internal and external constraints and in order to meet its negotiated constitutional obligation of “fair compensation” for white landholders, the ANC, upon assumption of power, turned to the World Bank for assistance. However, the Bank insisted that

most reforms in South Africa will occur as a result of redistribution and not restoration. Pointing to

examples such as Zimbabwe, where investor confidence has been reportedly affected by government interference in fixing land prices and designating zones for resettlement, the Bank argues for a market based land redistribution program in South Africa.<sup>29</sup>

That position of the Bank had contributed to the intransigence of the white minority farmers and made it difficult for the ANC to fulfill its promise of redistributing “30% of the agricultural land in 1999.”<sup>30</sup>

## The Problems of Land Reform

Land reform in South Africa consists of three major programs: land restitution, land redistribution, and the land tenure reform. While the programs are part of a broader land reform program, each of them is aimed at addressing certain specific problem of racial dispossession.

### Land Restitution

The Restitution of Land Rights Act of 1994 aims to “provide for the restitution of rights in land” of communities whose land was dispossessed “for the purpose of furthering the objects of any racially based discriminatory law.”<sup>31</sup> The restitution is to be achieved through the establishment of a Commission on Restitution of Land Rights and a Land Claims Court. The Land Claims Court is empowered to determine cases of restitution as well as the payment of compensation. The Court is also empowered to determine the form of land title under which restituted land will be held and to adjust the nature of the right previously held by the claimant. It may also order the state to expropriate land to restore land rights to a claimant. In such cases, the owner of such land will be “entitled” to the payment of just and equitable compensation determined either by agreement or by the Court according to the principles laid down in section 28(3) of the Constitution.<sup>32</sup> The 1994 Restitution of Land Rights Act is also supposed to open up space for some individuals, groups, and communities to reclaim land from which they were forcibly removed. The restitution package offers other outcomes, however, and can lead to the following: (1) restoration of the land from which claimants were dispossessed; (2) provision of alternative land; (3) payment of compensation; (4) alternative relief excluding a package containing a combination of the above, sharing of the land, or special budgetary assistance such as services and infrastructure development where claimants presently live; or (5) priority access to state resources in the allocation and development of housing and land in the appropriate development program.<sup>33</sup> However, a number of questions emerged around the practicalities of land claims, including the potential for their rapid resolution. Claims were to be lodged within three years from 1 May 1995, while a five-year period was provided for the Commission and Court

to finalize all claims, and ten years was provided for the implementation of Court orders. On the ground, people were demanding that they be given back their land now. There were concerns about the ability of the Department of Land Affairs to offer the "alternative relief" it promised in light of the huge numbers of claims pouring in. By early 1996, some 2,853 rural and 2,119 urban land claims had been lodged with the Commission on Restitution of Land Rights.<sup>34</sup> Restitution and land reform, more broadly, have been severely constrained by the provisions for compensation at market value. Serious concerns have been expressed about the entrenchment of property rights in the new constitution. The case of Mpumalanga (where blacks in the community were not able to purchase the land or provide proofs of land ownership) demonstrates that the conceptions which rural people have of land ownership and property rights throw much doubt on the property-rights clause. Most rural black people have rejected payment of compensation. This is clearly illustrated in the resolution on land restoration taken at the National Land Committee's Community Land Conference: "Communities who were forcibly removed should have their land and mineral rights returned immediately, unconditionally and at no cost to the community."<sup>35</sup>

The issue of land is very imperative in South Africa because over 60% of the black population live in the rural areas and many of the people are women. The situation raises the question of gender relations and access to land. As in the case of the majority of Sub-Saharan land tenure systems, women's access to land is tenuous and contingent upon husbands and/or male kin. The Land Claims Court is empowered to influence land rights on restituted land and to take steps to ensure that:

all the disposed members of the community concerned shall have access to the land or compensation in question, on a basis which is fair and non-discriminatory towards any person, including a woman and a tenant, and which ensures the accountability of the person who holds the land or compensation on behalf of the Community to the members of such a community.<sup>36</sup>

The ANC's Reconstruction and Development Program adopted as a post-apartheid development guideline for policy-makers and politicians all across South Africa's vast political horizon not only embodies the nondiscrimination of all South Africans but also recognizes the problems of black women's land rights. It states that: "institutions, practices and laws that discriminate against women's access to land must be reviewed and brought in line with national policy. In particular, tenure and matrimonial laws must be revised appropriately."<sup>37</sup> While the policy is commendable, it must be pointed out that black women cannot be guaranteed their rights through legislation or policy alone; they can only realize their rights to land through organizations aimed at ending their oppression. No such organizations

presently exist.

Land rights are fundamental to an understanding of black women's oppression in the South African countryside. The evolution of customary tenure from colonial times to the present has meant that land is allocated to only heads of household through the practice of owing allegiance to chiefs whose eldest sons are the major beneficiaries. Conditions also exist for the judiciary to intersect with customary legal processes affecting land in order to contest gender discrimination. The most unfortunate thing about gender discrimination is that more than 50% of the population of South Africa are women, and the majority of them are poor black women residing in the suburban and rural areas as squatters.

Participation by institutions or organizations for reforms can be effective if they are developed at the grassroots. This can be achieved through mobilization and organization of social forces. Although the ANC has been sensitive to women's issues and guaranteed 30% representation for women on its parliamentary lists, it has not mobilized grassroots organizations for women.<sup>38</sup> Perhaps, the fact that women have significant representation in the parliament may have drained the women's movement of some of its most dynamic leadership. As ANC's Member of Parliament, Jenny Schreiner, has aptly put it:

Part of our problem is that we have failed to take gender into the mainstream of politics. (That voice) has been replaced by strong women's lobbies and voices heard at the policy-making level, which means we are empowering each other instead of women at the grassroots. It's elitist.<sup>39</sup>

Indeed, one of the challenges of the "new democratic" dispensation in South Africa is how to overcome this elitist tendency and mount an organized onslaught on gendered access to land. It seems that this can only be accomplished through a mobilization of forces at the grassroots level. With 70% of poor people in South Africa residing in rural areas, improving agricultural productivity becomes crucial though not necessarily a sufficient condition for the eradication of rural poverty. Nonetheless, smallholder agriculture is paramount to employment, human welfare, and political stability. Furthermore, as Eicher and Rukuni have suggested, "smallholder agriculture can moderate the rural exodus, create growth linkages and enlarge the market for industrial goods."<sup>40</sup> Therefore, the necessity to make land available for smallholder farmers is a *prima facie* of any rural development. And the need to include not just black men but also black women who have been tilling the land in the transformation is paramount.

## Land Redistribution

The stated purpose of the Land Redistribution Program is to provide the poor with access to land for residential and productive uses in order to improve their income and qual-

ity of life. This program focuses attention on the poor, labor tenants, farm workers, women, and emergent farmers. The program is based on government assistance to the aforementioned categories of people to access land. It is based on a willing buyer and a willing seller. The government provides the eligible categories of people monetary grants to purchase land. These people are expected to pool together their grant money to purchase land jointly. The “pooling together” is a consequence of the grant being small and the land not available in small parcels. The major concern of the program is on productive use of land as reflected in the requirements for business plans. The grant money can also be used to foot the start-up costs for productive projects and infrastructure programs. The amount of grant available to eligible people was fixed at R16000.00 (approximately US \$1,600.00).<sup>41</sup>

The program for Land Redistribution obtains its mandate from section 25(5) of the Constitution of the Republic of South Africa. Much of the roughly 73% of the land controlled by the white minority is supposed to be redistributed under the scheme which merely offers a possibility but certainly not a realistic approach. Redistribution of land through the market is problematic in two ways: it ignores the lack of purchasing power of blacks and more importantly, it is a blatant disregard for history because blacks are essentially asked to buy back what had been wrestled from them by force. The land market approach also overlooks another fundamental tenet of “property rights” law in South Africa that had historically been applied with double standards. In fact, the existing white title deeds are:

the result of a system of property law which prohibited blacks from buying land, leasing land, or protecting what land they had. Property law legal-

ized forced removals, farm evictions, and the expropriation of land in the public interest. Political considerations of race have overridden the sanctity of private property for decades.<sup>42</sup>

Another problem of the market approach to land is that it creates an opening for only a small minority of blacks, leaving the majority land-hungry, and if that class of small black farmers becomes established entrepreneurs, they would soon develop a stake in the system and serve as a buffer against popular demands for a more sweeping redistribution.

Although land redistribution is preached by the ANC, the record of land redistribution by the black majority government is abysmal. Table VIII—Transferred Projects, 1994–97—shows that little progress has been made regarding land redistribution since the Land Reform Pilot Program aimed at developing equitable and sustainable mechanisms of land redistribution in rural areas was launched in 1994. The table also shows that out of the nine regions in South Africa, the government made little progress in terms of land redistribution in the KwaZulu-Natal (9.22 hectares per beneficiary household) and Northern Cape (34.76 per beneficiary household). The relatively successful land redistribution effort in KwaZulu-Natal region is not surprising given the fact that the area is predominantly inhabited by Zulus, the foremost ethnic group in South Africa. But looking at the total land transferred since 1994, the figure is a disappointingly low.

Table IX—Rural Immovable Land Transfers Between 1994–97—illustrates this disappointment. The table shows that the total land redistribution transfer to date is roughly 1.3%. Since redistribution is the major aspect of the land reform program, it is reasonable to say that the land reform program is far from achieving its target of redistributing 30% of the total available farmland promised by the black

**TABLE VIII**  
**Transferred Projects, 1994–97**

Province	Hectares	Projects	Households	Hectare	Hectares
Eastern Cape	6,214.95	9	3,198	690.55	1.94
Free State	13,649.17	19	1,217	719.38	11.22
Gauteng	247.00	4	3,383	61.75	0.07
KwaZulu-Natal	47,202.00	28	5,118	1,685.79	9.22
Mpumalanga	17,432.24	12	3,487	1,452.69	5.00
North Cape	71,643.11	7	2,061	10,234.73	34.76
Northern Province	3,477.32	4	500	869.33	6.76
Northwest	973.12	3	918	334.37	1.06
Western Cape	643.41	2	344	321.21	1.87
<b>South Africa</b>	<b>161,317.85</b>	<b>88</b>	<b>16,918</b>	<b>1,833.16</b>	<b>9.54</b>

Source: Monitoring and Evaluation Unit, Department of Land Affairs, South Africa, 2000.

**TABLE IX**  
**Rural Immovable Land Transfers Between 1994–97**

	Number of Transfers	Area (ha)	Average Area per Transfer (ha)
Private Transfers	28,748 (99.7)	14,725,733 (98.9)	512.2
Redistribution Transfer	88 (0.3)	162,317 (1.1)	1,833.2
All Transfers	28,836	14,888,090	516.3

Source: Central Statistics Services, Transfers of Rural Immovable Properties, 2000.

majority rule under the ANC leadership. If the present trend continues, it will take over thirty years for the government to achieve its goal. It is unreasonable to expect the dispossessed blacks who had endured many decades of oppression and exploitation in South Africa to wait any longer.

The sentiments expressed by members of the Transvaal Rural Action Group (TRAG) at a meeting held in Soweto are typical of the view held by many of the people who are expected to benefit from the land redistribution exercise.

When talking about land, we must remember that the land was taken from the black people—300 years of dispossession have left us without land... [The government says we should have a free market, that we have to buy land. Why should we buy the land which was stolen from us in the first place?]

Apartheid has made us poor and we cannot afford to buy the land. The government must give us back the land. What we demand is that the government must give land back to the people, all the people, not just a few rich [black] people.<sup>43</sup>

This is the sort of backdrop against which current problem of land redistribution should be viewed. As a consequence of the government's inability to meet the demands of the dispossessed landless through the market system, increasing number of homeless black people who are left with no other choice are invading any unoccupied land. The most notable case was the Bredell Land invasion. In July 2001, the ANC government failed its first major test by using force to disperse the squatters,<sup>44</sup> many of whom voted for the party in the hope of a new lease of life after apartheid. Ironically, the ANC government, now under President Thabo Mbeki leadership, responded the same way that the white minority regime under apartheid system would have responded without providing an alternative to the squatters. In a face saving move, the ANC government, still unable to grasp the frustration and anger of the people, blamed the Pan-Africanist Congress (PAC) for inciting the homeless to invade land. This is absurd and irresponsible! What are the

other choices if the "willing seller" of land is not willing to sell or if the "willing buyer" of land does not have the purchasing power to do so? As Cyril Ramaphosa, ANC Secretary-General and Chief Political Negotiator, has noted at a conference in Johannesburg on land distribution option:

Most of us in the leadership have an urban bias. We belong to the towns and have a deep sense of involvement with the urgent problems of the cities. The land question appears so difficult, so laden with emotion, so ridden with layers of competing interests, that we wait for a more convenient time to deal with it.<sup>45</sup>

Against this backdrop it is easy to see why the ANC government has not done much to redistribute land to the vastly poverty-stricken, rural residents, many of whom depend on subsistence farming to sustain themselves. The government cannot be sluggish on the issue of land for such inaction will lead to Zimbabwe being revisited. Already, South Africa has now countless squatter camps including Mandela, Winnie Mandela, Slovo Park and Chris Hani Camps.<sup>46</sup> While the homeless seek for refuge in squatter camps as a temporary measure, this cannot be a long term solution. It is the responsibility of the government to provide the basic necessities of life including shelter to the dispossessed people.

## Land Tenure

Land tenure is defined as the terms and conditions on which land is held, used and transacted, or transmitted. Tenure reform is a planned change in the terms and conditions under which people hold, use, and transact land.<sup>47</sup> Tenure reform deals with people who currently occupy and use the land and all other conditions related to that. To this extent it is different from both land redistribution and land restitution. It is dynamic and is impacted upon by a number of factors including population pressures, changes in the economy, and commercialization of agriculture.

The current focus of tenure reform is the extension of security of tenure to people and communities who occupy and use land in the communal areas. Although attempts at tenure reform began before the advent of the new political

dispensation, there was a problem with its fixation on the individualism of tenure in communal areas. The ill-conceived approach would have led to enormous social dislocation on communal land. The current measure is contained in the Constitution of the Republic of South Africa in section 26(6) which provides that “a person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled to the extent provided an Act of Parliament, either to tenure which is legally secure or to comparable redress.”<sup>48</sup> Most of the land that the people in communal areas occupy and use is registered in the name of the state. This is a legacy of colonial past wherein most land occupied by black people was designated as Crown land. It has since then, in terms of various proclamations and practices, been recognized and understood to belong to the successors in title of the British Crown that is now the South African State. The bulk of communal land is in areas which were set aside for black people in terms of the 1913 and 1936 Land Acts; it comprises just 13% of the South African land surface.<sup>49</sup> Under the Land Acts, black people were not allowed to own or have the land registered in their own names. They could only hold land in terms of weak forms of tenure that were legally insecure. The land in these areas was registered as being “held in trust” for specific ethnic groups.

The case of “betterment planning” which was hailed as the savior of rural development and meant to introduce development in communal areas left feelings of bitterness and resentment. The “betterment planning” which was a major project under the apartheid regime was the major cause of land dispossession and poverty in the rural South Africa today. In fact, the policy of forced removals and clearing of “black spots” not only generated bitterness and resentment on the part of those forcibly removed, but also brought a sense of insecurity for those on whose land the evictees were settled. Such was the case of black people in Doornkop who were uprooted from their ancestral homes and dumped in often-barren reserves designated as “tribal homelands” by successive white minority settler governments between 1961 and 1980. Under the Land Tenure Reform, the destitute and dispossessed blacks are now asked to show proof of land ownership so that they can legally reclaim their land. Unfortunately, most of them did not have title of deeds and, even if they had the title of ownership, the documentation had been destroyed as a result of forced removals. Besides the “black spots” and “betterment planning,” there were also a number of other forced removals in several different categories including homeland consolidation (removals which took place in the course of extending or altering the boundaries of the homelands). Blacks were evicted from white farms, especially after a change of ownership. Claimants under these categories of land reform are having little success in seeking restoration or compensation for land expropriated decades ago. In view of the lack of funds to pursue claims and the inability of the government to render meaningful assistance to the claimants, the majority of the aggrieved never get to court. In some cases claimants have to

rely on the help of the overstretched non-governmental organizations. Only a handful of black people who were forcibly removed can go into business, have the money, clout or know-how to press their claims. The majority black government, however, has power to restore the lands to their rightful owners. It was the state power that was used to dispossess the land from the blacks; therefore, only the state machinery is necessary for the remedy.

The land reform problem is further exacerbated by the fact that the system of land administration has tended to collapse in most areas. In some cases, records can no longer be traced, and in other cases, the records are no longer maintained and updated. This makes it difficult to have accurate statistical data as to the number of claims settled under the land tenure reform.

## Conclusion

We have attempted to present the problems of reforming education and redistribution of land with the concomitant politics extant in post-apartheid South Africa. We must admit that the task of attempting to analyze the various processes which enter into transforming an educational system vis-à-vis land redistribution characterized by disproportionate dominance by the minority whites has been, and remains, a daunting one. How do you correct the legacy of benign neglect in the past when facing resistance from the economically well-established white elites? More importantly, how can meaningful changes be made through the negotiated settlement that established a Constitution that adheres to a market mechanism for both the transformation of education and the redistribution of land? The Constitution sets the parameters in which all the key actors function.

There is little evidence that the ANC, since its electoral triumphs, has been able to transform its radical view during the process of national liberation into practical realities. Implementations of policies have been met with constitutional, local, and global constraints. The World Bank’s argument for a market based land redistribution program as a condition for lending money to the majority government enhances the bargaining power of the white farmers and thereby making it difficult for any effective land redistribution under the existing policy. More and more people are losing hope that the ANC will ever deliver on its promise to give land to the masses. Consequently, people are taking the initiative to find land themselves. While one does not want to condone this action, it is entirely understandable that people are angry and frustrated. What then can be done?

Two steps are recommended for the ANC government to take in order to redistribute land without further delay.

- The constitutional constraint of market approach to land redistribution can be overcome by imposing reasonable taxation on rural immovable properties.
- Revenues generated from the taxation on rural immovable properties can be used to assist the dispossessed landless people to pursue their land claims.

If that fails, the other viable option left for the government is the expropriation of land. The aim of land reform is to create a stable and fair system of property rights. It cannot achieve this by allowing a minority to continue to control over 70% of the land while the majority is left with less than 30%. The problem of overcrowding, as well as overlapping rights, must be dealt with squarely. As the United Democratic Movement succinctly puts it: "The homeless and destitute of South Africa have for far too long been marginalized."<sup>50</sup> As Petros Nkosi, a rural community leader in the Southeastern Transvaal, conclusively affirms:

The land is our whole lives, we plough it for food, we build our homes from the soil, we live on it and we are buried in it. When the whites took our land away from us we lost the dignity of our lives. We could no longer feed our children. We were forced to be servants, we are treated like animals.... In everything we do we must remember that there is only one aim and one solution and that is the land, the soil, our world.<sup>51</sup>

Nkosi understands that land is the most important factor of production. Everything we do takes place on the land. It is as important as education, if not more.

While recognizing that some changes have been made on the contentious issue of education by the ANC government, we believe that the government has not gone far enough in the transformation process. Under the apartheid white minority government, we must remember that education was free and compulsory for whites and white schools received well-funded state grants and subsidies. Therefore, reductions in budget deficits must not now be accomplished at the expense of the social sector, particularly in the area of education. Efforts must be made to ensure that a large portion of the total government outlays is devoted to the social sector. To bridge the gaps between the education of whites and blacks, we recommend the following:

- Free education should not be limited to the age of sixteen, but should include institutions of higher learning.
- The government should provide scholarships, fellowships and very limited repayable loans to students in higher education on the basis of financial needs.

The apartheid system was the most brutal form of exploitation and oppression found anywhere in the world. Its legacy is still being felt daily by millions of black workers throughout South Africa who are living as squatters in shacks in suburban areas, traveling long distances, paid starvation wages and denied their legal rights to reclaim the land of their ancestors. There are also millions of people who are homeless and jobless. Yet, the enormous wealth produced by black labor is still being used under the black majority rule to prop up privileges of a white minority who live in a lifestyle unequalled anywhere in the world. That cannot be allowed to continue.

Constitutionally, there is generally a paradigm shift in South Africa. The overt discriminatory aspects of the apartheid system have been dismantled, and continue to be eradicated, but the covert aspects of the nefarious system remain very much intact. The ANC government is still engaged in politics of symbol. The reliance on symbolism in galvanizing or mobilizing support against the evils of apartheid system worked well during the national liberation process; however, the ongoing rhetoric about change, even in the face of demonstrated setbacks (as in the cases of educational deficiencies and landlessness of black majority) is a recipe for a chain of reactions the end of which no one can predict. This is why the ANC government must seriously address the concerns of the marginalized South Africans by shifting away, not just superficially, from the old paradigm of disempowering, close, discriminatory and fragmented South Africa to a society that is democratic, open, empowering and integrated.

More than anything else, educational opportunities for all and land redistribution are still the most pressing needs of the black population in South Africa. The problems of joblessness and homelessness are accentuated by the lack of educational skills caused by the infamous apartheid system. Land seizure by squatters and even attacks against white farmers reminiscent of Zimbabwe are already occurring. But the ANC government can avert the situation if the will to act is there. Is there the will to act? It remains to be seen!

## Endnotes

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