WHITE FARMS, BLACK CLAIMS

By Rob Nixon

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“Awaking on Friday morning, June 20, 1913, the South African Native found himself, not actually a slave, but a pariah in the land of his birth.”

Thus Solomon Tshekisho Plaatje, a founder of the African National Congress, began his book “Native Life in South Africa,” an outcry against one of the most harrowing laws ever inflicted on black South Africans. The 1913 Land Act prevented them from owning any land outside a few arid, worthless parcels. With the stroke of a governmental pen, about 90 percent of the country was cordoned off for whites alone.

Eighty-one years later, the land question has lost none of its urgency. Before the next presidential election, in 1999, President Nelson Mandela will be under immense pressure to address the land hunger of black South Africans.

It is no coincidence that the A.N.C. won by the widest electoral margins in the Northern Transvaal, the Eastern Cape and the Northwest -- the three regions that suffered most from the territorial plunder of the Bantustan system, which, after 1960, saw the segregation and forced resettlement of black South Africans into 10 ethnic reserves. In such places, as one land rights activist said earlier this year, “we have seen our land dry up and blow away in the wind, because we have been forced into smaller and smaller places.”

The new Government will take a first step toward land reform in the coming months, when it is expected to introduce a bill in Parliament establishing a Land Claims Court. The court, which could convene by the end of the year, will embark on the gargantuan labor of weighing black South Africans’ claims on land seized under the 1913 Act and subsequent laws up until the 1980’s.

Some groups, notably the Pan Africanist Congress, are critical of the A.N.C.’s refusal to review land seizures prior to 1913. The P.A.C. maintains that any property held by white settlers since their forebears docked at Cape Town in 1652 should be available for reclamation. Such a policy would suck the courts into a 440-year quicksand of often undocumented claims, not least among rival black claimants, over territory that has changed hands over the centuries.

The P.A.C.’s failure to gain more than 1.7 percent of the vote during the elections suggests little popular support for such rarefied idealism. Nevertheless the Government will have to act promptly. Otherwise, it risks the likelihood that communities will tire of waiting and take matters into their own hands.

This is precisely what the Mfengu tribe did last year. Since 1841, the Mfengu had worked a strip of Eastern Cape farmland, granted to them by the British colonial Government in appreciation for their support during a territorial war against the Xhosa people. Then, in 1977, soldiers arrived with clubs, guns and armored trucks: the regime had decreed the Mfengu territory to be a “black spot” that had to be removed. The Mfengu were dumped in a desolate bantustan, and their land sold to white farmers.

Since 1960, millions of South Africans have been similarly dispossessed. What is remarkable about the Mfengu case, however, is the way the conflict has been resolved.

After all their appeals fell on deaf ears, a Mfengu delegation returned to the Eastern Cape last year and occupied some property adjoining their old farms. Several of the white farmers heard their story and sympathized with their appeal for restitution. F. W. De Klerk’s Government was pressured to buy back 19 of the original Mfengu farms and return them to their rightful owners. The white farmers and black claimants then brokered a remarkable agreement whereby the whites could continue to farm, but as paying tenants of the black landowners.

The amicable resolution of the Mfengu land claim is momentous: it gives substance to Mr. Mandela’s vision of a conciliatory “rainbow” South Africa. But does it foreshadow similar accords nationwide?

A property rights clause in South Africa’s interim constitution insures that land cannot be expropriated without “just and equitable” compensation. In the Mfengu case, this amount was judged to be $1.1 million. If that
rate of compensation to white farmers were maintained elsewhere, decisions handed down by the Land Claims Court would quickly bankrupt the new Government.

This is one reason the restitution of territory seized under apartheid will have to be complemented by other measures. The National Land Committee, a grassroots organization made up of representatives from all over South Africa, has suggested a number of alternative strategies. Surplus Government-owned property, it argues, should be redistributed among prospective black farmers; unfair subsidies to white farmers should be ended and limits should be placed on the number of farms an individual can own and on the retention of undeveloped land for speculative purposes. The committee also advocates insuring that black South Africans have to the kind of bank loans and local government support that they have been historically denied, and has called for new laws to guarantee the rights of tenant farmers and laborers. The urgency of this issue was brought home to me as I traveled through the rural Western Cape after the elections. In several cases, I found that white farmers had sacked and banished laborers from their property after learning they had voted for the A.N.C.

There are economic as well as political reasons for the new Government to address South Africa’s skewed land ownership sooner rather than later. In a 1993 report, the World Bank observed that the large white-owned farms that predominated under apartheid were often inefficient and that small-scale operations could prove far more viable. It concluded that more flexibility could stimulate more jobs and higher income, slowing the tide of squatters encircling the cities.

Settling post-1913 land claims will prove exacting: since 1960 alone, 3.5 million blacks have been forcibly resettled on the grounds that they constituted “surplus population,” or were “idle,” “alien” or “unassimilable.” It is often overlooked that most of those affected have been women. Black women make up the bulk of the rural population, and have been the principal tillers and harvesters in their communities. The democratizing of land ownership will remain profoundly compromised if traditional laws that often make it impossible for women to acquire or inherit property are not revised.

For a time, the A.N.C. can live off the great store of good will that is the fruit of its electoral success and of Nelson Mandela’s irreproachable statesmanship. But despite its margin of victory, the A.N.C. finds itself in a Government of national unity with opponents from Mr. De Klerk’s party and Inkatha, who have constitutionally secured Cabinet posts. Thus the A.N.C.’s new Minister of Land Affairs will have to strike a truce with a Minister of Agriculture who is a holdover from the old order.

This suggests that the A.N.C.’s ambition of redistributing 30 percent of all South Africa’s farmland by 1999 will be exceedingly hard to achieve. But the new Government would be ill advised to let the land question slip too far down its agenda. As the peasant uprisings in Mexico have shown, too little land reform too late can rouse visceral passions and leave a legacy of lingering unrest.