LET’S TALK

LAND REFORM
UMRABULO was a word used to inspire political discussion and debate on Robben Island. This concept was revived in 1996 when the ANC published the first edition of Umrabulo. The journal's mission is to encourage debate and rigorous discussions at all levels of the movement.

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The South African land question has not been fully resolved. Various measures have been undertaken since 1994 to deal with redistribution and restitution – and broader land reform, agriculture and agro-processing – but this has not had much impact. The resolution of the ANC’s 54th National Conference on land unleased one of the biggest political economy debates since 1994. This should be welcomed. It has generated a vibrant debate throughout society. Over 1.1 million written and oral submissions have been submitted to Parliament’s Constitutional Review Committee during the public hearings held across the country.

The importance of radical land reform cannot be overemphasised. As President Ramaphosa said at the opening of the ANC National Land Workshop held on 19 May 2018: “From its formation, the African National Congress has fought for the return of land to its rightful owners. It has fought for the wealth of the country to be shared, and for the rights of all its people to be shared equally and universally respected. We are meeting here to give effect to the demand that was articulated by our forbears that the land shall be shared amongst those who work it.” The edited extract of President Ramaphosa’s opening address to the ANC Land Workshop is also published in this Umrabulo edition.

The resolution of this great historical injustice is linked to central issues facing our country, namely: nation-building, identity, culture, heritage and economic development. The resolution is also about those who need land for productive purposes and to advance the struggle to change the persisting apartheid geography. It also speaks to the release of the economic and social value of land for productive use and a secure place to live. Critically, it also speaks to matters of asset inequality, poverty reduction and food security.

The ANC’s resolution on land expropriation without compensation is one of the key mechanisms to provide answers to the unresolved land question. There is consensus within the democratic movement that amending the “property clause” in the Constitution is an integral part to accelerate radical land reform. What other specific mechanisms do we need for redistribution, restitution and tenure reform? Which land and whose land should be targeted for expropriation; and for what purposes? What should be the role of the state? Contributions in this Umrabulo reflect on these questions.

In ‘Land and agrarian reform’, Ronald Lamola argues that the principles of justice and equity should be used to expropriate land without compensation. In ‘Why we need land redistribution’, Tembeka Ngcukaitobi argues that only unutilised land should be expropriated. Joel Netshitenzhe writes about how communal land can be democratised.

There have been arguments that expropriation of land without compensation will lead to economic disaster and disruption of agriculture. On the contrary, writes David Masondo in ‘Land expropriation as a means to boost agriculture and food security’, properly done land expropriation can create conditions for economic growth and development. Donna Hornby takes it further in ‘Why farm dwellers should benefit from land expropriated without compensation’, where she argues that parts of commercial farms should be redistributed to farm dwellers for their independent livelihoods. David Masondo further writes in ‘A Movement Singing in Harmony’ that without the unity of the ANC and the people, uncompensated land expropriation as part of the radical socio-economic transformation will be impossible.

On the international front, Khulu Mbatha writes that BRICS is an important platform creating a just world order.
From its formation, the ANC has fought for the return of the land to its rightful owners. It has fought for the wealth of the country to be shared and for the rights of all its people to be equally and universally respected. We are giving dedicated attention to the fundamental task of land reform because the resolution of the land question in South Africa is central to the achievement of a National Democratic Society.

Without the redistribution of land, we will not build a united South Africa. Without the recognition of the property rights of all our people, we will not overcome inequality. Without giving the poor the means to productively farm the land, we will not defeat poverty.

By addressing the land question, we are engaged in an effort to undo a grave historical injustice. There is a strong moral imperative that drives this effort. There is a political imperative, which is rooted in the formation of the ANC, which extends through successive electoral mandates, and which most recently finds expression in the resolutions of the ANC’s 54th National Conference.

There is a clear social imperative to the issue of land. To our people — indeed to all people — land is about dignity, identity, security. It is intimately linked to the preservation of culture and heritage, a bridge between the past and the present. We are engaged in this great effort to heal the wounds of the past.

At the same time, we are driven also by an economic imperative. For all its historical, social and political meaning, land is fundamentally an economic resource. And like all other economic resources in this country, it has historically been employed to serve the interests of a narrow section of society.

From the days of colonial conquest, the South African economy has been designed to underperform. The country’s assets — its land, its minerals, its human resources, its enterprises — have been owned, controlled and managed in a way that has prevented the extraction of their full value. For as long as ownership, control and management are concentrated in the hands of a few — and serve the interests of a few — South Africa will not be able to realise the potential of its economic assets.

By restricting the ownership of land to the white
and the wealthy, and by excluding the black and poor majority, the apartheid regime ensured that one the country’s most valuable economic resources would be severely under-utilised. To have placed 87% of the land into ownership hands of a white minority and only 13% being made available to the black majority was a clear act that was meant to stunt the economic prospects of the country.

As a consequence, the South African economy has been stunted and its development held back over centuries. A central part of our historic responsibility is to unlock the economic and social potential of this vital national resource. When you return land to those who were forcibly dispossessed of their land, you unlock its economic value. This will give practical effect to what the African National Congress has committed itself to – radical socio-economic transformation. When you secure the rights of labour tenants to the land which they have occupied for generations and when you provide support, training and finance to emerging farmers, you unlock the economic value of that land. The same is true when you allocate land close to urban centres for housing for the poor; and when you provide our people with serviced sites and the title deeds to their homes.

As you do so, you also unlock the economic potential of all our people. The dividend that will flow from this will be increased investment, job creation and economic growth.

At the ANC’s 54th National Conference, we took the historic decision that expropriation of land without compensation should be among the key mechanisms available to government to give effect to land reform and redistribution. We need to determine how we use this mechanism most effectively to advance land reform, promote agricultural production, reduce poverty, create employment and enhance food security. This requires a critical appraisal of our land reform programme to date.

It requires that we reflect critically and honestly on the impact of the transformative legislation that we have enacted and the progressive programmes that we have implemented over the last 24 years.

We must measure the progress we have made against the tasks we set ourselves in the Ready to Govern document, where we said: “Our policies must provide access to land both as a productive resource and to ensure that all our citizens have a secure place to live. The crippling impact of past policies demands the urgent implementation of a national programme of land reform and redistribution. At the same time, we must take account of the need to maintain food supplies and to provide equitable and orderly procedures so as to ensure that the transition is as smooth as possible.”

The report of the High Level Panel chaired by former President Kgalema Motlanthe has done impressive work in identifying some of the key challenges in the implementation of our policies. It is critical that we attend to the problems that the Panel has identified and that have emerged from the deliberations at our 54th National Conference and elsewhere.

We need to acknowledge that the lack of progress in land reform can be attributed to a great extent...
to weaknesses in the institutions responsible for effecting our polices, to inconsistencies in legislation, to misguided interventions and to a misallocation of resources. In its report, the High Level Panel refers, for example, to a “total systems failure” that has prevented effective implementation of legislation to protect the rights of farm dwellers.

We need to pay attention to other challenges, such as corruption and mismanagement, dysfunctional community property associations, the ongoing evictions of labour tenants, and the inadequacy of support to beneficiaries of land redistribution. Our responsibility is to ensure that we have a comprehensive, coherent and sustainable programme for land reform, agrarian reform and spatial inequality. It means that we need to explore all options for meaningful restitution, redistribution and tenure reform.

There is no one single solution to the land question. It requires a range of interventions, addressing a diversity of needs, across a wide range of circumstances, yet held together by an overarching framework for land reform. We need to study the experiences of other countries that have used land reform effectively to address poverty and inequality. We must assess our own innovative efforts, such as the 50/50 model, where established farmers enter into a joint venture with farm workers. We must explore the approach suggested by some large landowners, such as forestry companies, that have said that they would gladly give land away if agreements can be reached on the extraction and utilisation of the resources the land produces.

Critically, we must give attention to the support that needs to be provided to beneficiaries of land redistribution. We must develop clear programmes for the provision of financing, training, market access, irrigation, seeds, fertilizer and equipment that contribute to the sustainability of emerging agricultural enterprises.

The decision of the 54th National Conference to use expropriation without compensation as a mechanism for land reform has ignited a vibrant and exciting debate within society. This debate presents an opportunity for a new, reinvigorated drive for meaningful and sustainable land reform. It is also an opportunity to assert the transformational intent of our Constitution and to recognise that the property clause in the Bill of Rights is a mandate for radical transformation.

As we said in the National Assembly: “The property clause was never constructed for the purpose of retaining existing property relations. It is a transformative instrument, constructed to facilitate the lawful transfer of land and property to South Africans who had been deprived of land through colonial and apartheid policies. It is our collective responsibility to use these provisions of the Constitution more effectively and more directly to drive land reform with greater urgency and purpose.”

We have been given an historic opportunity to resolve, once and for all, the land question in South Africa. Let us seize this moment.

CYRIL RAMAPHOSA is the President of the ANC. This is an edited extract of his opening address to the ANC Land Workshop, 19 May 2018.
The land shall be shared

The land question is about how large-scale redistribution of land can provide redress for centuries of dispossession while contributing to the economy and reducing poverty. This is the question to which the ANC’s land reform policies are responding. In this article, we traverse the road travelled since 1994 and point out successes and failures and propose key interventions.

The ANC policy on land is a direct response to land dispossession and derives its roots from the communal land ownership of the indigenous people. As Julius Nyerere, the founding President of Tanzania, said: “To us in Africa land was always recognised as belonging to the community.” [Nyerere 1968] The land question is therefore not only an agrarian issue, but also a critical social issue.

In South Africa, unlike in other countries where peasants were the obvious beneficiaries of land reform, it is not clear who should be the primary beneficiaries of land reform due to the history of land dispossession and colonial conquest. Among those who should benefit are the rural and urban poor; women, farm dwellers, rural and urban entrepreneurs and a new class of African commercial farmer, among others. The democratic government has tried to attend to this question through legislation around tenure.

Land dispossession and mining

The ANC was formed in 1912 in response to dispossession of the land of the indigenous people. The formation of the ANC was a response to the Glen Grey Act of 1894. The provisions of the Glen Grey Act compelling Africans to become wage labourers
were incorporated into the Natives Land Act of 1913. This Act forbade Africans from buying and owning land outside the 7% of land that was reserved for their occupation.

The foundation for racial discrimination was laid by the first regulations laws governing the circumstances under which Crown lands would be leased for mineral prospecting. The regulations did not recognise the rights of the local Khoi and Nama people, who had a semi-nomadic existence in Namaqualand for centuries. The introduction of these regulations denied them access to areas with good grazing land and water supplies where prospecting and mining activities were being conducted without due compensation. This was the beginning of the exclusion of communities affected by mining. It laid the foundation for deep-rooted inequality in South Africa, which was facilitated by the dispossession of land, the levying of land taxes and the reservation of higher paid jobs for white workers by colonial and apartheid administrations.

When introducing the Glen Grey Act, Cecil John Rhodes made the argument for a hut tax to obtain labour for the mines as follows: “You will remove them, the natives, from the life of sloth and laziness, you will teach them the dignity of labour, and make them contribute to the prosperity of the state and give them some good return for our wise and good government.”

As a result of land dispossession, the majority of South Africans were converted into wage labourers. Forced seizure of land led to the disintegration of the African social and economic fabric.

The Natives Land Act of 1913 has resulted in what has been called a country of two economies – a developed core that is well connected to the international economy and a periphery of informal urban settlements and rural areas. The latter are characterised by weak local economies, low-wage, casual and seasonal work, low-income self-employment and hunger. Harold Wolpe argues that the development of mining capital in South Africa was inextricably linked with reserves and the so-called subsistence and informal economy. All land dispossession policies by the colonial administration were aimed to aid mining and the distorted industrialisation that followed.

**Evolution of ANC land policy**

The ANC policy on land has evolved from the beginning of our movement through, among other key policy perspectives, the 1923 ANC Bill of Rights, the 1943 Africans’ Claims, the 1955 Freedom Charter, the 1991 Constitutional Guidelines and the 1993 Ready to Govern document developed on the eve of the ANC’s assumption of state power. From its founding, the ANC was committed to the struggle for the return of the land of Africans taken through colonialism, as exemplified by the following revolutionary proclamations from the 1923 Bill of Rights: “That the Bantu inhabitants of the Union have, as human beings, the indisputable right to a place of abode in this land of their fathers (and mothers).” It further said that “all Africans have, as the sons (and daughters) of this soil, the God-given right to unrestricted ownership of land in this, the land of their birth”. Consistent throughout the evolution of policy was the appreciation that the land question was a key pillar of our national democratic struggle.

The Freedom Charter, adopted in 1995, stated the following:

“The People Shall Share in the Country’s Wealth!
The national wealth of our country, the heritage of all South Africans, shall be restored to the people; The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole.”

“The Land Shall Be Shared Among Those Who Work It!
Restriction of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it, to banish famine and land hunger… All shall have the right to occupy land wherever they choose.”

On the eve of the 1994 democratic breakthrough, the Ready to Govern document stated:

“Property rights of the majority have been systematically ignored and violated by apartheid. A new system of just and secure property rights must be created, one which is regarded as legitimate by the whole population. Property rights should not be in conflict with the public interest.

“The taking of property shall be permissible according to law and in the public interest. Any such taking shall be subject to just compensation which shall be determined by establishing an equitable balance between the public interest and the interest of those affected and shall not be based solely on the market value of such property.

“Our policies must provide access to land both as a productive resource and to ensure that all our citizens have a secure place to live. Our approach to land issues must be placed in the context of our overall developmental strategy addressing problems of poverty, malnutrition, landlessness and unemployment. The major beneficiaries of affirmative action should be the landless, rural poor and women who have been deprived of rights to land through patriarchal system of land allocation and tenure.”

The emphasis of Ready to Govern is on land redistribution and it particularly targets vacant, unused and under-utilised state land suitable for residential and
It says:
“Other land to be made available for redistribution in the towns, countryside and bantustans should include:
• Land held for speculation
• Under-utilised land or unused land with a productive potential
• Land which is being degraded
• Hopelessly indebted land.
In addition, land acquired through nepotism and corruption will also be available for redistribution.”

Article 12 of the ANC’s ‘A Bill of Rights for a New South Africa’, in terms reminiscent of the Freedom Charter, said:
“The land, the waters and the sky and all the natural assets which they contain, are the common heritage of the people of South Africa who are equally entitled to their enjoyment and responsible for their conservation. The system of property rights in relation to the land shall take into account that is the country’s primary asset, the basis of life’s necessities, and a finite resource.”

The ANC's 54th National Conference contributed to this ongoing ANC policy development in its resolution to use, among other tools, expropriation of land without compensation to accelerate land redistribution.

The ANC has always viewed the land as a means of production that all South Africans should have access to. There can never be a non-racial society without economic equality.

**Land reform since the democratic break-through**

The ANC-led government has introduced various legislative instruments to drive land reform since 1994. It envisaged that 30% of the land would have been distributed to the people through land reform programmes by 2014. To date, less than 10% of the land has been redistributed or restituted.

*Figure 1* demonstrates that while government did not promulgate redistribution legislation as envisaged by Section 25(5) of the Constitution, government was able to redistribute more land through its land acquisition policy than the land restitution programme, which has enabling legislation and various institutions like the Land Claims Court and the Land Commission to support it.

By the lodgement deadline of 31 December 1998, 63,455 restitution claims had been lodged. Since government reopened for further claims in July 2014, over 160,000 new claims have been lodged. This number may increase by the time the period for new lodgements ends in July 2019. It is clear that these claims will not be settled during our lifetime. Experts have argued that to process these claims might take three to four generations. Therefore, if the ANC-led government is to distribute land at an expeditious pace, redistribution legislation must be promulgated as a matter of urgency. This will enable the government to satisfy the land hunger among the people in rural and urban areas with greater focus and determination. Redistribution can target productive commercial agricultural land and well-located urban land. Government will be able to assist to build a crop of emerging black farmers.

Government can correct apartheid spatial planning by using well-located urban land to bring black people next to their places of work in cities and towns. To this end, central spatial planning legislation needs to be promulgated to clearly define the purpose for which the land should be used. This should go hand in glove with a land use management framework. This will curb the tendency of building shopping centres and golf estates in productive or prime agricultural land.

The market-based purchase of land has slowed the process to acquire land and inflated the property market. It is also not justifiable as it is not a constitutional requirement. The principle of just and equitable as
defined by the Constitution does not mean market related prices. Many legal minds are of the view that the current constitutional framework provides for expropriation without compensation in certain defined circumstances through the provision of a law of general application, which could be a new Expropriation Act.

The just and equitable principle has not yet been tested by our courts. The ANC should therefore use the current constitutional review process to remove any ambiguity in this regard from the Constitution. Another factor that has hindered redistribution and restitution is that the state has given short term leases, of five years in some cases, to the beneficiaries, which is not commercially viable. The tenants are struggling to raise capital to farm due to the types of leases. For black farmers to succeed, the forms of ownership or access to land must take into consideration the nature of South African financial markets.

While women have proven to be the people who work the land, women were recipients of only 23% of redistributed or restituted land in the past 24 years. This anomaly has to be rectified going forward in all programmes of land reform. Land reform must be means tested and be given according to need; in this regard the empowerment of women should be a deliberate focus of the programme. It must not be a programme that falls prey to elite capture.

**Just and equitable compensation**

A new reinvigorated land reform programme should mean that market-related compensation shall not be used when acquiring land for restitution or redistribution purposes. Acquisition of land will be driven by principles of justice and equity, which will include zero compensation in cases specified by a law of general application. Existing policies on public land disposal for the purposes of human settlement should be enforced across all spheres of government, with a clear bias to social priorities targeting the poor. It is necessary to publicly state an intention to give priority to redistribution as the preferred vehicle for land reform to address needs for land and housing. Restitution of land will not be abandoned, but its limitations in addressing land hunger are acknowledged. Government should investigate the possibility of introducing a land tax to limit the land held for speculation.

**Agrarian reform**

Agrarian reform aims to restructure the class relations of farming and the agricultural sector, including systems of inputs supply, production, processing and marketing. It aims to overturn inherited patterns of racial privilege, deep rural poverty and spatial inequality. For this, it is necessary to transfer productive land to the previously disadvantaged and secure their land rights. Agricultural policies must support small-scale landholders through irrigation development and access to water, markets, trade, credit and subsidies. International experience has shown that well-targeted support for beneficiaries is key to success in agrarian reform. The National Development Plan states that we can create massive employment and unlock economic opportunities through agriculture.

The ANC-led government should use the experience acquired in the past 24 years in government to accelerate the pace of land reform. Experience has taught us to build state capacity to effectively implement this programme. Without skilled and well-capacitated government officials, meaningful land reform will remain a pipe dream.

RONALD LAMOLA is an ANC National Executive Committee member.

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LAND EXPROPRIATION

as a means to

BOOST AGRICULTURE

and

FOOD SECURITY

By placing all land under public ownership, South Africa could not only ensure that is equitably distributed according to need, but also boost agricultural production and food security, argues David Masondo.

The 54th ANC National Conference not only resolved that land title deeds must be granted to urban and rural people and that democratic control of land in rural areas must be ensured. It also agreed that South Africa must embark on land expropriation without compensation as one of the mechanisms to accelerate agrarian and land reform. In this article, I argue that uncompensated land expropriation is not only a Constitutional imperative for land reform to redress the historical injustice, but also a necessary condition to increase agricultural production, economic growth and development to reduce the unacceptable levels of inequality, unemployment and poverty in South Africa.
There is also a growing demand for land in urban areas, which shows up in the growth of informal settlements, accompanied by growing land protests, mainly for housing [i]. This article focuses on the primacy of agriculture in land reform because the main fears and objections to uncompensated land expropriation seem to be centred around the suspected disruption of agriculture and food security, which is currently absent, since many poor people are without food and under-nourished [ii].

While I focus on economic growth and agriculture, I do not discuss other issues such as post-land reform settlement support; and debates such as whether large commercial farms are more efficient than small scale farms.

I use historical developmental experiences of the developed countries, particularly England, which was the first modern developed country in human history, followed by countries such as the United States, Germany and France to show that uncompensated land expropriation increased agricultural output and industrial growth. Interestingly, African colonies that increased their levels of agricultural output associated with some structural change were those that largely expropriated land from the indigenous populations, of course, without compensation.

While showing that post-colonial African land reforms, by and large, resulted in lower agricultural output, Korea and Taiwan are cited as post-colonial countries that used expropriation of land to effect radical land reform to realise higher agricultural output and economic development in general. In doing so, I will only lay out the bare outlines of the developmental experiences of these countries to show the significance of land reform, including through uncompensated land expropriation.

The current concentration of arable land in the hands of a few hinders higher agricultural output and economic development. To solve the problem of unequal land ownership, all land should be placed under public ownership vested in the state on behalf of South African citizens, and leased out by the state based on the politico-socio-economic developmental needs of South Africa, including agricultural growth. In this regard, land should be treated more or less like mineral resource rights, which are handled as the public property of South Africans with the state acting as a custodian thereof. Similarly, land in South Africa should be treated as the common property of the people with the state as custodian, therefore not subject to sale, exchange or mortgage. But residential landholding can be inheritable.

Uncompensated land expropriation in developed countries

Historical evidence shows that countries which undertook uncompensated expropriation grew their agricultural output. To begin with, the biggest and first economic growth in human history occurred in England, which undertook uncompensated expropriation of the common land and dispossession of peasants [iii]. It is beyond the scope of this article to provide a comprehensive and detailed discussion on how this dispossession of peasants occurred. Suffice to say, prior to the expropriation of land from the peasants and common land such as common grazing fields [iv], known as enclosures in England around the 1500s, the world had never experienced such dynamic economic growth and development.

Subsequent capitalist market-dependent societies such as the USA, France and Germany [v], which generated higher economic growth, did so by first dispossessing the peasantry. The emergence of capitalism in human history, notwithstanding its inherent tendency to generate poverty, unemployment and inequality, was more advanced compared to its immediate predecessor, feudalism - which had no incentive structure to force or motivate producers to conduct themselves in a manner that could generate higher agricultural output and economic growth.

Under feudalism, peasants had access to the communal land and other productive instruments. Peasants as producers and consumers, managed production on their own, produced largely for their subsistence as opposed to the market, and were compelled by force to hand over any surplus to feudal lords. In order to acquire more surplus to meet their economic interests, feudal elites had to acquire more peasants and land, which led to inter-feudal warfare over territories (land and its people), thereby incentivising feudal elites to invest more in weaponry and various militaries to wage successful wars. Feudalism had no structural incentive forcing feudal lords to invest in technology to improve production since peasants were in control of the labour process. To be sure, the surplus was also used for conspicuous consumption, hence there was low agricultural productivity.

Under capitalist market conditions, both the workers (erstwhile peasants) and capitalists rely on the market for their own material reproduction. Workers sell their labour power in the labour market and buy wage goods in the market. Capitalists have to sell commodities in the market to realise profits. In order to sell at a competitive price, capitalists have to reduce production costs, which include lower wages, but more importantly adopt efficient production methods (technology) to increase their profit, which generates
dynamic economic growth, albeit inherently crisis-rid-
den; and creates unemployment and poverty. Under
the structural force of modern capitalist logic, farmers
had to be competitive through reducing production
costs in order to pay land rent. As a result, they had
to introduce efficient production in order to be com-
petitive, and, discounting any failure, they would not be
evicted for failing to pay rent. Smallholders were un-
able to continue to pay rent and were extinguished by
competition from the large capitalist farmers.

Between the period 1500-1800, peasants lost posses-
sion of land; and by the 1790s, with their disappear-
ance as a class, England experienced high economic
growth. Between 1500 and 1630, British agrarian capi-
talism productivity was slow, but fast compared to the
rest of Europe, due to larger farms and usage of bet-
ter drainage systems, but without technical change.
Between 1630 and 1750, agricultural growth was as-
associated with technical change which increased labour
productivity, but required fewer workers, thereby cre-
sating surplus population (vi).

The surplus population, which increased as a result of
the intensification of the expropriation of peasants in
England since the rise of capitalism in 1500s was ex-
ported to meet the labour requirements of new colo-
nies such as Australia and the USA. Colonial powers
in these colonies used force to exterminate Native
Americans and Australian aborigines and expropri-
ate their lands. But there were differential economic
growth paths and outcomes between the north and
south of the USA. In the northern part of the USA,
the capitalist agricultural and industrial growth path
was built from below through small farmers based on
wage-labour.

Unlike in the southern USA, which relied on slave-
labour, farmers in the north used advanced machinery
to farm leading to mechanisation of the labour pro-
cess. This generated the demand for the development
of new means of production (such as farm machinery,
tools and farming implements) leading to industrialisa-
tion. Farmers in the north also used their surplus for
further investments in production as opposed to slave
owners in the south who indulged in surplus luxury
consumption; and continued to rely on backward pro-
duction instruments.

Furthermore, small scale farmers in the north in-
creased their respective specialisation leading to the
deepening and widening of the market, in which the
demand for consumer goods increased. In the south,
however, slavery constrained the development of con-
sumer-goods industries owing to both rural poverty
and non-wage payment to the slaves which deprived
them of purchasing power. As a result, the slave planta-
tion economy was merely an exporter of cash crops
to Britain (vii). The mass market in the south did not
grow because the demand for mass goods was very
low, which stunted the growth of agriculture and in-
dustry.

Land Expropriation in Colonial Africa
Ironically, colonised countries which expropriated
land from the colonised peasantry generated a greater
level of agricultural and industrial development com-
pared to colonial countries that did not experience
such expropriation. However, the colonial uncompen-
sated land expropriation did not generate the same
economic growth dynamism similar to the advanced
developed countries because the colonial powers
used extra-economic coercive measures to block the
participation of the colonised in the land, labour and
financial markets.

The expropriation of land in colonies, including in co-
lonial Africa, was not a consequence of internal class
struggles between feudal landlords and peasants as was
the case in England in the 1500s and other European
countries. Instead, it was a product of colonial con-
quest to extract mineral resources such as gold, cop-
per and diamonds; agricultural products such as palm
oil, rubber and cotton; and they also served as markets
for consumer goods such as clothes, and capital goods
such as farm implements and machinery manufactured
in colonising countries. Consequently, there were very
low levels of agricultural output and industrial growth
and there were no self-sufficient national economic
growth paths.

Land was expropriated from local populations to cre-
ate a workforce for work to extract wealth. Howev-
er, the strength of the pre-colonial local class forces
and their resistance determined the colonial forms
through which wealth was extracted. In countries
such as Benin, Gambia, Ghana, Sierra Leone and Togo
in West Africa, where the pre-capitalist classes were
strong enough to oppose the installation of capitalist
property relations, the colonial power reached a class
compromise with local classes, and left possession of
the land in the hands of the peasantry. However,
the peasantry was coerced to stop growing food crops
in favour of export crops such as palm oil and rubber,
which were unequally exchanged through merchant
companies and later by state marketing boards. In
these countries, there was no structural change as-
associated with industrialisation in agriculture which re-
sulted in low productivity. In colonies such as South
Africa, Rhodesia, Kenya and Angola, where the colonial
power was interested in both labour and land, African
peasants experienced uncompensated expropriation
of land to enable colonial settler agricultural and in-
Land Expropriation in Colonial South Africa
As mentioned above, 19th century South Africa is another example of a colonial settler social formation in which the colonial power was interested in the land and labour. Consequently, the land was taken through uncompensated expropriation to create labour for the mining industry and colonial settler agricultural business.

It is not necessary to lay out all the historical details of how the uncompensated land expropriation in colonial South Africa was carried out. However, the dispossession of the African peasantry can be summarised as: (a) pre-colonial South Africa which had no land markets; (b) followed by colonial South Africa in which land markets were introduced, but with the exclusion of Africans through political measures; and (c) the current post-colonial phase in which Africans have been allowed to participate in the land market based on the principle of willing buyer, willing seller, with the few black people who can afford to buy land in the market.

During the colonial phase, the discovery of diamonds in the 1860s and later gold in the 1880s served as an impetus for the introduction of wage labour and land markets, with Africans excluded from land ownership. This was carried out by the state through legislation such as 1894 Glen Grey Act and later with the 1913 Natives Land Act, which allocated 87% of the land to white South Africans; and intensified the wage-labour status of Africans and those politically governed by the Native Authority under the despotic power of a tribal chief who exercised absolute power over land and tribal subjects [viii]. Most fertile land was owned by white farmers, some of which remains underused or under-utilised in post-colonial South Africa. Africans were forced onto infertile land, usually next to natural reserves. The colonial state passed further legislation such as the 1936 Native Trust and Land Act [ix] and the 1969 Bantu Areas Regulation Act, which further denied Africans land ownership and security of tenure even in the Bantustans and urban areas.

By the 1950s, there were dual agriculture systems in South Africa. On the one hand, white farmers supported by the state (Land Bank, Marketing Boards, etc.) had secured property rights, invested and sold to domestic and world markets. These farmers operated large commercial farms using modern techniques and various types of wage labour (seasonal, secured employment, etc.). On the other hand, there was also subsistence farming concentrated largely in the former Bantustans, undertaken by rural African people settled on very small plots of land without title deeds. These were both unfit for human habitation and unproductive.

Post-colonial agriculture and industry in Africa
Political independence in Africa created the possibility for Africans to use land for agriculture to produce more food for their local needs and reduce Africa’s dependence on their previous colonial powers. Instead, between 1961 and 1994, food production declined [x]. Actually, Africa’s economic growth from the 1950s to the 1970s was largely driven by cheap borrowing, commodity prices and poor agriculture performance based on old colonial modes of exploiting the peasants. Many of the post-colonial societies such as Nigeria and the Gold Coast also continued the practice of exploiting peasants. Peasants’ surplus was extracted through state marketing boards based on fixed prices.

Countries such as Tanzania (under Julius Nyerere), Ghana (under Kwame Nkrumah) and Guinea (under Sékou Touré), which undertook a state-led approach, established state-run collective farms which did not lead to structural change in agriculture. Mineral-endowed politically independent states such as Zambia nationalised their mines, but continued to extract minerals in the enclaves without significant industrial diversification and agricultural growth.

Post-colonial settler African countries such as Kenya, Southern Rhodesia and South Africa, through their settler colonial and indigenous business, undertook some industrialisation which also supported agriculture. However, they would later haemorrhage under structural adjustment programmes, which advocated policies such as devaluation of currency, trade liberalisation and elimination of state subsidies, including in agriculture.

By and large, there was no structural change in post-colonial African agriculture, which ought to have been linked to industrialisation, mainly because of the absence of national sovereignty under colonialism and pro-free market structural adjustment programmes in the post-colonial period. In essence, Africa had no post-colonial developmental state and had no internal class forces similar to South Korea and Taiwan, which had strong local business backed by a state power to carry out expropriation of land to facilitate socio-economic development.

Post-colonial South Korea and Taiwan
In the 1950s, South Korea was one of the poorest countries in the world compared to her counterparts such as Ghana, Congo and South Africa. But in the 1980s and 1990s, its agriculture and manufactur-
The growth in agricultural output was not just a mere function of expropriation of land. There was increased investment in rural and agricultural infrastructure such as irrigation and drainage, credit extension services for financing advanced inputs and innovation increased agricultural output in that production of crops such as rice and sugar increased by as much as 50%. In so doing, demand for industries that manufactured agricultural inputs was created, thereby increasing the levels of industrialisation.

While South Korean and Taiwanese land reforms took place within the context of attempts to ward off socialism influenced by US interests, local forces did play a key role. The USA's aid was not the cause of South Korean and Taiwanese land reform and subsequent agricultural performance, but a function of class interests and strategy of local actors, particularly peasants. After all, during the same period, the Philippines, Thailand and Indonesia under Suharto were given aid by the US, albeit with poor results. The strength of the landless peasants was pivotal.

**Public ownership of land and the state as custodian**

As mentioned earlier, all land should be transferred
to the people as a whole and the state should act as a custodian. In this policy model, the land becomes public property under the custodianship of the state, and it is leased to South African citizens and non-citizens based on socio-economic needs. Furthermore, the state should also grant administrative powers for land allocation to different bodies such as community associations, trusts and village committees. This would be similar to Mozambique where private ownership of land is prohibited. The land and its associated resources become the property of the public in the hands of the state. Here land is demmodified in that it cannot be sold or mortgaged. The landholders would operate under a democratic lease-holding principle. But residential landholding should be inheritable.

The policy of lease-holding is new in the South African experience of land ownership and tenure policy. Pre-colonial Southern Africa had significant communal ownership of land held in trust by a traditional leader or chief, land was not treated as capital and no individual could exchange land in the market for income. Colonial powers introduced and enforced private ownership based on free-holding of the land. However, it was not immediate. The officials of the Dutch East Indian Company who landed in the Cape in 1652 under the leadership of Jan van Riebeeck became the first white farmers, but farmed state land operating on a lease-basis. Similarly, in many colonial countries such as Tanganyika, land was publicly owned under the control of the colonial governor, who had the power to allocate occupancy rights. It was only until 1834 that white settler farmers could hold land in leasehold farms in South Africa. The Cape Governor, Sir John Cradock, changed the land tenure system from leasehold farms to freehold farms because he believed that they could develop the land if they owned it privately.

In what ways could public land ownership potentially grow the economy? Public ownership of land enables the people through the state to democratically direct and influence land allocation and use for their own socio-economic development.

Public land ownership guarantees farmers access to a plot of land free of charge, thus reducing set-up costs. Interested domestic or foreign investors can also have access to land at a cheaper rate than what private landowners charge. Furthermore, urban citizens can secure the same through ground lease arrangements, thus making housing cheaper. The market dependent mechanism to redistribute land does not only enable those who have money to acquire expensive land leaving a majority of the people without land for socio-economic activities such as production, housing and agriculture; but also gives the owners of land the right to speculate on land to the detriment of economic growth and development.

Land redistribution has played a significant role in reducing inequality, unemployment and poverty. It has income distributional effects in favour of land reform beneficiaries, provided they engage in productive economic activities such as food production. Any increase in food output potentially decreases food inflation, thus making access to food much easier. This in turn, decreases food imports and increases exports, and enables the use of foreign exchange for importing essential industrial inputs. Land reform also has the potential to decrease rural migration to urban areas, which creates the unplanned expansion of urban areas. Public ownership of the land has enabled China to drive its economic development faster.

Land redistribution can potentially reduce unemployment and retrenchment during periods of economic crisis. Laid off workers can use land to engage themselves in economic activities. For instance, during the 1973 global economic crisis, many workers in Taiwan returned to farming and avoided living in cramped squatter camps.

Politics of Land Expropriation and the balance of power

The success or failure of any reform is a function of the balance of power between contending forces. Accordingly, the success of uncompensated land expropriation will be a function of the balance of power. If the opposition to the expropriation of land is stronger, it will not happen. Since expropriation of land without compensation will face opposition, it is therefore important to build a popular movement for land and agrarian reform. Even if the law will permit expropriation without compensation, without the demand from below, it will not happen. In fact, the land demand so far has not been backed by an organised landless people's movement, except in urban areas where the land demand is largely driven by housing needs associated with the desire to be closer to economic opportunities.

Under the willing buyer, willing seller, policy, which depends on the power of landlords, market mechanisms (particularly the selling price) are used as an instrument to resist land redistribution. Uncompensated expropriation, which does not depend on the market, would be resisted through non-market means such as the threat of counter-revolutionary violence. Actually, there is already an opposition or fight-back strategy against uncompensated land expropriation. One such tactic is the distortion of the history of dispossession in which there is denial that there was ever forced dispossession. It is being suggested that most of the land was voluntarily transferred through treaties between
the colonisers and colonised. There is also counter-research to oppose the 2017 state land audit, presenting state land as being owned by blacks, implying that the state is a black state and not for all South Africans.

There is also an attempt to use failed post-land transfer projects such as the Makgoba Tea Estate (previously known as Sapekoe Tea Estate and the Zebediela Citrus Estate in Limpopo), in which farming has collapsed, to discredit land reform, including uncompensated expropriation. The opponents of land reform deliberately do not cite relatively successful land transfer projects such as the Nodunga Communal Property Association in KwaZulu-Natal, which struck a deal with the sugar producing company Tongaat Hulett, and the Mkhuze community and Mondi, both of which continue to undertake productive farming.

Linked to political-economic strategies to discredit land reform efforts is the caricatured presentation of Zimbabwe. It is beyond the scope of this article to provide a more detailed assessment of Zimbabwean land reform. Indeed, violence and destruction of property and farming, including displacement of farm workers, and hyperinflation were part of Zimbabwe’s Fast Track Land Reform (FTLR) programme in the early 2000s. However, it would be worthwhile to examine Zimbabwean land reform objectively and not from the perspective of the opponents of land reform, including uncompensated land expropriation.

Under the FTLR programme, almost 8 million hectares of land was allocated to 4,500 new farmers. This was a major achievement given the fact that at independence over 15 million hectares were large commercial farms, under a colonial settler commercial farmer community composed of 6,000 farmers. The beneficiaries of the Zimbabwean land reform programme were not only the politically connected, but also ordinary Zimbabwean citizens. Furthermore, there was no complete collapse of food production in certain areas such as maize, in which production continued not only under the new land beneficiaries, but also old commercial farmers [xii].

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ii Phakathi, B. 2018. Opposition MPs warn land grab will be devastating, in Business Day, 20 February 2018


iv Even though the common land belonged to landlords, it was for common use, but after the enclosure it was for the exclusive benefit of landlords.

v Germany is an example of uncompensated peasant dispossession from above. Here large German feudal lords (i.e. Junkers) slowly transformed their estates into profit-driven business enterprises; and peasants who previously had possession of land and paid rent either in kind or labour services, were dispossessed of land and turned into wage-earners.


vii Slavery was not a necessary condition for the English industrial revolution. But slave plantations did support industrial growth for a short period in that it served as a source of supply of cheap raw material and a source of demand for the manufactured goods (textiles). Slave colonies were a source of demand (but only) for English manufactured goods; and supplied cheap cotton for the British textile industry.

viii Mamdani, M. Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism.

ix This Act is significantly similar to the current Ngonyama Trust, which controls 3 million hectares of land, which was under the former KwaZulu Bantustan government. The only difference is that under the 1936 Native Trust and Land Act, the ownership was under the Colonial Governor-General, whereas the Ngonyama Trust is under the King.


Why we need LAND REDISTRIBUTION and REPARATIONS for LAND DISPOSSESSION

Land reform needs to be part of a broader project that must restore to the South African people all that was lost through conquest, writes Advocate Tembeka Ngcukaitobi

LAND REFORM under the rule of law seeks to reconcile three intersecting currents: correcting the wrongs of the past, confronting the inequities of the present and securing the future. The state programme for the restitution of land has virtually collapsed. Instead of providing a rational point around which previous dispossessions are forgiven, the cut-off point of 19 June 1913 has served to aggravate and perpetrate dispossession.

Public funds allocated for the promotion of the public good by paying off the holders of title deeds in exchange for making land available to the descendants of the indigenous people have been misallocated or gone to waste. With the passage of time, records are lost, memories have faded and witnesses are dead. Amid the public discontent about the failures of land reform, a sense of prevails among the public representatives. In this context, it must be asked if the achievement of freedom, equality and human dignity through restitution of land can be guaranteed. Here, I offer one possible way out of the quagmire: a need-based land redistribution system.

The redistribution of land to those who need it is emerging as a viable focal point for the advancement of the goal of access to land. And for solid reasons too: while not eschewing historical claims to the land, the redistribution of land connects the past with the present. It recognises that the conquest of the native people of this country was not a single event, characterised by a once-off taking of the land. Rather, it was gradual and totalising in its design. The conquest of the land was supportive of the entire colonial project, concentrated on the extraction of cheap African labour, the destruction of the political autonomy of African communities and the deliberate disruption of African modes of being. In sum, the taking of the land
was only an instrument in the total cultural, social and economic domination of native peoples. If that legacy is to be undone, the return of the land should be restorative of African humanity. Transactions about the return of the land are incomplete without restoring the dignity of those from whom the land was taken.

But what land should be redistributed? Some commentators have focused on state land. Yet South Africa’s land surface is 121 million hectares. Out of this, only 18 million are state-owned. But importantly about 2% of the land owned by the state is suitable for redistribution. Hence only privately-owned land can address the legacies of the past and undo present inequities. If privately-owned land is the general category, how do we move to the specific? How does the state choose which privately owned land should be earmarked for redistribution to promote the public good? The moral justification, embodied in our Constitution, for the compulsory taking of private land, still lies in history: if present ownership is owed to a morally questionable acquisition, such as conquest, state interference with private property is justified. But as Robert Nozick suggests in *Anarchy, State and Utopia*, the primary principled justification for the interference with private property would cease when the historical injustice has been addressed. This proposition itself generates further questions about the type of state he had in mind. How can society right the wrongs of the past without creating new patterns of injustice? So, beyond the complexities of history and moral justification, practical questions about the productive use of a limited resource like land must come to the fore. Thus, any redistributive model should start with the premise that land is not infinitely available and is to be productively used for the benefit of society. But it is also an inheritance for future generations.

The priority for the compulsory state taking of land for redistributive purposes must be the private holders not currently using it productively. Specific categories can be developed to carry this out. Farmland lying fallow, hijacked buildings and abandoned buildings fit the class of properties in the category. But the important point is that the justification for the compulsory taking of the land is its non-productive holding. Reversing structural inequality is not only about access, but also includes the use of the land.

Although state land is scarce, some land is held indirectly by the state in various forms such as communal land under the custodianship of traditional leaders. There is controversy about the redistribution of communal land. But we should recall that the Constitution mandates the state to take measures to foster conditions to enable citizens to gain access to land on an equitable basis. Furthermore, the colonial state was characterised by the lack of tenure security of Africans. A key mode in this connection was the reorganisation of the political administration of black communities into tribal areas, native yards and bantu reserves. In each of these, political control was entrenched in the hands of government-selected tribal overlords, who owed no allegiance to the people but to the masters who selected them. In *Citizen and Subject*, Mahmood Mamdani refers to these phenomena as reflective of a bifurcated state and the indirect rule of Africans. The white colonial state was for citizens, with its own rules of government, lorded over African subjects, who were governed in terms of a European mode of customary law. The Constitution was intended to reverse this by recasting the relationship between African communities, their chiefs and the land. Thus, for redistribution to succeed, it should uproot the colonial state and its surviving tentacles: the people, not the chiefs, should control the land.

While communal land provides a measure of tenure security, tenure over urban land is much more precarious. World Bank studies (which ones cite the studies in the reference) show an urbanisation rate of more than 60% in South Africa in the past 20 years. The message is clear: the pure agrarian society in South Africa has been disrupted irrevocably. Access to rural or farm land will therefore not satisfy land hunger. Urban land must be factored into the frame. But the term urban land might require some unpacking. If we apply the ANC’s *Ready to Govern* document of 1992, recognition was given first to acquisition of land. The state, it was stated, should therefore have the power to acquire land in a variety of ways, including expropriation. Yet, expropriation could not be the sole means of land acquisition. Other policy instruments, including land taxes which, if correctly applied, could have the effect of land being freed for redistribution were to be considered. Land taxes are no longer within current policy thinking, which has tended to focus narrowly on acquisition through expropriation. However, land acquisition strategy can be undermined through the loss of extant rights to the land. Popular wisdom suggests that land occupations detract from an orderly programme of land reform. But experience shows that often land occupations by the poor and the marginalised can facilitate a radical land reform programme, if handled with sensitivity and due care. Domestic laws already validate unlawful land occupations where justice and equity demand. By extending the notion of justice and equity to situations of genuine need for land and proven state failures to avail alternative land, hundreds of unlawful occupiers could be brought within the protective ambit of legislation such as the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act of 1997. The state should recognise that eviction is not always the answer to unlawful land
occupation resettlement often provides the correct, constitutionally sound answer.

But a state such as ours can neither encourage land occupations nor depend on them for land reform. Proactive action is mandated by the Constitution. But where to start? As a party in government, the ANC does not start from a blank slate. Its 1992 policy document, Ready to Govern, provides a green light. Four categories of urban land were targeted for redistribution: Land held for speculation; underutilised land or unused land with a productive potential; land which is being degraded; hopelessly indebted land. The precise definitions are, of course, a matter for legislative and statutory expansion, but the point is to identify land categories that may be the target for urban land redistribution without compensation.

A final point must be made. If land reform under the rule of law is about the restoration of African identities lost through conquest, we should interrogate what precisely was lost by conquest. As I have argued elsewhere, land is not the only asset that was lost through colonial occupation. Cattle, farming implements, labour and human potential were taken away. African societies were broken up, their cultures ravaged and their identities erased. The language of restitution or redistribution are too narrow to capture the scope of the project of restoration. A forward-looking project of reparations is urgently needed. What this means is that we need a new way of looking at the future. Narrow, legalistic conceptions of the meaning of the Constitution must be avoided. An imaginative, expanded and transformative vision of the Constitution and its statutory progenies is needed. Perhaps then reparations through land reform might serve not as colonialism in a different guise, but as an antidote to colonialism. Only then will the land truly be ours.
THE DEBATE on land expropriation without compensation is drawing attention to why land reform is necessary for South Africa’s economic, political and social well-being. It is understandably fraught and contested and the risks are many if it is mismanaged. However, the widespread recognition that something must now be done provides an opportunity to build social consensus around key questions: what land should be targeted, who should get it, what should it be used for, how should it be valued, and who should pay for it? In this article, I address only commercial farmland and the people who live and work on it.

My argument is that those parts of commercial farms that farm dwellers live on and use should be expropriated so that farm dwellers can use it to build secure lives and livelihoods that are independent of the current land owners. This will not affect productivity or national food security since the land owners are not currently using these portions of land. The owners should not receive compensation because they have already benefited historically by using the isolation of farm dweller settlements to create conditions of extreme labour exploitation. Furthermore, farm dwellers have statutory tenure rights to the land they live on, and should be prime candidates for future farmers since they already have many (although not all) of the skills required to produce livestock and crops. It is clear that land owners, even those who see the merit in this argument, would prefer to be paid just and equitable compensation for this land. It is also clear that
farm dwellers want the land they have lost through dispossession in addition to the land they currently live on. This proposal is therefore only a starting point: the intention is to provide a set of arguments for others to agree with or to refute.

Why farm dwellers? Firstly, there is an historical argument. By 1913 the cut-off date for land claims under the Restitution Act – Africans had been largely dispossessed of land ownership and were compelled to enter labour tenancy contracts if they wanted access to productive land. These contracts involved the male head of the house entering agreements with the land owner to provide himself, his children and his wives as free labour in six-month work rotations in return for land on which to build a home, plant crops and graze livestock. Labour tenancy was thus both racially discriminatory and based on patriarchal control of the family, and it disrupted children’s education. Over the course of the 20th Century, competition between farms, mining and industry for cheap African labour led to attempts to outlaw labour tenancy and resulted in many labour tenants being converted into farm occupiers with an increasingly precarious hold over land. As a result, nearly four million farm dwellers lost their land.

Secondly, there is a political argument. The trend of dispossessing farm dwellers did not stop in 1994 despite the enactment of land reform laws that protect the land rights of farm dwellers and allow them either to claim land or to apply for ownership of the land. Since democracy, a further million farm dwellers have lost their homes and the land they used to supplement farm wages, and have been forced to move to shack settlements on the edges of towns and cities. These recent dispossession indicate some of the underlying problems that have brought the land debate to where it is today. Land owners continued to evict farm dwellers after 1994 despite laws protecting their tenure rights. They did this, often illegally, to pre-empt land claims on their farms and to reduce their permanent workers in an effort to remain competitive in the tough global markets that emerged with liberalisation in the 1990s. But perhaps more troubling is that the department responsible for land reform, the Department of Rural Development and Land Reform, has failed to process the legal land claims of labour tenants and to ensure the Constitutional rights of farm dwellers to tenure security. This failure, together with rampant corruption and the privileging of politically connected people for acquiring farms through land reform, has made farm dwellers deeply suspicious about government promises for improved land reform delivery. This political discontent must be addressed.

Thirdly, there is an economic argument. Labour tenants and other farm dwellers are prime candidates to support as farmers. They often already produce on a small scale, they have practical farming skills and knowledge, and existing relationships with commercial farmers that could support their production efforts. Evidence of district-based land reform supporting the emergence of small scale farmers is provided in the case of the Besters Land Reform Project in KwaZulu-Natal. Negotiations with land owners, beginning in 2000, led to:

- The transfer within five years of 21% of the white-owned commercial farmlands to 178 labour tenants and other farm dweller households.
- Beneficiary households received on average 88 hectares of land and cattle and farming implements at a cost to the state per beneficiary of R148,000, of which compensation to land owners took 55%.
- By 2010, the average value per household of the cattle stock owned was just short of R100,000.
- Households were selling weaned oxen regularly at commercial cattle auctions and using the income from sales to supplement wages and grants. The additional income was evident in improved houses and diets, as well as increasing numbers of children pursuing post-matric education.

Although the Communal Property Associations that took ownership of the 14 farms in the project were beset with conflict, many households have become successful, expanding beef farmers. The project demonstrates that if farm dwellers gain secure access to adequate land, capital and markets, and appropriate extension support, they will contribute to the creation of a vibrant agricultural economy and significantly reduce rural poverty. Together these arguments lead to three key recommendations.

Firstly, whole farms or portions thereof that farm dwellers occupy and exclusively use for their homes, gardens and livestock should be expropriated without compensation on the grounds that:

- the land owner does not use or derive direct benefit from this land, and,
- the expropriation serves the public purpose of land reform as per Section 25 (4) of the Constitution, and,
- labour tenants historically provided free labour in return for the use of this land, or
- the Labour Tenants Act and the Extension of Tenure Security Act give resident farm dwellers statutory property rights to this land derived from Section 25 (6) of the Constitution.

Secondly, land that is shared by farm dwellers and land
owners, as in cases of shared grazing or relative allocations of harvests, should be expropriated with partial compensation, on the grounds that the land used by the farm dwellers constitutes statutory rights to land and the principles of just and equitable compensation should give value to these rights in favour of those who hold them, namely, farm dwellers, and thus deduct that value from the market value payable to the owner.

Thirdly, on land where farm dwellers’ use rights have been restricted, terminated or changed, the value of their previous use rights should be determined and weighed against any comparable redress they may have received and the difference, if negative, paid to farm dwellers as compensation. This is asserted on the grounds that laws in existence to protect the tenure rights of farm dwellers have often been violated with farm dwellers suffering the consequences of these violations. Farm dwellers have, in effect, been deprived of their statutory land rights without compensation, and therefore they are due compensation for those deprivations.

Should the Constitution be changed to make the above recommendations possible? The answer is that if the Constitution is the obstacle to implementing equitable land distribution, then it should be changed. The evidence, however, is that government has failed to implement land reform in terms of political will, transparent and accountable implementation, clear policy, adequate budgets and skilled and sufficient staff. Changing the Constitution will not address these problems. It will deflect the urgently needed attention away from them. If land reform continues to stutter once they are addressed, then it may indeed be necessary to amend the Constitution. In the interim, the proposed Framework Legislation in the High Level Panel recommendations would go far to enabling expropriation without, or with nominal, compensation to achieve equitable access to land.

Farm dwellers are often asked to compromise on their demands for land and improved lives. But farm dwellers have compromised every day for over a century. They have received wages too low to secure the food their children need to thrive and that the adults need to work the long hours demanded in often grinding labour. They have been expected to crowd into houses that leak and provide little protection against heat and cold. They have sacrificed the health of their women and the education of their children. These compromises are the social cost of the food we eat in cities; the social cost of “national food security”.

The labour of farm dwellers built the commercial farms that feed South Africa today. They have long since paid for the land they live on. Giving them that land will begin to heal both our history and our failures as a democratic state.

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The debate on land reform is currently taking place across many fronts. This should be expected, given the complexity of the matter. However, there is a danger that related but distinct factors may be mashed into one, thus confounding rather than clarifying the fundamental issues.

Parliament’s Constitutional Review Committee has been holding hearings in various parts of the country. Views have been freely expressed on the need or otherwise to amend the ‘property clause’ in the constitution. The weight of the arguments in the written submissions and the hearings — rather than a referendum-style numbers’ game — will determine the content of their report, says co-chairperson of the Review Committee, Vincent Smith.

At the same time, questions have been raised about a combination of issues on communal land. This has arisen sharply in relation to the Ingonyama Trust which is responsible for communal land in the KwaZulu-Natal province.
Throw into the pot the ‘silly season’ of electoral contestation, the tyranny of the soundbite and the temptation to define everything as polar opposites, and the noisy republic can easily work itself into a frenzy.

What is the essence of the debate, and what are the possible paths to follow in dealing with these matters in a manner that meets the objectives of meaningful transformation and redress?

At its Conference last December, the ANC resolved that, in order to ensure effective land reform, expropriation without compensation should be used as one of the mechanisms available to government. The qualifications on not undermining economic investment, agricultural production and food security aside, the question remains whether this actually requires amendment of the Constitution. The argument coming out of the ANC’s May consultative land summit is that, parallel to the constitutional review process which may be protracted – and which may conclude that an amendment is not necessary – there should be practical action to test the limits of current constitutional provisions. What are some of the possibilities in this regard?

The processing of the Expropriation Bill, setting out criteria for expropriation without compensation, can be expedited. Current legal test cases can also be used. For instance, the Msiza case where the Land Claims Court asserted that market value should not be the frame of reference in determining compensation was overturned by the Supreme Court of Appeal, and it needs to be appealed at the Constitutional Court. The government should drop its appeal against the class action (Mvelase and Others) where the court found in the tenants’ favour. This can then be used to test partial expropriation without compensation.

In addition, the Gauteng provincial government’s rapid land release programme will include expropriation without compensation, and the DA-controlled Johannesburg City Council is threatening similar action on some city buildings.

In other words, expropriation without compensation does not have to wait for the completion of the constitutional review process.

Overlaying all these debates is the question whether there are differences of principle among the various political players, beyond form (amendment of the Constitution) and substance (the purpose of expropriation and the systems of ownership envisaged).

The ANC argues that the system of land ownership should include private, communal, state, co-operative and other forms. In line with the Freedom Charter, emphasis should be on ownership of land ‘by those who work it’ which should include share-ownership and sharecropping by workers. The Freedom Charter also asserts that all should have the right to occupy land wherever they choose as opposed to the erstwhile racially-based Group Areas Act dispensation. The Economic Freedom Fighters, on the other hand, argues that all land – until recently, including communal land in all the provinces – should be expropriated without compensation, to fall under state ownership. Everyone in the country would then become a tenant.

This is a fundamental difference.

However, these distinctions should not subtract from the fact there is impatience in society for a radically different approach to land reform. It is instructive that, of the thirteen parties in parliament, only four (Democratic Alliance, the African Christian Democratic Party, the Congress of the People and the Freedom Front Plus) are in principle opposed to expropriation without compensation and they were against the constitutional review process.

What about communal land and the drama around the Ingonyama Trust?

Few would argue against communal ownership among communities and families. Whether the land covered should be extended, or whether a nuanced form of such ownership can be used in urban and peri-urban areas, is a matter that requires further reflection. Three critical questions, though, need to be clarified: security of tenure for residents in communal areas, the status and role of traditional leaders and the conduct of traditional structures in relation to the residents.

Communal tenure not only has the potential to ensure security of tenure across generations; but it also protects the poor against ceding such property wil- nilly and thus falling into sheer pauperism. This, of course, needs to be balanced against what Peruvian economist Hernando de Soto refers to as fungibility of assets – the possibility to use them as collateral or for purposes of some form of exchange.

Then there is the question of management of communal land. The first principle in this regard should be that the land belongs to the people. Secondly, and attached to this, is the understanding that, apart from their own estates, traditional leaders are not owners of communal land. Thirdly, to the extent that traditional leaders act as custodians of such land, this should be governed by institutions that are truly representative and democratic in their composition and operations. The Traditional Leadership and Governance
Framework Act defines how such structures should be constituted, including gender representativity, and how they should operate.

While these legal principles do find expression in some areas, there are many instances where they are observed in the breach. Two case studies recently published by the Mapungubwe Institute for Strategic Reflection (MISTRA), which will be included in a book on the role of traditional leaders in a constitutional democracy, illustrate how things can go horribly wrong. Sithandiwe Yeni on the Makhaseini village in KwaZulu-Natal and Sonwabile Mnwana on Bakgatla-ba-Kgafela in the Northwest Province, illustrate how traditional leaders can ride roughshod over the interests and wishes of communities. In Limpopo’s Vhembe district at Phiphi Waterfall, conflict has been brewing between the community and traditional authorities.

On the Ingonyama Trust, in particular, parliament recently had to intervene to stop the board’s practice of converting permission-to-occupy agreements into leases. This, the portfolio committee on rural development argues, reduces residents into tenants, forced to pay rates or face eviction, which amounts to expropriation of land owned by communities.

In other words, it may not so much be the existence of the Trust as such, but the board’s practices which violate people’s rights, and the legislative gaps that make this possible, that need to be addressed. Parliament’s actions against these violations cannot, therefore, be interpreted as a threat against any kingdom. It is the responsibility of government, traditional leaders and the South African nation as a whole to ensure that constitutional rights are protected and promoted.

The Constitutional Review Committee may or may not propose an amendment to the Constitution. In the case of the former, a broad formulation on circumstances under which expropriation without compensation can take place will need to be found, and the concepts of ‘land’ and ‘property’ will need to be clarified. But the Constitution can only state general principles: in both instances, a law of general application in the form of an expropriation act will still be required.

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At ITS 54th National Conference in December 2017, the ANC resolved on the urgent need for a radical socio-economic transformation. Among other measures that were agreed as necessary to achieve a national democratic revolutionary society, are fighting corruption, expropriation of land without compensation, public ownership of the South African Reserve Bank, and building the manufacturing sector to grow and transform the structure of the South African economy.

The key issue is not whether these resolutions are feasible, desirable and possible, but whether the ANC together with the ordinary people have the power to implement these resolutions. Without power derived from the people, these resolutions are not implementable. Power is derived from unity of the people within and outside the ANC. Hence the importance of the unity of the ANC itself, with the people, and of the people [i].

The ANC members and supporters and the progressive people of South Africa yearn for the unity of the ANC to ensure that the ANC remains their organ for self-emancipation. As a result, the clarion call for unity was central in both the theme of the ANC’s 54th National Conference and 2018 ANC January 8th Statement. This call is borne out of the historical role that the ANC since its establishment in 1912, has played in uniting the people to fight against colonial oppres-
vion; and the fact that disunity of the ANC and its allies tends to create disunity among the oppressed and exploited people.

Since 1994, the ANC has accomplished significant achievements towards building a non-sexist, democratic, non-racial and united South Africa. A lot still needs to be done to uproot the structural roots of racism, sexism and narrow and chauvinistic nationalism among the historical oppressor and the oppressed, which will require maximum unity of the ANC and the revolutionary alliance as organisational vehicles for our peoples’ self-emancipation.

In this article, I argue that the immediate unity of the ANC itself, with and of the people is a precondition for the successful realisation of the 54th National Conference resolutions. The unity of the ANC itself should not be a unity according to the leadership preferences by leaders themselves and members. Otherwise, it will be a unity of warring factions. Secondly, the unity of the ANC and the people should not be what just a section of the South African people prefer. Otherwise, it would border on regionalism and tribalism, which are the antithesis of what the ANC stands for. Instead, the unifying of the ANC itself, with the people, and of the people should be based on conference resolutions and our vision.

It is impossible to transform the legacy of internal or settler colonialism and fight its contemporary class beneficiaries without unifying and organising the people who are interested and have capacity to undertake radical socio-economic transformation because the legacy of colonialism is structured and institutionalised, and its contemporary beneficiaries are also organised. In fact, the ANC and ordinary people will encounter covert and overt resistance from the current incumbents of economic rights, including land, whose current owners accumulated it through colonial capitalist means. Therefore, individual effort will not make an impact, but collective efforts to unite with the people around their material interests.

In doing so, I start by stating what unity is; and ground the importance of unity in the historical experience of the ANC-led struggles against colonialism, and the contemporary task of radical socio-economic transformation. I end by laying out what should be done to deepen the unity of the ANC and the people, and the unity of the people as a basis for such transformation.

**What is Unity?**

Unity means being together. It is a state of being one. Coins in one wallet are in the state of being together. But coins are not self-driven by either instincts or consciousness. Whereas, bees or spiders come together based on the instinct to construct webs and hives for a common goal, which is their survival. So, unity is not an end, but a means towards an end. However, unlike insects and animals whose activities are instinctual, human activity is conscious and purposeful.

Human unity and organisation is a conscious activity aimed at achieving a common goal. Achievement of a common goal requires strength, which is usually captured in the popular notions such as unity is strength, united we stand, divided we fall. Even lifeless physical objects are stronger when they are united. However, organising and uniting people is not the same as assembling different car parts to build a vehicle. Unity is only possible through conscious action. Furthermore, human beings ought to be aware of the conditions under which the particular action are being undertaken, including required resources through which activities are pursued.

Homogeneity is not the same as unity. Difference brings different strengths among people pursuing the same goal. To illustrate, a choir as a group of people who sing together, wins competitions in concerts if it has different singers with different singing skills and capacities: singers with soprano, tenor and baritone voices, but with the same goal. Organisational unity is about the ability to harness the capacities and capabilities of different social forces and individual members of the organisation to reach some common goals.

Based on the above, it means that the unity of the ANC itself, and with the people and of the people, must be based on common goals, understanding of the conditions under which such goals are pursued, methods and allies to pursue such goals, and what has been achieved in the past and how, and why.

**Need to unite and organise people**

The conditions of oppression and exploitation do not necessarily generate consciousness and unity for socio-economic transformation. The uneven consciousness necessitates the formation of the organisation and unites the oppressed for such transformation. Left divided and unorganised, the oppressed and exploited people tend to understand their conditions in reactionary terms either racially or tribally or geographically. One-sided forms of consciousness, also generate a divided and contradictory consciousness in which the oppressed people may hate racial domination, but still prefer sexism and tribalism. They may yearn for democracy, but cling to tribal chieftoms and kingdoms in the countryside. The ordinary people are not the same: some are passive, reactionary and revolutionary ordinary people. So, revolutionary consciousness is produced and mediated through revolutionary organisations.
People are fundamentally divided into classes, that is, by what they own, which determines what they have to do to earn incomes for their own material reproduction. Colonial structures in Africa further racialised people, reproduced pre-colonial patriarchy and introduced new forms of patriarchy and sexism.

The structuring of South African society, especially since 1910, subjected black people to internal colonialism, described as Colonialism of a Special Type to denote the idea that black people in general, and Africans of African origin in particular, were deprived by the internal colonial oppressor of land, economy, political rights and culture through hegemony and violence, enforced through the colonial states repressive apparatus. Africans in particular were left under despotic traditional leadership in the racially-allocated 13% of the South African land.

With the increased growth of capitalism in South Africa, new classes emerged. To be sure, colonialism gave rise to new classes among the African people, and black people in general. The system maintained and destroyed peasants. In its destruction of peasants, it created the proletariat through land dispossession which left landless peasants with no choice but to sell their ability to work to the internal colonial capitalists.

The other class generated by colonialism was the native middle class largely composed of educated sections of the natives to administer the colonial system, and priests to promote and propagate the Christian religion. Furthermore, subsequent to the colonial power’s failure to defeat pre-colonial political authorities (kingdoms and chiefs, etc.) due to their uneven resistance, colonialism co-opted local traditional leaders that accepted colonialism, and obliterated the non-cooperative and installed the cooperative to enforce indirect rule.

Colonial power differentially incorporated the oppressed into the colonial social structure. For instance, Indians were oppressed and discriminated against, but were allowed to engage in small trade in towns, leading to the rise of an Indian merchant class which could hire African wage-labour. The Bantu Authority Act of 1951 was also passed by the apartheid regime to spatially divide Africans along ethnic groups alongside tribal authorities. As a result, the South African people have been divided along race, class, gender and ethnicity for generations.

It is out of the creation of these classes that various organisations of the oppressed were formed to fight against oppression and exploitation. To begin with, the ANC was formed in 1912 after Africans of African origin were defeated in separate and disunited political battles with a more united colonial power. The formation of the ANC was a necessary response to the fragmented resistance to colonialism.

These African classes were affected by colonialism, and joined the ANC with their different class interests and approaches to the struggles against colonialism, which impacted on the nature of the ANC. The rise of capitalism led to the rise of trade unions and working class political formations, such as the Communist Party of SA in 1921, which had been preceded by the International Socialist League in 1915. Women of all races formed their own organisation, the Federation of South African Women (FEDSAW) in 1954. African mineworkers, for instance, through the 1946 strike introduced more militant strikes, which also had a significant influence on the ANC Youth Leagues 1949 Programme of Action and later the ANC.

Indians and Coloureds also fought against colonialism through their political organisations, namely the South African Indian Congress and the Coloured People’s Congress. The 1948 Nationalist Party electoral victory intensified institutionalised racism, which also became the ideology of the ruling class supported by the white working class and middle class, which materially benefited from the racial forms of political domination which enabled them to monopolise the markets: labour, land and money markets and so on.

As part of fighting apartheid, the Congress Alliance – composed of the ANC, Congress of Democrats, South African Indian Congress, Coloured People’s Congress, Federation of South African Women, and the South African Congress of Trade Unions - united around the programme of the Freedom Charter.
the programme of the Freedom Charter. Since the 1950s, the ANC in its strategic orientation has been anchored around the people because our own local and international experiences led us to the conclusion that people are their own liberators, hence the notions of people’s war, people’s power, organs of people’s power and so on.

Since the adoption of the Freedom Charter by the Congress Alliance, a non-racial unity was forged [ii]. The non-racial character and unity of the ANC was affirmed in the 1969 Morogoro Conference, which also affirmed the ANC’s revolutionary nationalism and the National Democratic Revolution as a strategy based on the Freedom Charter as its strategic programme.

The unity of the progressive people of South Africa was developed and carried through the mass struggles of the workers, youth, students, rural people and clergy, and organised through the South African Council of Churches, United Democratic Front, South African Youth Congress, trade unions and others, and eventually forced the apartheid regime to unban anti-apartheid political organisations, which led to the negotiated settlement. The negotiated settlement retained the key pillars of colonialism of a special type, the maintenance of the key economic aspects of capitalist colonialism in relation to the land and other economic resources. The negotiated settlement maintained a society based on capitalist market dependency and competition, with huge implications for the unity of the ANC and the unity of the people in post-1994 [iii].

Since ascending to state office (some would argue even during the negotiations with the apartheid regime in the 1990s), we seem to relate with the people as passive participants in their own liberation, instead of organising and mobilising them as active agents for their own liberation. Just like paternalistic liberals, we seem to treat our people as mere victims of the system as opposed to agents for social change for their own revolution. This phenomenon of turning the ordinary people into passive participants in their liberation has been manifesting itself at three levels.

Unity with the People after 1994

The above is a clear demonstration that the ANC, together with its allies, has been the key organisational weapon through which the oppressed forged unity to fight against colonial oppression and exploitation. It is therefore not puzzling that in the post-apartheid South Africa, the ANC has also become a key political organ to represent the people in the context of representative democracy in representative institutions based on periodic elections.

However, the 2016 local government elections signify the discontent and disunity that our people feel regarding the ANC. While some actively voted against the ANC, many ANC voters abstained from voting to protest against our actions or inactions. The electoral outcome was an indication that we are increasingly disconnected from the people because of corruption and arrogance (real or perceived). Many of our leaders at various levels seem to be more concerned about themselves and pursuing their own class interests, including getting involved in corrupt schemes, than the noble goals of the movement, hence our disunity with the people. High levels of poverty and unemployment, associated with our inability to change the colonial structure and composition of the South African economy, has also created the conditions for our disunity with the people.

The first being within the ANC. Here, many of our branch members are only activated during internal organisational elections and general elections. After internal leadership elections, many members and leaders expect some material reward for supporting leaders. And if they do not get the expected ‘reward’ they start factions and manufacture grievances couched in palatable revolutionary language to justify internal quasi-protests which keeps the ANC at perpetual war with itself as opposed to focusing on the socio-economic challenges facing the people.

Secondly, we tend to mobilise people for mass rallies (such as January 8th celebrations) and voting in general elections. Thereafter they return home as passive actors in radical socio-economic transformation. Thirdly, we seem to have also turned ordinary people into mere recipients of government service delivery. No doubt, government has to set the conditions for them to exercise their freedom. Even in instances, where there are occasional protests, the ANC is ab-
sent. Instead, they have become very quick to condemn the actions as actions of a ‘third force’. Fourthly, we should probe into why there is a discernable withdrawal of organisational involvement of white, Indian and coloured people in our movement. How do we unite, organise and mobilise the working class and middle classes among coloured, Indian and white people around the radical socio-economic transformation platform?

What is to be done? As Amilcar Cabral advised, we should take into account that “people are not fighting for ideas, for the things in anyone’s head. They are fighting to win material benefits”. Therefore, the best way to unite with the ordinary people should be around their material interests across racial, ethnic and gender lines. Land is one of the immediate issues around which the ANC should organise and unite with ordinary people.

To realise the objectives of policies such as land reform, people should be organised. So, organising the motive forces of the National Democratic Revolution (NDR) will be important. Organising the people is different from mobilising them. As earlier mentioned, mobilising people only turns them into passive participants in their own liberation. In moving forward, we need to build organisers within the ANC. To be an organiser one needs to become organically linked to the people. But a mobiliser does not necessary need to be an organiser.

The importance of establishing and maintaining close relations with mass formations cannot be overemphasised if the ANC still wants to maintain the national liberation movement’s character. Hence, the ANC must forge networks with groups and organisations that are rooted in the daily struggles of the ordinary people and learn from them.

As part of uniting and strengthening the critical part of the motive forces, one of the immediate tasks should be to seek to work together as one federation, which should include seeking measures to bring back NUMSA and other unions under the fold of COSATU and encourage cooperation between trade union federations. Through unity in action with organised and unorganised workers, we will be in a better position to learn from the people and lead the people.

We should also develop tactics for national parliament and provincial and local legislatures. Forging unity of the progressive forces outside the Congress movement should be possible given many of the radical resolutions of the 54th National Conference. These can inform the ANC’s approach to united front politics in parliamentary and extra-parliamentary struggles without losing our political organisational independence.

**Cadre development and discipline**

The ANC needs cadres as a precondition for uniting the ANC itself and the people to carry out socio-economic transformation. The ANC as a mass movement also needs cadres who are well schooled in the revolutionary principles, goals and history of the ANC. People are their own liberators only if they are organised and mobilised for such a liberation. Being oppressed and exploited does not translate into being interested in liberation struggles.

Cadres are members of the organisation who have clarity of revolutionary thought and are also enmeshed in mass struggles through, among others, mass formations such as civics, student formations and trade unions. They learn from these concrete people’s struggles with the people and connect their struggles to other struggles of the oppressed and exploited across ethnic, religious and gender lines.

Cadres do not come out of nothing. Instead they are produced. Just like in the aforementioned choir, we also need to constantly practice and rehearse songs and equip ourselves with singing skills and knowledge to win choral music competitions. Political education, including formal education and concrete mass struggles, are important mechanisms to build cadres to strengthen ourselves and ensure that the revolutionary ideas become the ideas of society as a whole, thus energising and encouraging the masses to act in a united fashion.

In carrying out concrete struggles, on the one hand, cadres should not be too ahead of the people. However, turning a blind eye when our ANC and members of society express and act in ethnic and chauvinistic ways is tantamount to opportunism. This will essentially water-down our vision and principles to accommodate reactionary politics. On the other hand, running away from the most regressive sections of the oppressed and exploited people, is also sectarianism, which can turn the ANC into a sect and become inward looking. These sections of our people need to be organised and mobilised into adopting the progressive values and politics of the ANC.

Discipline, internal democracy and collective action are also very important in the organisation. The democratic content of democratic centralism includes internal discussions, criticism and self-criticism and fair and free elections. The internal debates and discussions are not just meant to tick a box to nominally fulfil the requirement of internal democracy within the organisation. Instead, these are meant to convince other members based on well thought out reasons to advance social change. The centralist content means that the agreed decisions must be implemented by all
members of the organisation regardless of their views during the discussion of an issue and then the leadership leads around the agreed positions. In the context of a choir, it means that the choir’s conductor conducts the choir based on the agreed melody, lyrics and words of the songs. And anyone who sings outside of the agreed songs is ill-disciplined. However, during the rehearsals, a member of a choir has a right to criticise and make suggestions on how the choir can perform better to be the best choir.

As earlier mentioned, unity does not mean sameness. The only sameness is in the goals to be achieved. It only means that human beings with different material, intellectual, skills and knowledge and financial capacities are able to come together to pursue the same goals.

Part of the major problem in the movement is that we sometimes deploy and elect comrades, members and cadres to areas, particularly in organisational leadership positions and government, where they are not strong, leading to failures which reflect very badly on the ANC, thus further causing a discord between the ANC and the people.

Recall of ANC deployees
The recent recalls of ANC deployees, including the two recent ANC presidents, requires the ANC to develop clear principles, standards, rules and procedures under which an ANC deployed president or any other deployee can be recalled. Setting fair principles, standards and procedures will ensure that recalls of ANC deployees are not abused for individual and factional reasons. This will, one hand, significantly reduce the victor’s justice logic in post-ANC conferences at all levels of the organisation in which some elected leadership purge (un)elected leaders or members who have democratic dissenting views with dominant incumbent leadership. And the other hand, it will also set conditions to disable deployed leaders and members from dividing and mobilising people ethnically, racially and geographically to ensure that their well-deserved recalls are not effected or made difficult to defend own material interests at the expense of the ANC and people of South Africa.

It is clear that over-reliance on ANC leaders and members individual maturity, discipline and years of involvement in the revolution is not sufficient. The ANC should build its own standards and rules, which are above the minimum criminal standards in criminal law. The ANC Integrity Committee should have more powers to promote and enforce revolutionary morality, ethics and conduct among ANC members and leaders.

It needs to be borne in mind, however, the success or failure of radical socio-economic transformation does not depend on mere changes of ANC deployees and the institutional changes in the state, and within the ANC. Instead, radical socio-economic transformation will depend on the ongoing collective and unifying struggles and balance of forces within and outside the ANC led by a non-corrupt and selfless ANC leadership.

The struggle for the transformation based on the ANC 54th National Conference resolutions will be more protracted, and more difficult, and it will require maximum unity in perspective and action of the ANC itself, with the Alliance, and with the people of South Africa, and the unity of the people and international progressive forces.

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i I use the notion of the ‘people’ in a non-racial sense to refer to the motive forces of the National Democratic Revolution, namely, the working class (i.e. workers, unemployed, rural poor), strata (students, youth, professionals) and certain sections of business class.


iii It is beyond the scope of this input to deal with how the intra- and inter-class dynamics have played themselves out within the ANC and among the people in the post-1994 South Africa.
As South Africa demonstrated at the recent BRICS Summit, the country is uniquely placed to forge alliances in pursuit of a more inclusive world order, writes Khulu Mbatha.
On the eve of the recent Johannesburg BRICS summit, in an unrelated interview conducted by Edward Luce of the Financial Times, former US Secretary of State Henry Kissinger said: “I think we are in a very, very grave period for the world.”

I could not have put it better.

In the days leading to the summit, during and after, the Presidency, the Department of International Relations and Cooperation and other ministries had to deal with a plethora of questions about what was in it for us.

Some headline reports were even sarcastic, asking whether we were being overwhelmed or dominated by China and Russia. Are the Chinese here to swindle us? Is Russia’s President Vladimir Putin here to force us to sign the nuclear deal? A couple of cartoons flagged this perception by depicting a giant Xi Jinping of China and a diminutive President Cyril Ramaphosa.

Therefore, it was no surprise that at the final BRICS press conference, despite Ramaphosa going through the list of what the summit achieved, the first question put forward was whether Putin raised the nuclear question with him.

Firstly, it is disappointing that our political analysts could not match the immense heavity of the gathering that Ramaphosa hosted. Parts of the world – and of course many South African analysts – are still stuck in Cold War politics and ideologies. Using those lenses, they fail to interpret the changes in the balance of forces that have taken place since the fall of the Berlin Wall.

As Kissinger implied in the quoted interview, the US has failed to understand Moscow and Beijing. The quality of political leadership has deteriorated. It is not only US President Donald Trump, but the whole system, including analysts.

Thirdly, one senses an abundant ignorance of the international relations our country has established over many years, especially since democracy was established in 1994, and the responsibilities that go with those associations.

Fourthly, one recognises the damage inflicted on society by our own government in the past few years. The world was presented in a biased way as BRICS with the exclusion of all other relations South Africa has with the world community. In the midst of all this, Trump’s antics blind us to see the world in its real context. This makes it difficult to have meaningful discussions among ourselves on what BRICS means to us.

To start with, gathered in Johannesburg were heads of state and government of the five BRICS countries (Brazil, Russia, India, China and South Africa) that are all members of the G20, with over 3.1 billion people, or 41% of the world population, and four of them in the top 10 of the world population. All of them have considerable influence in their regional affairs and represent the largest emerging market economies. They have a combined GDP of $18.6 trillion and $4.46 trillion in combined foreign reserves.

Secondly, it was also the largest unique gathering outside the UN system and regional alliances, which attracted 31 countries and 21 heads of state. Through the Africa Outreach initiative, BRICS had – with South Africa’s persuasion – extended invitations to the AU member countries and their regional organisations.

President Paul Kagame, current AU Chairperson and Togolese President Faure Gnassingbe heading ECOVAS were here. President Ramaphosa, the current SADC Chairperson, invited all the leaders from the region. The BRICS Plus outreach initiative was attended by President Mauricio Macri of Argentina, as Chair of the G20, Prime Minister Andrew Holness of Jamaica, as Chair of CARICOM, and Turkish President Recep Tayyip Erdogan, Chair of the Organisation of Islamic Cooperation.

Interaction and collaboration
This gathering created conducive conditions for international interaction and collaboration on wide ranging issues of global concern, including trade and economic relations, peacekeeping efforts, the fourth industrial revolution, science research and cultural exchanges.

Ramaphosa said: “We have invited you today as leaders of some of the foremost regional formations of the Global South, representing all corners of the world, including Asia, South America, the Caribbean, Africa and the Islamic nations. It is vital that all of us in the Global South work together to address our pressing common concerns and needs.”

Against this background, South Africa was in the driving seat to forge a common understanding of challenges the world is facing and influence the way forward. As one analyst put it, as a country with the most developed infrastructure and economy in Africa, South Africa was ‘ideally positioned to be the bridge between all the stakeholders’.

South Africa’s business involvement within the BRICS Business Forum was very encouraging. This is the only way we can address the critical issues of our economy and job creation. As some observers noted, Africa’s
numerous developmental challenges can only be addressed through bringing together key players on the continent, strong leaders and their business counterparts to drive the economic transformation of Africa and help our countries realise their developmental objectives.

South Africa finds itself in a unique, but special position because it also has strong historic economic relations with EU countries and must harness these for its own interests and the development of Africa, especially SADC countries. Africa needs the type of technologies which will allow it to leapfrog into the fourth industrial revolution.

There were many bilateral agreements signed between us and the BRICS partners. In this regard, with the increasing uncertainty in global affairs brought about by the Trump administration, it is important that the government, especially those departments that signed agreements together with business, do their best to deliver on these agreements.

The 10th BRICS Summit Johannesburg Declaration makes it clear that we need to safeguard and strengthen multilateralism, restore the centrality of the UN to maintain international peace and security, advance development, and promote and protect human rights.

We must continue to call for comprehensive reforms of the UN and Security Council and show our commitment to the World Trade Organization systems. The New Development Bank has made a remarkable start. On people-to-people relations civil society actors, academics, business, labour and our youth can also bring huge advancements in our relations.

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