

The South African land question in light of Nelson Mandela's political thought

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ABSTRACT

Land redistribution in post-apartheid South Africa is a problem that has caused division and violence in the country. Particularly, the dispossession of land suffered by many Africans in South Africa and the failure of land redistribution programmes has led to a variety of protests. In this article, we analyse whether, in light of Nelson Mandela's thought, these protests are morally justified. The point is not to contend that Mandela's thought is correct. Instead, it is to understand what the implications of Mandela's ideas are for the land question in South Africa today. According to Mandela's political thought, we maintain that some forms of protest could be morally justified even if they involve property violation and symbolic destruction. However, excessively violent and radical protests would not be considered legitimate. The more violent and radical protests violate Mandela's principles of a gradual increase of violence and of preserving future-friendly race relations. In contrast, some of the property violation and symbolic destruction protests do not disregard these principles.

KEYWORDS: Nelson Mandela, political thought, South African land dispossession, civil disobedience, land redistribution programmes

South Africa has a long history of land dispossession that dates back to at least the arrival of the European settlers in the 1600s. Since then, Africans ¹ in South Africa have not been fully compensated for this. After the end of apartheid, the South African government introduced a programme for land redistribution, but it has been a failure. Only an insignificant percentage of land has been redistributed, and many Africans remain dispossessed. Land redistribution is an important element to address the extreme poverty that haunts South Africa and the failure to achieve this has led to a variety of protests that range from the destruction of small property to killing and torturing. The land question has been a serious problem that not only leaves poverty unaddressed but also provokes social instability in the country (Hendricks, Ntsebeza & Helliker 2013)

In the media and political debate, various discussions take place about whether these protests are morally justified or not. In academic research, however, very little has been written about this. In this article, we aim to fill the gap in the literature by trying to understand how Nelson Mandela's political thought can inform an understanding of the morality of these protests. In other words, our aim is to look at whether Mandela's political thought can inform whether there is a moral justification for the protests by Africans who were dispossessed of their land. Note that our goal is not to argue whether the protests are

morally justified or not, as this would require confronting different ethical systems. Instead, the point of this paper is to contribute to the discussion by looking at whether a specific ethico-political system – Mandela’s political thought – provides reasons to reject or accept these protests. By examining a variety of primary sources on Mandela’s actions and ideas, we conclude that Mandela’s thought could inform us that what we call private property invasion and symbolic and economic destruction may be justified. In contrast, more violent forms of protest, such as torture and killings, are not justified. ²

A few clarifications regarding focus are necessary. Firstly, the rationale for using Mandela’s thought is justified primarily because Mandela was one of the main agents and liberators of South Africa from apartheid. His thought has a history and has informed many of the political practices in South Africa. In addition, using Mandela’s thought matches the current post-colonial project of conceptualising African institutions based on African values. Instead of building a theory inspired by a western model, thinking through an African problem applying African thought is a step towards the post-colonial Africanisation of institutions. In fact, the problem is not unique to South Africa, but also routinely present in the post-colonial scene. As Amílcar Cabral, Frantz Fanon and Vivek Chibber have pointed out, in former European colonies the bourgeoisie had a role in undermining emancipation and decolonisation, and the land question is an instance of precisely this (Cabral 2016; Chibber 2013; Fanon, Sartre & Bhabha 2005). Looking at solutions in Mandela’s thought is, therefore, a South-South and Pan-African conceptual framework to solve common redistribution and land problems that are present in various former European colonies, such as Kenya, Zimbabwe and India (Chibber 2013; McIntosh; Mistra).

In order to elaborate this thesis, we have divided the article into five sections. In section one, we outline Mandela’s main political ideas about protest and violence. In this section, we use, as primary evidence for interpreting Mandela’s main political ideas, his speeches, letters, interviews, official statements and actions in relation to their historical context. In the second section we develop a historical outline of the land question in South Africa from the 1600s to the end of apartheid. In section three, we summarise the land reform programmes in post-apartheid South Africa and in section four, we explain why these have failed. Finally, in section five, we examine the history of land dispossession and failure of these reforms in light of Mandela’s thought. Our analysis reveals that there are four kinds of protests going on in South Africa. These are protests that involve private property violation, symbolic and economic destruction of property, complete land takeover, and torture and killings. We contend that while the first two are, broadly speaking, morally justified according to Mandela’s thought, the latter two are not.

Mandela’s political thought on violent and non-violent protests

In popular understanding and sometimes in academic circles, Mandela is portrayed, along with Martin Luther King Jr. and Mahatma Gandhi, as a symbol and proponent of non-violent resistance. Nevertheless, a close look at his writings and political actions reveals that this interpretation does not fully capture Mandela’s views on war and violence (Hyslop 2014). Even though Mandela may have endorsed pacifism as a form of political action on some occasions, he did not accept it as a universal principle. One example of his endorsement of violence is this statement of admiration for anti-colonial African military combatants:

Heroes like the Khoi leader [Autshumayo], Maqoma of the Rharhabe, Bambatha, Cetshwayo of the Zulu, Mampuru of the Pedis, Tshivashe of the Vendas and a host of others were in the forefront of wars of resistance and we speak of them with respect and admiration (Mandela 2011, 31).

In addition, Mandela had a fundamental role in convincing the ANC to engage in violent methods, against the opposition of some leaders, particularly Chief Albert Luthuli, who held a Christian-Gandhian viewpoint on violence (Hyslop 2014). Mandela endorsed the view that generally peaceful means to achieve one's goals ought to be preferred and used when they are available. Nevertheless, when these means are not available, violence may be a method used to achieve one's political goals. For example, in his autobiography, Mandela states, '[W]e took the attitude that we would stick to non-violence only insofar as the conditions permitted that. Once the conditions were against that, we would automatically abandon non-violence' (Mandela 2013, 53).

By looking at the different phases of Mandela's anti-apartheid struggle, one can indeed identify this dynamic between armed and peaceful resistance. The ANC, since its formation in 1912 until 1949, attempted to pursue equality for Africans through legal means, peaceful protests and delegations addressed to the government. With the official implementation of the apartheid policy on 29 June 1949, there was a major increase of oppression that substantially curtailed African political rights and voice (Dubow 2014).

It was at this stage that violence started being considered but was not yet used. In 1953, eight years before the beginning of the armed response, Mandela, in a meeting in Sophiatown, contended that 'non-violence was a useless strategy and could never overthrow a white minority regime bent on retaining its power at any cost [...] Violence was the only weapon that would destroy apartheid, and we must be prepared in the near future to use that weapon' (Mandela 2011, 182).

It was only in 1961, after significant repression and much deliberation that the ANC formed its military wing, Umkhonto we Sizwe (MK), which engaged in acts of violence. Then, later on, when negotiations were underway with the apartheid government, Mandela convinced MK to suspend their violent military activities (Simpson 2016).

At that stage, Mandela thought that peaceful means had been exhausted. There are two political conditions that explain the decision. Firstly, when the state is so repressive that peaceful means of protest are severely curtailed, a certain level of violence is morally acceptable. If there is no clear willingness to negotiate or make changes from those with power, then violence is a justified means (Cordeiro-Rodrigues 2018; Hyslop 2014; Simpson 2016). This comes across clearly in a letter that Mandela wrote in 1969 to the minister of justice where he states that 'world history in general, and South African history in particular, teaches that resorting to violence may in certain cases be perfectly legitimate' (Mandela 2011, 146).

This quote also suggests something about the second condition for initiating violence, namely that those who do not have political rights are justified in resorting to armed struggle, while those who have them are not. Under these circumstances one can proceed

to the use of violence when one's political rights and freedoms are so severely curtailed that it is impossible to function (See Chimakonam 2017). It is important to note that for Mandela it is not only about not having any political rights but also concerns situations where the kinds of political rights one has are not suitable to achieve one's goals (Cordeiro-Rodrigues 2018; Hyslop 2014; Mandela 2013). An example that demonstrates this is Mandela's reaction to a protest on 31 May 1961. The strike took place, and it was endorsed by some people in urban centres. However, Mandela felt that the media coverage and the limitations imposed on the strike were excessive. When interviewed by British television, Mandela stated, 'If the government reaction is to crush by naked force our non-violent demonstrations, we will have to seriously reconsider our tactics. In my mind, we are closing a chapter on non-violent tactics' (Mandela 2013, 271). Indeed, it was a few months after this statement that Mandela convinced the ANC to use violent methods for achieving their goals (Hyslop 2014; Simpson 2016).

Mandela's move from pacifism to violence and violence to pacifism is not a matter of inconsistency. Violence was required only because conditions demanded it and as Mandela states, 'If there was not the violence of Apartheid, there never would have been violence from our side' (Mandela 2011, 233).

Violence, when it happens, still has to respect two constraints. Firstly, it should never be a kind of violence that undermines future reconciliation. The end goal of violence is to create a harmonious community, and if some actions are disharmonious, they should not make such a future community impossible (Cordeiro-Rodrigues 2018; Hyslop 2014). As Mandela expressed it, 'In the light of our political background the choice was a logical one. Sabotage did not involve loss of life, and it offered the best hope for future race relations' (Mandela 1964).

Secondly, this violence should be moderated according to the phase of struggle. Following the principle that peaceful means ought to be used when available, a derivable principle is that one ought to use the most peaceful means/minimum force necessary to achieve one's goals. More precisely, one ought to start with very light violence and increase it gradually only when there is a lack of response from the stakeholders (Drew 2015; Cordeiro-Rodrigues 2018).

Mandela offers a typology of violence in his writings, including sabotage, guerrilla warfare, terrorism and open revolution. Sabotage refers to the damage of government property. Guerrilla warfare includes sabotage but also targeting some military personnel in the attacks. Terrorism includes these and the attack on civilian lives and properties. Finally, open revolution is when there is uncontrolled violence where anything is acceptable to achieve the desired goals. Mandela does not rule out any of these forms of violence as illegitimate, but the increase of violence ought only to occur when the previous form of violence has proved ineffective (Drew 2015). As Mandela states in *Long Walk to Freedom*:

Our intention was to begin with what was least violent to individuals but most damaging to the state [...] It made sense to begin with the form of violence that inflicted the least harm against individuals: sabotage [...] [I]f sabotage did not

produce the results we wanted, we were prepared to move onto the next stage (Mandela 2013, 712).

Whether the use of violence in each stage proves effective or not depends on if stakeholders are willing to negotiate and make actual changes. Mandela was first exposed to the idea that violence can be used as a means to force negotiation from the *Front the Libération Nationale* representatives. He advised Mandela that a purely military victory was impossible due to the asymmetrical nature of war. Armed struggles are instrumentalised to unleash political and economic forces that force the enemy to the negotiating table (Drew 2015; Cordeiro-Rodrigues 2018; Hyslop 2014). In fact, this statement is confirmed by Neville Alexander, an independent political revolutionary who was in prison on Robben Island with Mandela, when he says that Mandela believed that overthrowing the apartheid regime was impossible and he wanted to force the government to the negotiation table (Cordeiro-Rodrigues 2018; Hyslop 2014). Again in his *Conversations*, Mandela confirms that 'the ANC never deviated from the principle that the liberation of our country would ultimately be brought about through dialogue and negotiation' (Mandela 2011, 248).

The point we wish to highlight in the preceding quote is not Mandela's preference for a non-violent approach but his thinking that the apartheid struggle does not necessarily have to end in the defeat of the European minority but in reconciliation of all sides to the conflict. His later advocacy for a violent strategy was intended to bring the oppressors to the negotiating table and not to overthrow them. This point is particularly interesting and critical to understanding Mandela's perception of violent means to conflict resolution. In the next section, we shall address the boiling issue of land protests in South Africa and reflect on whether they are following Mandela's thought in the post-apartheid era.

The land question in South Africa: From the 1600s to the end of apartheid

In this section, we shall give a brief historical account of how land dispossession and land relations between Africans and Europeans developed in South Africa. To begin with, the land problem in South Africa dates back to the 1600s when Europeans began to settle in the country. Land was and remains a basic commodity in the world. Land is a limited resource, but the world's population continues to grow with more and more people wanting access. When colonisers discover a new land there is usually an inevitable conflict over access and use. These conflicts could be between the natives and the settlers, as well as between established settlers and newly invading forces. Some of the notable conflicts include the ones between the Dutch and the British, the French and the British, the Indians and the British, the Bantu tribes and the Dutch, and so forth. In North America and in South Africa, killings, pogroms and genocides have occurred (Thompson & Berat; Welsh 2000).

In South Africa specifically, before the arrival of the Dutch in 1652, Bantu tribes and a few powerful chiefs controlled the small territories that they occupied. Much of the land in South Africa at the time seemed uncontested as land had limited value in the commercial sense. As new settlers trooped in, trading increased. With the discovery of gold, populations swelled, and the acquisition of land was at a premium. European commercial farmers working at scale began to dispossess and uproot the natives from their lands (Welsh 2000).

The land problem grew and diversified, from simple settlement to occupation and from occupation to dispossession. Much of this happened between 1652 and 1912, during which the control of the territory of South Africa switched between the British colonisers and the Dutch settlers, not forgetting some powerful Bantu kings like Shaka, the founder of the Zulu kingdom. Following the formation of the Union of South Africa in 1910, the four British colonies – Cape, Natal, Transvaal and Orange River – were brought together as a self-governing autonomous territory of the British Empire with the Crown represented by a governor-general. The unified autonomous territory was being ruled by both the British and the Dutch Europeans, and they made the laws of the new territory to favour their kind. Whoever controls land controls the resources of the territory. In 1913, the enactment of the Natives Land Act 27 of 1913³ changed South Africa forever. Section 1(1) of The Act (Kloppers & Pienaar 2014, 680–681) stipulates that except with the approval of the Governor-General:

a native shall not enter into any agreement or transaction for the purchase, hire, or other acquisition from a person other than a native, of any such land or of any right thereto, interest therein, or servitude thereover; and

a person other than a native shall not enter into any agreement or transaction for the purchase, hire, or other acquisition from a native of any such land or of any right thereto, interest therein, or servitude thereover.

Section 1(2) stipulates:

From and after the commencement of this Act, no person other than a native shall purchase, hire or in any other manner whatever acquire any land in a scheduled native area or enter into any agreement or transaction for the purchase, hire or other acquisition, direct or indirect, of any such land or of any right thereto or interest therein or servitude thereover, except with the approval of the Governor-General.

From the above provisions of the Act, it is clear that it was intended not only to dispossess the native Africans of their land but to orchestrate racial and territorial segregation against them. Before the Act came into existence, forms of racial discrimination against the natives by the European settlers were well known. The Act thus became a legislative basis for legalising race division and segregation. The European-controlled government merely enacted the Act as a strategy to aid their programme of territorial segregation, population resettlement and political exclusion (Kloppers & Pienaar 2014, 679). These programmes were mostly targeted at the natives whom the settlers viewed as competition and as obstacles. Little wonder the Act eventually came to be known as the Black Land Act (Kloppers & Pienaar 2014, footnote 11). The aim of the Act was simple, to segregate territory on the basis of race such that the natives were prohibited from occupying or acquiring land. It also paved the way for land belonging to natives to be lost if such land fell outside the scheduled areas of the natives (Thompson & Berat 2014; Welsh 2000).

One particular interest is that Act established a commission that was tasked with identifying the scheduled areas where the Europeans and the natives may own land and where they

may not. Violation of this Act attracted up to six months of jail term with or without hard labour. In the end, the commission mapped out about 8 per cent of South African land for natives and the rest for the Europeans who were, it should be noted, far less in numbers. For its unfair provisions, the Act was later known as apartheid law (Van der Walt 1990) even though it predated the apartheid policy that came into effect soon after the Second World War in 1948 (Krantz 2008). But this correlation is not strange given that historians have established the administrative origins of the apartheid ideology some three decades before 1948 (Rich 1980, 171–194). Put differently; apartheid did not just emerge as a result of the ideas of Hendrik Verwoerd, a professor of sociology and social work at the Stellenbosch University widely believed to be the architect of the racial policy of apartheid in South Africa. It has its embryonic formation in racial laws and policies before 1948, one of which was the 1913 Land Act.

The Native Trust and Land Act 18 of 1936, the Group Areas Act 41 of 1950 and the Group Areas Act 36 of 1966 were three subsequent Acts that were enacted to strengthen the 1913 Land Act. We will summarise the three Acts together, highlighting only their major thrusts. The main provision that the 1936 Act added to the 1913 Act was to eliminate individual land ownership for the natives. This 1936 Act established what is called the South African Native Trust as a government agency saddled with the responsibility of acquiring and administering trust land for the natives. This led to the creation of South African Development Trust, tasked with acquiring land in approved areas for the settlement of natives. The 1936 Act made provision for up to 13 per cent of the total land in South Africa to be acquired and administered for the natives by the trust. This appears to be an improvement on the 1913 Act, which allowed only 8 per cent of the total land as a reserve for the natives. However, even though the Act allowed up to 13 per cent, this does not mean the trust achieved this percentage. Even if it did, the reality is that 80 per cent of the population was confined to barely 13 per cent of the total land in South Africa. Needless to point out that the main problem is that the 1936 Act prohibited those categorised as Black people from owning land and from living outside the areas reserved for them. African landlords were dispossessed of their lands, and, therefore, many African people were evicted from their place of dwelling (Welsh 2000).

The Act of 1950 further strengthened the legal framework aimed at segregating some racial groups. It made provisions for evictions of those categorised as Black, coloured and Indian who lived or farmed outside the demarcated areas designated for use by members of each racial category. It was no longer about Africans losing the right to own land; the Act of 1950 meant that Africans could no longer live outside the area reserved for their race without proper authorisation.

Finally, the Act of 1966 further strengthened the Act of 1950 by granting the police extensive power to enforce the land use Acts. For example, section 43(1)(a) of the 1966 Act empowered the police to gain entrance without warrant onto any land where offences against the Acts were suspected of having taken place. This implies that the judicial process that can hamper government's efforts at evicting, relocating and dispossessing natives of their land may now be bypassed to pave the way for speedy execution of the provisions of these Acts. With the 1966 Act, the use of the legislative framework to dispossess Africans of their lands was perfected in South Africa at the peak of the apartheid regime. What

followed from 1966 to 1990 was a period of intense suffering and hardship of well over 80 per cent of the total population of South Africa made up of mainly Africans. Nearly 70 per cent of the total land in South Africa was in the hands of less than 9 per cent of the settler or European population. At the peak of apartheid, the execution of these Acts helped the regime to complete racial segregation of the territory making South Africa one of the countries with the highest levels of poverty, unemployment and unequal income distribution in the world.

During the period between 1913 and 1982, when the four Acts were in full force, much of the arable land in the country was allocated to European farmers and about seven million native South Africans were also forcibly removed from their own lands, which were passed on to their European counterparts (De Wet 1994, 359). Chris de Wet cites statistics from the relocation survey undertaken by the Surplus People Project:

the largest categories of removals were people either being evicted from or leaving white-owned farms (1,129,000 people); people being moved in terms of the Group Areas Act (No. 41 of 1950, and as amended) which prescribes the provision of separate residential and trading areas for Coloureds, Indians and Whites (834,000 people); urban relocation, whereby African townships in white South Africa were deproclaimed, and their inhabitants were settled in newly established urban settlements within the homelands (730,000 people); homeland consolidation and 'black spot' relocations (614,000 people) (De Wet 1994, 369).

The evictions of millions of native South Africans and the segregation of land brought untold hardship on the people and set the stage for unequal resources and income distribution in South Africa. This increased agitation against the apartheid regime.

Land reform programmes in South Africa

As the apartheid regime was nearing an inevitable collapse as a result of the struggles of anti-apartheid campaigns led by the African National Congress (ANC) and the economic sanctions from around the world, there was no doubt as to the first priority – it was land. Land accounted for the prosperity of the small European population, for the poverty of the large African population and for the racial segregation of the country. FW de Klerk, the last president of South Africa under the apartheid regime, proposed the abolition of the land use Acts. In 1991, the Abolition of Racially Based Land Measures Act 108 was promulgated and came into operation on 30 June 1991. This Act, among others, repealed all the four Acts discussed above and allowed native people to own land and live in any part of the country. This was a welcome development, but there was one problem, all lands were already segregated, and nearly 80 per cent of the total land in the country was legally in the hands of the European population. Even though the Acts were repealed, there was no land outside the group reserve areas for native people to occupy or acquire.

When the South African Constitution was negotiated, the ANC and the National Party came to the negotiations table with conflicting interests. While the National Party wished to ensure that existing property would be protected from expropriation by future governments, the ANC was focused on a constitutional right to property that did not

undermine redistribution programmes (Chaskalson 1994). As De Klerk has stated, 'The property clause was one of the most tightly negotiated compromises in the final constitution' (De Klerk Foundation 2018). De Klerk stated that the Property Clause was necessary for maintaining the rule of law, economic prosperity and agricultural sustainability and that this was a central priority for negotiations (De Klerk Foundation 2018). Section 28 of the South African Constitution is precisely the result of a compromise between these negotiators. Section 28 states that everyone ought to have the right to property and the guarantee against arbitrary deprivation and expropriation of property. Moreover, Section 28 states that expropriation ought only to be allowed for public purposes and requires compensation (Chaskalson 1994).

Thus the first burden for the ANC led majority government that took over in 1994 was how, in light of past injustices and the South African Constitution, to redistribute land and right the wrong of the four notorious land use Acts that dispossessed native Africans of their land (Booyesen 2011; Johns & Davis 1991).

As Stephen Greenberg observes:

The structure of the South African economy is inseparable from the land dispossession of the black majority in the country. Colonial conquest in the nineteenth century was sanctified in law with the passing of the 1913 and 1936 Land Acts. These and other related laws had two major impacts on the structure of South African agriculture. First, they ensured the elimination of agricultural competition from black farmers. White farmers were able to gain control over the land, and consolidate this control over time without fear of competition from black farmers. Second, the laws consolidated the system of migrant labour, forcing the black rural population to live in racially defined areas and migrate to white-owned farms, mines and industrial areas for employment (Greenberg 2003, 42).

Bearing this in mind, one of the foremost programmes of the Mandela led ANC government was the Reconstruction and Development Programme (RDP). In the RDP, the government outlined plans that promised to redress the high poverty and unemployment levels, develop human resources, address land problems and income disparity in the country. According to Henk Kloppers and Gerrit Pienaar (2014, 689), the pillars of the RDP include:

- Creating opportunities for all South Africans to develop to their full potential;
- Boosting production and household income through job creation, productivity and efficiency, improving conditions of employment, and creating opportunities for all to sustain themselves through productive activity;
- Improving living conditions through better access to basic physical and social services, health care, and education and training for urban and rural communities; and
- Establishing a social security system and other safety nets to protect the poor, the disabled, the elderly and other vulnerable groups.

From these pillars, one can see that the idea of the RDP was well-conceived and in order to fulfil its promises, a land reform component had to be included. Taking into consideration

the evils of apartheid and the racial segregation of land, the RDP and later, the White Paper on Land Policy 1997, initiated a programme of land reform consisting of three dimensions, namely redistribution, restitution and land tenure reform (Cliffe 2000, 274–275).

For land redistribution, the purpose was to transfer a reasonable percentage of the European-owned land to native South Africans who had been dispossessed of their land since 1913. This would give the impoverished Africans access to land for residential and agricultural purposes, thereby improving their lives and incomes. The redistribution programme was specifically designed for those who did not qualify for restitution (De Wet 1997, 357). Land redistribution applied only to those who were forcibly evicted from their land during the implementation of the four Acts. As De Wet (1997, 357) puts it, 'Restitution of Land Rights Act of 1994 provides for priority treatment for those who lost their land after 1913 (i.e. after the Native Land Act) as a result of racially discriminatory legislation, and who were not fairly compensated'. When apartheid collapsed, there was no provision made to secure native people who were renting land from European property owners. Land tenure reform was conceived to guarantee security for those affected. According to De Wet (1997, 357–358), 'Black people hold land under a number of different tenure dispensations, and many people have insecure tenure, whether as labour tenants, renters, squatters, or in the modified versions of communal tenure that exist in South Africa today.'

The purpose of the land tenure reform was 'to effect real rights for the rural and urban poor' (De Wet 1997, 358) who needed land for both residential and agricultural purposes. From the above, one can see that the focus of the three elements of the land reform was to undo, or at least attempt to correct the damage done by the four notorious Acts previously discussed, which made South Africa a segregated country. The mandate of the RDP's land reform, also captured in the White Paper on Land Policy 1997, was to transfer 30 per cent of all European-owned agricultural land to native South Africans by 2001 (Kloppers & Pienaar 2014, 690). As noted by Thembele Kepe (1999, 415):

One of the major commitments of South Africa's post-apartheid government is to redress the imbalances of the past, such as unequal access to and control over land resources and, in particular, to improve the quality of life for millions of Africans. The stated aim of policy makers is to develop policies that will have a positive impact on the poorest people of South Africa, including those who live in the rural areas of the former Bantustans.

Whether these programmes have been successful or whether the ANC has fulfilled its promises is the focus of the next section.

The failure of the land redistribution programmes in South Africa

According to Alistair Fraser (2007, 837), ⁴ South Africa had about 45 000 European farmers as at 1996 who owned 82.2 million hectares (that is, 67 per cent) of South Africa's land area. About 30 per cent of these lands were scheduled for redistribution before 1999 but as at 2005, some six years after target, only an estimated 3.5 million hectares, representing about 4 per cent of agricultural land, had been redistributed (Fraser 2007, 837; see also Hall 2006). The land reform policies had not only failed, the ANC had failed the African majority in

different sectors. By the turn of the millennium year, the African majority had become increasingly disenchanted with the ANC led government and resorted to protests and agitations (Hendricks et al. 2013).

However, we must note that the ANC's land reform policy was weaved around what the World Bank prescribed for the country in 1993, which Greenberg (2003, 56) captures as the policy of willing-buyer willing-seller. The intention was that 30 per cent of European-owned land would be redistributed within the first five years. The implementation of this policy was difficult because the government had limited funds to pay the European owners for their private property. Most of these properties were protected by the World Bank master-minded policy, and compensation was based on market value. Most of the applications for restitution were for urban land.

Unexpectedly, most claims for restitution were for urban land. This plus the crisis of agricultural land redistribution meant that the new majority government seemed to take off with the wrong plan. As Greenberg (2003, 56) puts it, 'Although the post-Apartheid land reform programme adopted this goal (ANC 1994b), it came nowhere near to meeting this target'. It is clear that part of the reason the land reforms failed was that it was designed to protect the European minority more than to salvage the African majority. Thus, Greenberg explains that, 'By 1996 the ANC government's economic policy had acquired an overt class character, and was unabashedly geared to service the respective prerogatives of national and international capital and the aspirations of the emerging black bourgeoisie' (Greenberg 2003, 48). By 1999, five years after the ANC majority government took off, most of its major programmes affirmed in law by such Acts as the Provision of Certain Land for Settlement Act 126 of 1993, Restitution of Land Rights Act 22 of 1994, Development Facilitation Act 67 of 1995, Interim Protection of Informal Land Rights Act 31 of 1996, Communal Property Associations Act 28 of 1996, and so forth, did not achieve the expected results (Hendricks et al. 2013).

As Edward Lahiff observes:

Since its transition to democracy, South Africa has implemented a multifaceted programme of land reform to address problems of historical dispossession and rural poverty, relying heavily on the concept of 'willing buyer, willing seller'. This version of market-led agrarian reform has been influenced by the World Bank but enjoys support from landowners' (Lahiff 2007, 1577).

Lahiff suggests that various factors combined to frustrate the willing buyer, willing seller policy and to make the land reform and other economic policies unrealisable. The factors he lists are market-led agrarian reform, the extreme inequalities in landholding specifically along racial lines, South Africa's highly commercialised agriculture sector, the existence of a well-developed land market, the ANC's commitment to neoliberal economic policies, and the programme to reconcile the nation. Lahiff (2007, 1578) declares that for land reform to be meaningful it 'would have to be fundamentally redistributive, benefiting not only those currently involved in agriculture but also those who had long been dispossessed'.

In summary, the policy of willing buyer, willing seller to a large extent failed because, in the post-apartheid South Africa, unlike in Brazil and the Philippines, the country was segregated and much of the land and capital was in the hands of the European minority. The government also had limited funds to support the potential African farmers.

As of 2018, South Africa has one of the highest poverty, unemployment, and adult and child mortality rates in the world. Less than 10 per cent of European-owned lands have been redistributed, and the restitution programme has not been much success. Unemployment reached a new 39.7 per cent high in the first quarter of 2020 (Statistics South Africa 2020: 8). The country has one of the highest HIV/AIDS prevalence in the world and a low life expectancy. Despite many efforts, gains have been minimal, suggesting that by and large, the ANC led majority government has failed to deliver on its promises. Well-meaning programmes such as the RDP, including land reform, and the 1997 White Paper on Land Policy have not delivered as expected. In his inaugural address in February 2018, South African president, Cyril Ramaphosa, made the land problem in South Africa one of his top priorities. Until recently, the country was the largest economy in Africa, but much of that wealth is in the hands of a few European farmers, industrialists and the emerging African aristocrats and politicians. The greater majority of the population still wallow in poverty orchestrated by apartheid policy and the land use Acts that segregated society. Due to obvious failures of the land redistribution programmes, there have been protests, agitations and even clashes between stakeholders in different parts of South Africa. The problem is that these conflicts are becoming violent and inhumane. In the following section, we will reflect on this problem in the light of Mandela's thought on conflict resolution mechanisms.

Land protests in South Africa

As a result of this long history of land dispossession and the failure of the land distribution programmes in South Africa, there have been attacks and clashes between European landowners who believe they were coerced to give up their land and the poor Africans who believe they were dispossessed of their land and forcibly resettled during the repressive times under European minority rule. These convictions set the stage for both Europeans and Africans at the centre of land problems to mutually despise and antagonise each other. As a result, there have been some forms of protest from both sides. From the African side, which is the topic of discussion in this paper, four kinds of protests have been identified:

1. Private property violation;
2. Symbolic and economic destruction of property;
3. Complete land takeover; and
4. Torture and killings.

In terms of private property violation, some Africans who believe that they have been dispossessed of their land attempt to enter, raise a shanty or do small subsistence farming on European-owned farms. This kind of protest is not restricted to issues of land, for example, in the townships electricians use their skills to illegally supply electricity to dwellings in informal settlements. More than three centuries since land became an issue; South Africa remains a polarised country comprised of the ultra-rich and the very poor. This situation is exacerbated by the fact that this division runs along racial lines.

Regarding symbolic and economic destruction, some Africans have damaged and destroyed symbols, such as tools used by European farmers, because they are seen as being representative of European economic power. This has the purpose not only of sending a message to the government about the dissatisfaction of the land distribution situation, but also to contribute to an economic crisis so that the government and farmers are forced to negotiate. Like the previous case, this form of protest is not common in the South African context. The #RhodesMustFall movement has routinely tried to force universities to sit at the dialogue table by using such methods.

The third form of protest, which involves the illegal takeover of European-owned lands, has the potential to lead to violent attacks if not death. We consider this type of protest to be too strong. The same goes for the fourth type of protest, which involves torture and killing. Stories of killings associated with land conflict are not unusual in post-apartheid South Africa.

Considering the above, we claim that the first two kinds of protests are morally justified in Mandela's thought, but not the latter two. The first two categories of protest have respected the requirement of a gradual increase in violence. The measures promised to address the land problem in South Africa have failed, and the result is a situation of mounting poverty, inequality and tension. As Urmilla Bob (2010, 56) explains, 'Sub-Saharan Africa has a history of land dispossession and contestation, which have resulted in various types of inequalities and a skewed distribution of land resources'. Both of the first forms of protest began to occur after the legal measures failed. This is because many Africans are in a desperate situation.

These kinds of actions are not likely to threaten future race relations of a positive kind. Only unnecessary and excessive violent actions will undermine these relations. The second set of protests may violate this requirement if they are excessive and involve torture, killing or even massive destruction of property, but if they are less severe, they will not violate Mandela's principle.

In addition to this, there has been an unwillingness to respond positively to peaceful protests in South Africa from the time of the apartheid era. The programme of land redistribution is not working satisfactorily for more than twenty years since it commenced. Some think it was designed not to work; others think some policy adjustments are required. The government and the European farmers have largely ignored the fact that the programme was not working and it was only in 2018 after the protests that the government seems to want to focus attention on this matter again.

There is doubt that these protests comply with Mandela's thought in that he requires that violence only be used when other non-violent means are ineffective. Even though inequalities persist in post-apartheid South Africa, it is now, contrasting with the apartheid South Africa, a democratic country where there are constitutional rights and forms of political expression. Particularly, even though the property clause makes the process of land redistribution more difficult, it simultaneously allows this redistribution, and, unlike the apartheid period, there are many forms of political expression that can be used. Hence, this contrast that exists between apartheid and post-apartheid South Africa regarding the

possibilities of non-violent contestation changes, according to Mandela's thought, the way that the problem of land ought to be addressed.

However, neo-colonialism is manifested in this persistence of land dispossession and is precisely what leaves individuals vulnerable to a system which they cannot disrupt. It provides the illusion of freedom, but the change one can make with the tools provided is minimal. This is indeed a desperate situation because of all the poverty and hardships caused by the land dispossession. The vulnerable and the dispossessed are exposed to toxic waste and a lack of running water on the peri-urban edges where informal settlements mushroom. Those dispossessed of their land also have less economic opportunities and access to basic social services as these are normally located in urban European areas (Booyesen 2011; Johns & Davis 1991). Kai Thaler (2013, 1) asserts that 'foreign governments and corporations lease and purchase large tracts of arable land across the globe, in Africa, such large-scale land acquisitions (LSLAs) or "land grabs" have allegedly provided the grievance behind protests, riots, coups, and other conflict'.

With respect to the third and fourth forms of protest, these are morally wrong in light of Mandela's thought because they vitiate the possibility of future reconciliation and the requirement of a gradual increase of violence. They are, in fact, forms of open revolution, the last stage of violence in Mandela's thought. One of Mandela's requirements was that the actions during struggle do not undermine future reconciliation. Mandela believed that positive communal relations are the goal of moral actions. Any action that undermines the possibility of future positive relations ought to be abandoned. The third and the fourth forms of protest increase the racial tensions existing in South Africa and, indeed, fuel the post-apartheid European discourse of victimisation. Hence, Mandela's thought condemns these protests on the grounds that they create enmity in the short and long term and, thereby, undermine possibilities of reconciliation after violence.

In addition, some of the protests represent extreme cases, which even Mandela was reluctant to use during the anti-apartheid struggle. Indeed, Mandela expressed concern about the threat to the lives of civilians during the anti-apartheid struggle and opposed some ANC members who supported such actions. Mandela's position was in relation to a much more violent and repressive apartheid government. Hence, given the less repressive setting of post-apartheid South Africa, Mandela's ideas would not support this form of violence. The new land redistribution programme may be slow, but some lands have been redistributed. Perhaps what is needed is policy adjustments to speed up the process. Resorting to violence whether to forcibly re-possess lost land or to defend own land is hardly justified.

Conclusion

In this article, our task was to evaluate whether the forms of protests being carried out in South Africa regarding the land problem are justified in light of Mandela's political thought. We answered that benign property invasion and symbolic and economic destruction are, according to Mandela's thought, morally justified. This is because they do not violate any of Mandela's requirements for the use of violence. Contrastingly, forms of violence that involve killing, torture and illegal land possession are not justified. The reason is that they

undermine future reconciliation and violate the idea of a gradual increase in violence. Further research ought to focus on applying Mandela's thought to other forms of protest in South Africa, such as the Rhodes Must Fall movements.

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Notes

¹ We have avoided using the colour categories 'Black and white' in this work, as they are now being problematised and viewed as racist. In their place, we have used 'Africans and Europeans' in a simple geographical sense much similar to the category 'African-Americans'. For details on the racial problematic of colour categories, see Kwesi Tsri (2016a, 2016b; Chimakonam 2019).

² See, for instance, Denita Annzra (2017) and Jewel Topsfield (2018) for reports of this type of violence.

³ This Act is captured in Gazette Extraordinary No 380 of 19 June 1913.

⁴ See also Walker (2006, 145).

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