



NELSON MANDELA
FOUNDATION

Living the legacy

MANDELA AND LAND



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This report has primarily been prepared by Yoliswa Msweli (independent consultant) for the Nelson Mandela Foundation, with the support and oversight of the Dialogue and Advocacy team based at the Foundation. The information, analysis, and conclusions presented herein are based on the data and assumptions provided at the time of preparation.



"The historical legacy of South Africa necessitates land reform. Resentment over land dispossession runs deep in our society. It threatens to boil over, causing social and economic dislocation through the illegal occupation of land - invasions of public and private land in both rural and urban areas. Without a significant change in the racial distribution of land ownership, there can be no long-term political stability and therefore no economic prosperity."

(White Paper On South African Land Policy, 1997)

BACKGROUND

Land represents the unfinished work of the struggle for liberation in South Africa. Thirty years into democracy, the legacy of colonial and apartheid dispossession continues to be reflected in the racialised land ownership inequality, with blackness identified with landlessness and poverty in contrast with the white identity of property and wealth. Today, landlessness manifests as urban land hunger, food insecurity, and insecure tenure for those living in the urban areas and former homelands. Landlessness is also gendered- both in impact and emergence. Moreover, it represents the loss of a sense of belonging in one's homeland and the loss of culture and spiritual connection to the land. Therefore, without the resolution of the land question, it is hard to envision a meaningful sense of nationhood in South Africa.

Since democracy, guided by the Constitution and the White Paper on Land Policy in South Africa, the country has undertaken a land reform path which sought to redress the effects of the historical dispossession by restoring land to those who were forcibly removed after the Natives Land Act of 1913. It also sought to address the impact of dispossession on those who remained landless, land-hungry or tenure insecure due to racially discriminatory land laws of colonialism and apartheid. It is widely documented that land reform has been on a path of policy failure. There is consensus that the pace of land reform has been unsatisfactorily slow, yielding sub-optimal outcomes

which are disproportionate to the weight of the historical injustice. Land reform to date has also not delivered on the depth of redress needed for these injustices, nor does it respond adequately to present land needs.

Some criticise Mandela's Presidency for the current state of landlessness and the country's inability to find a substantive resolution to the historical land question. Contemporary criticisms of Mandela's land reform efforts include assertions of fundamental contradictions in the constitutional underpinnings of land rights and proposals on how a lack of clear legislative definitions has resulted in poor implementation. A generally held view is that the negotiated settlement concerning land, arising out of the pre-1994 negotiations, locked the historically dispossessed in legalised landlessness. This report provides a better understanding of how Mandela's leadership during the struggle and his Presidency impacted the land question and provides a historical assessment of Mandela and his Presidency up to the end of his Presidential years. It also aims to unpack his performance relative to the ambitions of the struggle concerning land and what his government had set out to achieve. Moreover, it also seeks to understand the extent to which Mandela's Presidency and the policy foundations it established are connected to the land question in South Africa today.



1. MANDELA AND LAND DURING THE STRUGGLE: PRE-1990

During the struggle for freedom in South Africa, Mandela's role as a fighter and activist was more prominent. Across various platforms, land was presented as an intricate part of the struggle. In his court speeches, Mandela advocated for the plight of the Africans forced into landlessness by colonial and apartheid dispossession and its impact². The impact was felt mostly in the rural areas through the high levels of poverty in the Reserves, and in overpopulated and overstocked land, leading to a life of starvation and disease. The absence of employment in the rural areas drove people to the urban areas and the lack of facilities in the urban areas for these workers to live with their families meant that these workers had to maintain lives as both urban workers and rural peasants upon returning to their families in the rural areas. Mandela adopted a radical tone and communicated with urgency the need to restore the land to the people.

Mandela's advocacy for land was anchored on the claims of the Freedom Charter of 1955. Multiple sources confirm Mandela's emphasis that his and the ANC's interpretation of the Freedom Charter was that whilst it provided for the nationalisation of mines, banks and monopoly industry,

it called for land redistribution and not nationalisation³. Mandela repeatedly refuted claims that the Freedom Charter was for a socialist agenda. In clarifying this misconception concerning the Freedom Charter, Mandela went as far as stating that the basic premise of the Charter was one of private enterprise, and its intention was for capitalism to flourish fully amongst Africans⁴. Mandela and the ANC's primary demand for land was the end of restrictions on land ownership on a racial basis and called for its division amongst those who work it. Therefore, Mandela and the ANC were in favour of the principle of private ownership of the land. Mandela reflected that this aspect of the Freedom Charter was one of the sources of contention for the Pan-African Congress (PAC)'s breakaway from the ANC⁵.

In the pre-1990 period, whilst the 1923 ANC Bill of Rights was an influential source, two documents provided a foundational base for the struggle for liberation and subsequent policy development in South Africa. There were namely, the ANC Africans' Claims in South Africa (including the Bill of Rights) of 1943; and the Freedom Charter of 1955.

² Black man in a white man's court: Nelson Mandela's first court statement, 1962. NCMOA.

³ I am prepared to die: Nelson Mandela's statement from the dock at the opening of the defence case in the Rivonia Trial, 1964. NCMOA.

⁴ Mandela. 1976. LWOM, Chapter 6-179. NCMOA.

⁵ Mandela. 1976. LWOM, Chapter 11-354. NCMOA.

1. MANDELA AND LAND DURING THE STRUGGLE: PRE-1990 (CONTINUED.)

i. ANC Africans' Claims in South Africa (including the Bill of Rights), 1943

The focus of the ANC during this period was to deepen the advocacy for freedom and rights to full citizenship for Africans in the same ways as enjoyed by Europeans. The most important document produced at this time was the ANC's Africans' Claim in South Africa, of 1943, which consisted of the "Atlantic Charter from the African's Point of View" and the "Bill of Rights". The ANC took advantage of global developments declaring that a post-World War II world would be centred on the principle of territorial self-determination⁶. As this was the position endorsed by the South African government at the time, despite its infringement on the freedoms of African peoples, the ANC government used the Atlantic Charter to formulate demands specific to the struggles of the African people in South Africa. The Bill of Rights of 1943 contained in this Africans' Claims document demanded fair redistribution of the land as a prerequisite for a just settlement of the land problem. It demanded the right to own, buy, hire lease and occupy land individually or collectively, both in rural and urban areas, as a fundamental right of citizenship. It called for the repeal of the Natives Land Act, the Native Trust and Land Act, the Native Laws Amendment Act, the Natives (Urban Areas) Act and similar legislation. It also demanded that African farmers obtain similar assistance from the State such as that which was provided to European farmers, in the form of Land Bank facilities, state subsidies, and other privileges enjoyed by Europeans.

ii. The Freedom Charter, 1955

The Freedom Charter of 1955, which, according to Nelson Mandela, was the most important document to be adopted by the ANC, was also produced during this period. The Freedom Charter was adopted in Kliptown on 26 June 1955 by the Congress of the People, a gathering of the ANC, the South African Indian Congress, the South African Coloured Peoples' Organisation and the Congress of Democrats. The Freedom Charter called for the deracialisation of land ownership amongst other demands for freedom. The Preamble of the Freedom Charter declared, firstly, that "South Africa belongs to all who live in it", and pledged, among others, that "[t]he people shall share in the country's wealth", that "[t]he national wealth of our country, the heritage of South Africans, shall be restored to the people", and, importantly, that "[t]he land shall be shared among those who work it".

⁶Tembeka Ngcukaitobi. 2021. Chapter 7: Private Property and Liberation. Land matters: South Africa's failed land reforms and the road ahead. Penguin Random House South Africa.

2. MANDELA AND LAND DURING THE TRANSITION: EARLY 1990S – 1994

This period was characterised by the anticipation of the end of apartheid in South Africa and the ushering in of a democratic dispensation. As such, Mandela's policy outlook, as a Deputy President of the ANC, and the ANC's policy outlook were inherently aspirational and preoccupied with setting the vision for a democratic future for the country. The first and foremost priority for the democratic government where land was concerned was to repeal racist and discriminatory land acts from apartheid. During this period, Mandela located the land question in the context of restructuring old economic power relations as landlessness was a source of racial iniquities in the country⁷. In 1990, Madiba spoke to this:

“As we have said, the land question must also be addressed within the context of the restructuring of the old economic power relations...Before anything else is done, the racist and discriminatory land acts have to be repealed. Furthermore, serious discussions and planning must take place involving the rural people and their representatives, the democratic government, those who own land, and the country as a whole, so that we can all address the related issues of making land available to the land-hungry masses while ensuring the necessary increases in the production of food and agricultural raw materials.”⁸

Mandela saw addressing the land question as an integral part of deracialising the exercise of economic power, a message he boldly communicated when addressing economic and business forums locally and abroad. He insisted that the sanctity of private property and the incentive and dynamism from private ownership could not be allowed to lock South Africa in the prevailing unequal economic power structure. Mandela dismissed the notion of the trickle-down effect, which assumed that the unequal distribution of resources could be resolved by merely investing and growing the economy and called for state intervention to ensure that land was shared equitably⁹. He acknowledged that whilst redistribution was not sufficient for generating growth, it was a necessary condition for growth¹⁰.

⁷ Options for Building an Economic Future: Nelson Mandela's address to South African business executives, 1990. NCMOA.

⁸ Options for Building an Economic Future: Nelson Mandela's address to South African business executives, 1990. NCMOA.

⁹ Remarks by ANC President Nelson Mandela on the National Press Club, 1992. NCMOA.

¹⁰ Address of Nelson Mandela President of the ANC to the Finance Week Breakfast Club, 1991. NCMOA.



2. MANDELA AND LAND DURING THE TRANSITION: EARLY 1990S – 1994 (CONTINUED)

According to the ANC, the primary aim of land policy in South Africa was to address the legacy of forced removals and dispossession. It called for the urgent implementation of land reform and redistribution whilst ensuring food security. As a precious and finite resource, the ANC saw the productive use of the land as a responsibility landholders had towards the South African people, present and future. Beyond the dispossession of land and cattle, whilst this was not a point of emphasis in his or the ANC's policy outlook on land, Mandela acknowledged that people had also lost their pride, dignity and institutions¹³.

Another significant issue concerning rural land related to the traditional leaders; Mandela adopted a favourable posture towards the traditional leaders noting that, even though some may have been used by the apartheid regime to further its cause, there were some who opposed oppression and made an important contribution in the fight against apartheid¹⁴. He expressed a commitment to see them feature in the governance of a democratic South Africa.

While Mandela was not yet in government, there were policy changes enacted during this period including the Interim Constitution which continues to shape land reform in South Africa. These are discussed below:

i. Abolition of Racially Based Land Measures Act, 1991

The abolishment of racially discriminatory land laws of the apartheid era by the De Klerk government, which Mandela and the ANC advocated for, was a significant victory for the liberation struggle.

ii. The Upgrading of Land Tenure Rights Act, 1991 (ULTRA)
ULTRA provided for, amongst other things, the conversion of permissions to occupy (PTOs) from old order rights, which may be “upgraded” to freehold¹⁵.

iii. ANC ‘Ready to Govern’ document (including a Bill of Rights), 1992

Land reform was amongst the top priorities for the ANC, as reflected in the ANC Ready to Govern document of 1992 when Nelson Mandela was its President. The ANC Ready to Govern document provided the first and most comprehensive outline of the legislative intervention required to address the unequal division of land and landlessness from colonialism and apartheid. It consisted of the Bill of Rights for inclusion in the South African Constitution, with a version of the property clause. The most important aspect of the property clause was that it provided for expropriation at just compensation, which was stated explicitly as not only market value. The ANC Ready to Govern document also established land and agricultural policy and began to articulate land reform's triple focus of land restitution, redistribution and tenure security. Restitution sought to restore land to all those that were forcibly removed due to past racially discriminatory laws and practices. Redistribution sought to provide equitable access to land and shelter. Tenure security sought to provide tenure which was legally secure to those whose tenure was insecure due to past racially discriminatory laws and practices. The document also introduced the legal process to resolve the claims to land and the idea of a land claims court. It further provided a vision for restructuring agriculture, which favoured small-scale and cooperative

¹³ANC Ready to Govern document, 1992.

¹⁴ibid.

¹⁵Nelson Mandela's speech to the Free Ethiopian Church of Southern Africa, 1992. NCMOA.

¹⁴Nelson Mandela's address to the youth, 1990; Speech by President Mandela at the installation of His Highness Thovhela Toni Peter Mphephu Ramabulana of Venda, 1998. NCMOA.

¹⁵Institute for Poverty, Land and Agrarian Studies. 2016. Diagnostic Report on Land Reform in South Africa: Commissioned report for High Level Panel on the assessment of key legislation and the acceleration of fundamental change (HLP), an initiative of the Parliament of South Africa, University of the Western Cape.

2. MANDELA AND LAND DURING THE TRANSITION: EARLY 1990S – 1994 (CONTINUED)

farming systems, extension of credit and support to all farmers and the protection of farmworkers' rights. Other aspects that the document discussed related to the recognition of the diverse tenure forms, including public land ownership, women's rights to land, urban land policy and nature conservation.

The ANC Ready to Govern document and the Bill of Rights of 1992 established a foundation for the land legislation and policy that have since followed.

iv. Constitution of the Republic of South Africa, 1993 (Interim Constitution)

The interim constitution was a product of the transition negotiations flowing from the Convention for a Democratic South Africa (CODESA) process and later, the multi-party negotiation process. The interim constitution contained Fundamental rights with an Equality clause, which provided for the right to restitution for all those who were dispossessed. The Fundamental rights within the interim constitution also included a property clause which provided a positive right to property under section 28 (1). Finally, the interim constitution provided for expropriation for public purposes at agreed compensation, which may be determined by a court of law as just and equitable.

v. The Provision of Land and Assistance Act, 1993¹⁶

The Provision of Land and Assistance Act, enacted to give effect to section 25(5) of the Constitution, empowers the Minister of Rural Development and Land Reform to acquire and designate state land under their control, and to develop such land for purposes of small-scale farming, residential, public, community, business or similar purposes,

by way of providing financial assistance to persons settled on the land. Section 10 states that the Minister shall rely on money appropriated from Parliament to provide financial assistance.

While Act 126 is an apartheid-era law, passed by the National Party government during its own limited and pre-emptive attempts at land reform, it remains the only law that empowers the Minister to appropriate funds for disbursement as land purchase grants or subsidies, and for direct state expenditure on land acquisition, settlement services and production support. Act 126 has been amended twice, in 1998 and 2008, and was renamed the Land Reform: Provision of Land and Assistance Act. The most substantial amendments related to the extension of the Minister's powers to provide financial assistance for the acquisition, planning, development maintenance and improvement of land and to secure tenure rights. Additionally, the Act was amended for, amongst other things, to expand the scope of acquisition beyond land to other immovable property, economic enterprises and shares, rights, title or interest in juristic persons. The Minister's powers were extended to allow for land expropriation in terms of this Act at a compensation to be determined in terms of the Expropriation Act of 1975, apartheid-era legislation not in line with the 1996 Constitution and in the process of being repealed.

Government reviews through the Kgalema Motlanthe's High Level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change ("High Level Panel") in 2017 and the Presidential Advisory Panel on

¹⁶Extracted from the Final Report of the Presidential Advisory Panel on Land Reform and Agriculture, 2019.



2. MANDELA AND LAND DURING THE TRANSITION: EARLY 1990S – 1994 (CONTINUED)

Land Reform and Agriculture (“the Presidential Advisory Panel”) in 2019 show that Act 126 and its amendments are insufficient to respond to the requirements of section 25(5) of the Constitution to provide equitable access to land. Shortcomings identified relate to the lack of definition of equitable land access; and a lack of guidance on targeted land and how beneficiaries are to be identified and selected to ensure that the access provided fulfils the requirements of equity and is administratively fair, reasonable and lawful in accordance with section 33 of the Constitution. Further, it provides no guidance on how post-settlement support is to be provided, how the land tenure of beneficiaries is

to be secured, and what role local authorities will play in land redistribution planning and implementation. The Act was also found to provide expansive powers to the Minister on decisions to acquire land and the subsequent granting of land without the appropriate accountability mechanisms. As a result, experts view the weaknesses in Act 126 as having contributed to land redistribution deviating from a pro-poor approach towards benefitting the elite, wealthy and politically connected, a form of elite capture. The Provision Act also does not assist in aligning the different sub-programmes of land reform with each other in a coherent manner.

3. MANDELA AND LAND POST-TRANSITION: THE PRESIDENTIAL YEARS (1994 – 1999)

The post-transition years were marked by Nelson Mandela as a statesman, existing for all South Africans and not only for the ANC or black populations. Whilst the radical and activist character continued to underpin Mandela's outlook and priorities, there was a shift in his overall public posture towards reconciliation, peace and stability. Mandela saw the task of nation-building and reconciliation as intertwined with reconstruction and development¹⁷. He believed that a peaceful environment was a necessary condition for social transformation. For example, considering the centrality of the plight of the landless African majority throughout Mandela's public advocacy for the struggle for freedom in various public platforms before 1994, a noteworthy shift in Mandela's public message was that land was absent from his speeches concerning the future of South Africa¹⁸. Emphasis was on jobs, housing, education, peace, security and reconciliation as priorities for the country. However, when Mandela engaged various economic and business groupings, including organised agriculture, which were predominantly white, land and land reform featured as a key priority of government¹⁹. He was clear that the legacy of the democratic government in 1994 was to redress the impact of landlessness from dispossession, which was a source of inequality, division and poverty within South African society. Mandela understood that if such historical wrongs remained unaddressed, the bitterness lived on for many generations²⁰.

As President, whilst Mandela was preoccupied with peace and stability in the country, having averted civil war and retaliation from the apartheid government, demonstrable delivery on urgent priorities was also his concern as he knew that people wanted to start experiencing the gains of freedom immediately²¹. As such, in the first year of his Presidency, the primary focus was implementing the Reconstruction and Development Programme (RDP), which was the ANC's vision for rebuilding society to redress the deprivations from the country's racially unjust past. Land reform was a priority programme for the government contained within the RDP. The RDP outlined the focus of the national land reform programme to be land redistribution, land restitution and tenure security, particularly, in the communal areas. Restitution, whilst sensitive, was considered by Mandela to be important for healing. Tenure security was considered particularly relevant for farmworkers and tenants. Upon the advice of the World Bank to the ANC as the government-in-waiting, the RDP established a target of 30% redistribution of agricultural land within five years of democracy²². This estimate was based on the annual land sales of 6% at the time²³.

A priority for Mandela where land was concerned, which was reflected in the earlier policy formulations, was its productive use and the participation of previously excluded populations in the agricultural and wider economy²⁴.

¹⁷Mandela and Langa. 2017. *Dare Not Linger: The Presidential Years, Part IV – Transformation, 11. Reconciliation, 11.5 Retrospect*. Online: <https://tpy.nelsonmandela.org/pages/part-iv-transformation/11-reconciliation/11-5-retrospect>

¹⁸Mandela and Langa. 2017. *Dare Not Linger: The Presidential Years, Part I – Democratic breakthrough*. Online: <https://tpy.nelsonmandela.org/pages/part-i-democratic-breakthrough>

¹⁹Remarks by ANC President Nelson Mandela on the National Press Club, 1991; Address of Nelson Mandela President of the ANC to the Finance Week Breakfast Club, 1991; Address by President Nelson Mandela at the opening of the Congress and 90th Anniversary of the South African Agricultural Union – now AgriSA, 1994; Speech by President Nelson Mandela at the launch of the KwaZulu-Natal Agricultural Union, 1997. NCMOA.

²⁰Speech by President Nelson Mandela at the celebrations commemorating the restoration of land at Cremin, 1998. NCMOA.

²¹Mandela and Langa. 2017. *Dare Not Linger: The Presidential Years, Part IV – Transformation, 12. Social and economic transformation, 12.2. Symbolic markers and actions*. Online: <https://tpy.nelsonmandela.org/pages/part-iv-transformation/12-social-and-economic-transformation/12-2-symbolic-markers-and-actions>

²²Hall, 2007.

²³Ngcukaitobi, 2021.

²⁴Speech by President Nelson Mandela at the launch of the KwaZulu-Natal Land Reform Pilot Programme, 1995; Opening address by President Nelson Mandela to the third session of Parliament, 1996; Speech by President Nelson Mandela at the Lephatsoana II Trust Open Day, 1997. NCMOA.



3. MANDELA AND LAND POST-TRANSITION: THE PRESIDENTIAL YEARS (1994 – 1999) (CONTINUED)

His deepest concern was the alleviation of rural poverty. Therefore, his government's vision for agriculture, which he articulated across various engagement platforms, including with the existing industry at the time, was of a sector that was inclusive, vibrant and catalytic for a viable rural economy, industrial development and diversification, and thereby, contributing towards economic growth, wealth creation and well-being for the country²⁵. Mandela and his government saw land as an essential part of a development strategy to address poverty, malnutrition, landlessness and unemployment, especially amongst the rural population²⁶.

They envisioned an agricultural sector that contributed towards sustained food production, affordable food, exports, regional infrastructure development and tourism. However, Mandela insisted that the sector needed to be globally competitive with no protection by price guarantees or credit and input subsidies. Additional support was to be provided by the Land Bank, Agricultural Research Council, a transformed Department and industry-driven institutions supporting farmers through marketing, technological support and skills transfer. Mandela believed that inclusive agriculture could contribute towards healing divisions, advancing the rights of farmworkers, security and thereby, furthering the country's reconciliation and reconstruction aims²⁷.

Mandela demonstrated a commitment to undertake land reform within the spirit embodied in the overall transition to a democratic South Africa. Upon addressing the agricultural industry and broader white business, Mandela adopted a non-confrontational approach, which firmly communicated the government's priorities for redress whilst reassuring industry that land reform would be undertaken in a principled way²⁸. The principles Mandela communicated were the respect for property rights, the use of the law, ensuring that no new injustice was created whilst resolving an old one and that production would not be disrupted. Mandela intended to quell the anxiety of existing landowners and appealed to them to play a role in the creation of a just dispensation.

Whilst housing was not contained within the land reform policy, this was a clear priority for Mandela's Presidency, as evidenced by a target of 1 million houses within the first five years of democracy contained within the 1994 ANC Manifesto²⁹. For Mandela, land was also important to secure a place to live, without the threat of removal or eviction³⁰. The priority on land was seen to co-exist with other priority social programmes of education, health and infrastructure. The anticipated socioeconomic improvements in the lives of people from such an integrated focus were also considered important for crime prevention.

²⁵Address by President Nelson Mandela at the opening of the Congress and 90th Anniversary of the South African Agricultural Union – now AgriSA, 1994. NCMOA;

²⁶Speech by President Nelson Mandela at the launch of the KwaZulu-Natal Agricultural Union, 1997. NCMOA.

²⁷Speech by President Nelson Mandela at the launch of the KwaZulu-Natal Land Reform Pilot Programme, 1995. NCMOA.

²⁸Speech by President Nelson Mandela at the launch of the KwaZulu-Natal Land Reform Pilot Programme, 1995; Speech by President Nelson Mandela at the Lephatsoana II Trust Open Day, 1997. NCMOA.

³⁷Address by President Nelson Mandela at the opening of the Congress and 90th Anniversary of the South African Agricultural Union – now AgriSA, 1994. NCMOA.

²⁹ANC Election Manifesto. 1994. Online: <https://www.anc1912.org.za/anc-manifesto/>.

³⁰Speech by President Nelson Mandela at the celebrations commemorating the restoration of land at Cremin, 1998. NCMOA.



3. MANDELA AND LAND POST-TRANSITION: THE PRESIDENTIAL YEARS (1994 – 1999) (CONTINUED)

Land reform, within the broader programme of RDP was severely underfunded - it was in fact funded through the redirecting of budgets (of approximately R2.5 billion per annum) from the other Departments that were tasked with implementing RDP projects³¹. However, RDP was being implemented in a climate of an economic crisis, and there were concerns, in government and amongst non-governmental organisations, over the pace of implementation. In 1995, following the consultations with the ANC's National Executive Committee and Cabinet's Ad Hoc Committee on Growth, which Mandela chaired, Mandela decided to abandon RDP to make economic growth and investment a priority instead, a decision that drew a negative reaction from the Tripartite Alliance – the ANC, the South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU)³². By June 1996, the government had adopted a new macroeconomic policy framework in the form of the Growth, Employment and Redistribution (GEAR) strategy, which ushered in a neo-liberal economic policy path³³. It is arguably this approach that has kept land reform firmly within the market paradigm.

³¹Mandela and Langa. 2017. *Dare Not Linger: The Presidential Years, Part II – Governing*, 5. Some unpleasant tasks, 5.3. Reconfiguring: Dissolution of the RDP office. Online: <https://tpy.nelsonmandela.org/pages/part-ii-governing/some-unpleasant-tasks-of-government/5-3-reconfiguring-dissolution-of-the-rdp-office>.

³²Mandela and Langa. 2017. *Dare Not Linger: The Presidential Years, Part IV – Transformation*, 12. Social and economic transformation, 12.3. Economy. Online: <https://tpy.nelsonmandela.org/pages/part-iv-transformation/12-social-and-economic-transformation/12-3-economy>

³³*Ibid.*

3. MANDELA AND LAND POST-TRANSITION: THE PRESIDENTIAL YEARS (1994 – 1999) (CONTINUED)

Achievements

The Mandela Presidency oversaw the first democratic government with a mammoth task of establishing a non-racist, non-sexist and a representative public service. A significant enabler of effective public governance and service is a conducive legislative and policy environment to support the execution of the government's priorities. As such, the Mandela Presidency saw the establishment of a plethora of laws to govern a lawful implementation of land reform.

The land reform programme, laws and policy established during Mandela's Presidency are discussed below.

i. Overarching programme, law and policy

*** Reconstruction and Development Programme (RDP), 1994 (ANC document)**

The RDP, discussed above, was a socio-economic policy framework aimed at substantively redressing the economic and social disparities that were the legacy of colonialism and apartheid's racially discriminatory laws. The RDP was the first comprehensive programmatic expression of the ambitions of the democratic government since the preparatory 1992 ANC Ready to Govern document containing the Bill of Rights. The RDP acknowledged that very few black people would afford land on the free market and outlined a mixed approach with a role for both the state/non-market mechanisms and the market in land reform. It envisaged substantial funding by the democratic government for land. The RDP provided for expropriation with compensation in line with the Constitution to acquire land for redistribution, including expropriation of land

that was acquired through corrupt or illegal means from the apartheid state. The RDP also addressed the need for land reform to target women, who had been further marginalised from accessing land by law and custom. Finally, the RDP also proposed a land tax to promote the productive use of land.

According to the RDP, the land reform programme was aimed at supplying residential and productive land to the poorest section of the rural population and aspirant farmers to build the economy by generating large-scale employment, increasing rural incomes and eliminating overcrowding, as part of a comprehensive rural development programme. It was the RDP that established the commonly cited 30% target for land redistribution within the first five years of democracy. This target was revised to be achieved by 2014 and remains unmet.

The ANC RDP document led to the RDP White Paper in November 1994, which was an official programme of government to implement the reconstruction and development programme. The RDP White Paper included Lead Projects across various ministries. For the Ministry of Land Affairs, this included pilot projects for land reform, land redistribution and land restitution. It also established allocations from the RDP fund towards land reform within three years of the democratic government.

As detailed above, based on the economic crisis at the time and Mandela and his Cabinet's considered assessment, RDP was discontinued within the first year of its implementation in 1995, when government shifted its priority from a redistributive focus towards economic

3. MANDELA AND LAND POST-TRANSITION: THE PRESIDENTIAL YEARS (1994 – 1999) (CONTINUED)

growth and investment through GEAR. The White Paper on South African Land Policy established in 1997, after GEAR had been implemented, deviated from RDP's mixed approach of market and non-market mechanisms, towards a purely market-based approach. The White Paper is discussed further below.

* **Constitution of the Republic of South Africa, 1996**

The Constitution is the supreme law governing property relations and land reform in South Africa. The final property clause in section 25 establishes a negative right to property and provides for expropriation for a public purpose or in the public interest subject to just and equitable compensation. Section 25 establishes rights to restitution for those who were forcibly removed after 19 June 1913, equitable access to land (that includes redistribution), and secured tenure or comparable redress for those whose tenure is insecure due to past discriminatory laws.

* **White Paper on South African Land Policy, 1997**

The White Paper on South African Land Policy established the government's policy on land reform. The 1997 White Paper established by Mandela's Presidency through the Department of Land Affairs has been the only policy document produced to guide land reform in South Africa since democracy. The Green Paper on land reform produced in 2011 was not formally established as policy. The White Paper continues to be the official governing document for the government's land policy to this day.

The White Paper was developed over an extensive consultative process of three years, culminating in a Green Paper on South African Land Policy in 1996, and leading

ultimately to a White Paper in 1997. According to the White Paper, it "sets out the vision and implementation strategy for South Africa's land policy; a policy that is just, builds reconciliation and stability, contributes to economic growth, and bolsters household welfare". The White Paper established the willing-buyer-willing-seller approach as a primary mechanism for land reform. It also provided for the granting of R15 000 Settlement/Land Acquisition Grant per household for qualifying persons. Qualifying persons were those with an average gross monthly household income of R1 500. As discussed further in this document, this programme has been evolved by subsequent governments. In this regard, the White Paper states:

In formulating its land reform policy, government has endeavoured to take account of the widely conflicting demands of the various stakeholders and the implications of any specific course of action on the land market and investment in South Africa. The government is committed to a land reform programme that will take place on a willing-seller willing-buyer basis. Rather than become directly involved in land purchase for the land redistribution programme, government will provide grants and services to assist the needy with the purchase of land. Given limited fiscal resources and increasing competition between different budgetary priorities, government grants have to be affordable in macro terms. At the same time, they must provide a resource that can bring real benefit to the needy. For the time being, the allocation of the Settlement/Land Acquisition Grant per qualifying person has been set at R15 000. The White Paper emphasises the need to reduce the burden of fees and duties related to land purchase and to generate additional funds for those wishing to enter the commercial farming sector.

3. MANDELA AND LAND POST-TRANSITION: THE PRESIDENTIAL YEARS (1994 – 1999) (CONTINUED)

ii. Restitution legislation

* **Restitution of Land Rights Act, 1994 (The Restitution Act)**

The Restitution Act is a law that effects Section 25(7) of the Constitution aimed at restoring land for individuals who were forcibly removed from their land after 19 June 1913. The Restitution Act establishes the claims process, the Commission of Restitution of Land Rights (Land Claims Commission) and the Land Claims Court and sets out their respective responsibilities. The claim is to the state, not the landowners, which mediates between the claimant and the landowner. Compensation is paid to the landowner by the state. Currently, market value is used as a basis to derive compensation to the landowners for restitution, which is also entrenched by the Land Claims Court. Where land has to be expropriated for restitution purposes, even though Section 25(3) of the Constitution and the White Paper provide for just and equitable compensation, the Restitution Act requires the Expropriation Act of 1975 to be applied, which endorses a market-value-based principle for compensation.

iii. Tenure legislation

Extracted from the Final Report of the Presidential Advisory Panel on Land Reform and Agriculture in 2019.

* **The Land Reform (Land Tenants) Act, 1996 (LTA)**

The LTA seeks to secure the tenure rights of labour tenants and former labour tenants, including by regulating their tenure and prohibiting illegal evictions. Tenants can claim and acquire full ownership of the land which they occupy.

* **The Communal Property Associations Act, 1996 (CPA)**

The CPA Act was enacted to create a mechanism for acquiring land for land reform purposes through a 'juristic person', the CPA, that is able to hold and manage land jointly in terms of a written constitution.

* **The Interim Protection of Informal Rights Act, 1996 (IPILRA)**

The IPILRA recognises informal rights to land and stipulates under what conditions people may be deprived of such rights. This was a temporary measure to protect tenure for people living in communal areas of the former Bantustans, but has been renewed annually since 1996 due to the failure of government to establish relevant and appropriate legislation on a permanent basis.

* **The Extension of Security of Tenure Act, 1997 (ESTA)**

The ESTA regulates the tenure of occupiers of agricultural land, providing them with legal protection against illegal and arbitrary evictions, and measures to secure their long-term tenure rights, either on-site or off-site. ESTA applies to those who occupy farms with the consent of the landowner.

* **The Prevention of Illegal Eviction and Unlawful Occupation Land Act, 1998 (PIE)**

The PIE gives effect to the constitutional provision in section 26(3) that no one may be evicted from their home or have their home demolished without an order of court made after considering all the relevant circumstances and that no legislation may permit arbitrary evictions.

3. MANDELA AND LAND POST-TRANSITION: THE PRESIDENTIAL YEARS (1994 – 1999) (CONTINUED)

Finally, with regard to communal tenure reform, given the sensitivities and the lobbying power of chiefs, progress in developing a policy framework was slow, with no new legislation adopted by mid-1999³⁴.

Unpacking the approach to land during Mandela's presidential years

The walkthrough of Mandela and his Presidency, when applying a land lens, depicts an evolutionary journey. At the height of the struggle, it is clear that land was central to the struggle for freedom. During the transition into democracy, land was seen as an intricate part of restructuring and deracialising economic power as dispossession and landlessness were the primary sources of racialised iniquities in the country. Post-transition, there was less public emphasis on land as a singularly substantive issue by Mandela. Instead, his emphasis was on nation-building and reconciliation as Mandela considered a peaceful environment to be a precondition for the reconstruction and development needed in the country. Land restoration did not seem to feature as a precondition for this broad agenda, instead, it was positioned as a policy issue within the reconstruction and development programme amongst other competing policy priorities at the time. There is no doubt that land was important for Mandela and the ANC, given the scale of landlessness from centuries of dispossession of the African people and its socio-economic impacts. However, upon assuming power, there was an evidential shift where Mandela was deliberate that the Government of National Unity did not engage in a 'simplistic, punitive and unproductive exercise' where land was concerned³⁵. Despite the objections of the ANC's alliance, Mandela appointed Derek Hanekom as the first Minister

of Land Affairs, whom he deemed better positioned to engage with existing white landowners – an act which was reflective of Mandela's resolve for a mediated rather than a confrontational resolution of the land question³⁶. In this regard, the view was that "Derek Hanekom should be a minister" because "he had some knowledge of farming and was Afrikaans would help the government deal with issues relating to Afrikaner farmers".

The priority for Mandela and the ANC was land restoration to redress the injustice of centuries of dispossession from colonialism and apartheid. Mandela and the ANC considered restitution to be the most important response to redress the unjust acts of forced removals and for the healing of the nation. As such, restitution was the most prioritised programme of land reform by the democratic government. Securing tenure, predominantly for farmworkers and labour tenants, was also a priority for Mandela's government, given the history of farm evictions and displacements. Once the land was acquired, Mandela and his government were mostly concerned about its productive use and saw land as catalytic to transforming the agricultural sector and the creation of a viable rural economy contributing to rural development, employment, economic growth, wealth creation and well-being in the country. Mandela believed that an inclusive agriculture could contribute towards healing divisions, advancing the rights of farmworkers, improving security and thereby, furthering the country's reconciliation and reconstruction aims³⁷. There was also a strong emphasis on land as shelter, especially in the urban areas, which drove the focus on housing provision as a key programme of reconstruction and development.

³⁴Institute for Poverty, Land and Agrarian Studies. 2016.

³⁵Speech by President Nelson Mandela at the launch of the KwaZulu-Natal Land Reform Pilot Programme, 1995.

³⁶Nelson Mandela and Mandla Langa. 2017. *Dare Not Linger: The Presidential Years, Part I – Democratic Breakthrough*, 3. Forming the Government of National Unity, 3.2 Consultations and discussions about the Cabinet. Online: <https://tpy.nelsonmandela.org/pages/part-i-democratic-breakthrough/forming-the-government-of-national-unity/3-2-consultations-and-discussions-about-the-cabinet>

³⁷Speech by President Nelson Mandela at the launch of the KwaZulu-Natal Land Reform Pilot Programme, 1995; Speech by President Nelson Mandela at the Lephatsoana II Trust Open Day, 1997. NCMOA.

3. MANDELA AND LAND POST-TRANSITION: THE PRESIDENTIAL YEARS (1994 – 1999) (CONTINUED)

Mandela and the ANC's position on land remained fundamentally intact throughout the periods. Their primary concern was to deracialise land ownership and give equal access to Africans, like their white counterparts. Underpinning Mandela and the ANC's vision for land were principles which have been carried throughout the formulation of land laws and policy in South Africa. These principles were: (i) the respect for property rights in line with their interpretation of the Freedom Charter; (ii) ensuring an equitable balance between the interests of landowners and the dispossessed; (iii) avoiding creating new injustice in solving an old injustice; (iv) paying just compensation to existing landowners; (v) the state taking responsibility for land reform so that no one person was responsible for the burden of transformation; and (v) adherence to the rule of law. For rural areas, Mandela and the ANC were committed to having traditional leaders feature in the governance of a democratic South Africa.

Material deviations occurred between this foundational base, policy and practice of Mandela's government and subsequent governments. The most significant deviation on the design and implementation of policy was the adoption of a market-based approach in the 1997 White Paper on South African Land Policy, which committed the government to a land reform programme based on the willing-buyer-willing-seller model. This deviated from the earlier thinking of the ANC that full reliance on the market was unjust and would undermine the objectives of historical redress.

One of the most contentious issues on communal tenure relates to the Ingonyama Trust Act (ITA), which established the Ingonyama Trust and vested ownership of 2.8 million hectares of communal land in the trust to the Zulu King

as its sole trustee, for the benefit of the people living on the land³⁸. The Trust was established by the apartheid parliament on the eve of the 1994 elections without the awareness of Mandela and the ANC³⁹. In the interest of setting political differences aside, Mandela later publicly endorsed the Ingonyama Trust as an example of cooperative governance⁴⁰. Various reviews have been made on the Trust, which have found aspects of the Trust's administration and actions undemocratic, resulting in the erosion of people's rights to land.

Government's own reviews in recent years echo what many scholars and activists advance, which is that land reform has been a dismal policy failure. There is often a perception that Mandela's Presidency is attributable to landlessness and the challenges faced by land reform at a fundamental level. As the previous sections show, the Mandela Presidency established the foundations of law and policy pertaining to land reform with very few legislative changes over the years. Within this context, it is possible to only attribute failures of land reform to subsequent governments' failure to implement laws and policy as established by the Mandela Presidency. However, as the analysis below shows, some of the fundamental difficulties facing land reform today can be attributable to how land reform was conceived when the foundations were established during the Mandela Presidency. The most material matters are discussed below.

(i) The constitutional protection of property rights

The most pervasive issue concerning the design of land policy in South Africa is the constitutional protection of property rights. It was an issue that was contested at

³⁸The Final Report of the Presidential Advisory Panel on Land Reform and Agriculture, 2019.

³⁹Statement by President Nelson Mandela on the KwaZulu-Natal Land Deal, 1994. NCMOA.

⁴⁰Speech by President Nelson Mandela at the launch of the KwaZulu-Natal Agricultural Union, 1997. NCMOA.

3. MANDELA AND LAND POST-TRANSITION: THE PRESIDENTIAL YEARS (1994 – 1999) (CONTINUED)

transition and remains contested to this day. 30 years later, evidence shows that what was deemed a negative right in Section 25(1) [“No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property”] of the Constitution has in fact been interpreted as a positive one. This is reflected in the government’s reluctance to use its expropriation powers in Section 25(2) to expropriate property for a public purpose or in the public interest subject to just and equitable compensation. It is also reflected in the government’s political adoption of market-based principles for land reform into policy, which is further entrenched by the Courts. The constitutional protection of property rights has enabled racially unequal property relations to remain intact and rendered landowners the greatest beneficiaries of land reform at the expense of the dispossessed.

There is an argument that Section 25 is internally conflicted in its protection of property rights, whilst simultaneously providing expropriation powers to the state⁴¹. According to this argument, the two rights cannot exist at the same time. Firm opposers of this view deem Section 25(1) as a favourable outcome for the ANC, as it did not include full protection of property rights as initially drafted in the interim Constitution, which would have frustrated land reform and yet, it still contained some protection of property rights which the ANC would have wanted, given the history of forced removals for its constituency⁴². These opposing viewpoints have been irreconcilable since democracy, and reveal a disagreement at a fundamental level concerning the vision for land in the country, contributing to the policy impasse.

(ii) Just and equitable compensation

The vague formulation of ‘just and equitable’ compensation for expropriation is hard to implement in practice, and privileges market value above all other factors in Section 25(3)⁴³ - the current use of the property, the history of the acquisition and the use of property, the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property, and the purpose of the expropriation. This phrase was intended to ensure an equitable balance between the interests of landowners and those of the dispossessed, which created a legal impossibility as some legal experts had warned during the clause’s formulation at transition. In limited restitution cases where expropriation has been used, the legislation enforces market-value principles for compensation in contrast with the claimants who have been compelled to accept small and non-market-based compensation. Further, legal jurisprudence is not sufficiently developed to guide the determination of just and equitable compensation. It is important to also note that there is no guarantee that the use of just and equitable compensation for land expropriation would accelerate the pace of land reform and its intended outcomes, given that the legal processes involved would still be onerous. A single expropriation at a time, at just and equitable compensation is unlikely to be a satisfactory solution for the present needs of land reform. Given the ANC’s stance that nationalisation is not its policy, the question of how to acquire land at scale to accelerate land redistribution in a substantive way remains.

⁴¹Lungisile Ntsebeza. 2007. Chapter 5: Land redistribution in South Africa: the property clause revisited. *The land question in South Africa: The challenge of transformation and redistribution*, pp.107-131. HSRC press; Fred Hendricks, Lungisile Ntsebeza, and Kirk Helliker. 2013. *The promise of land: undoing a century of dispossession in South Africa*. Jacana Media, Johannesburg. Kindle.

⁴²Ngcukaitobi, 2021; P

⁴³Ntsebeza, 2007.

3. MANDELA AND LAND POST-TRANSITION: THE PRESIDENTIAL YEARS (1994 – 1999) (CONTINUED)

(iii) Expropriation Without Compensation (EWC)

The slow pace of land reform has led to politically influenced calls for a more radical approach through land expropriation without compensation (EWC). This led to a polarising debate on whether EWC was allowable by the Constitution. On one hand, some hold a view that the Constitution already provides for EWC in that, applied correctly, just and equitable compensation could be determined at market value, below or above it and even nil, depending on the circumstances⁴⁴. On the other hand, there are those who view the Constitution's protection of property rights in Section 25(1) read together with Section 25(2), which establishes the requirement for compensation for expropriation, to disallow any notions of EWC⁴⁵. Proponents of this counter-argument are of the view that the only resolution to ensure that EWC is allowable by law is to amend the Constitution and not necessarily an Act of Parliament as currently envisaged with the Expropriation Bill. With the failed Constitution Eighteenth Amendment Bill in 2021, the impending Expropriation Bill of 2020 which is currently with the President for Assent, having been approved by both the National Assembly and the National Council of Provinces (NCOP) in March 2024, is aimed at clarifying amongst other things, categories of property which can be targeted for nil compensation, which has the same effect intended by EWC.

(iv) Positive constitutional rights to land have been unrealised

The constitutionally provided rights to equitable access to land (that includes redistribution), restitution and tenure security have not been fully realised. A large part of this is due to the reasons discussed above, as ultimately, land

reform policy and practice have prioritised the protection of property rights over the public interest. For land redistribution, the grant programme established by the 1997 White Paper, the SLAG, was small, resulting in difficulties for beneficiaries to acquire land in the open market without pooling their grants, a practice which was later disapproved by the government. The restitution process established to effect the Restitution Act is onerous, legally complex and places the burden of proof on the claimant, resulting in delayed justice for the claimants. Finally, Mandela's government's inability to establish key legislation for expropriation, equitable access to land/land redistribution and communal land tenure is a significant gap considering the importance of these aspects for the realisation of the constitutionally provided positive rights to land.

Beyond the above detailed issues relating to the design of law and policy, government practice during and post Mandela's Presidency has also contributed to the land reform failure and its sub-optimal outcomes. Some of the cross-cutting issues of policy implementation that have not assisted land reform are institutional capacity challenges and lack of coordination amongst key government actors responsible for land reform, limited budget resources allocated to land reform, wide-spread corruption confronting the restitution claims process, a lack of post-settlement support for beneficiaries of land redistribution and restitution programmes and a lack of evidence to guide policy formulation, prioritisation and improvement. Evidence necessary to shape policy relates to the information on – *who needs land? where? which land? for what purpose?*

⁴⁴Rull Hall. 2020. Expropriation without compensation, land reform and justice in South Africa. PLAAS seminar, UWC. YouTube: <https://www.youtube.com/watch?v=QpQMdY3kRqE>; Ngcukaitobi, 2021

⁴⁵Lungisile Ntsebeza. 2018. The Land Question in South Africa, Lecture 4. UCT Summer School. YouTube: <https://youtu.be/VEekr9POYk>



CONCLUSION

The above analysis shows that whilst Mandela's Presidency was instrumental in establishing the legislative and policy environment underpinning land reform to this day, there are fundamental issues at a foundational level which remain unresolved or irreconcilable, which are at the heart of land reform failures and the policy impasse experienced. There is also a strong view that land reform as implemented has suffered a total systems failure⁴⁶, which necessitates a total system re-design with adequate resourcing as opposed to incremental reforms⁴⁷. A new land pact is needed in South Africa that will be informed by a comprehensive consultative process with all affected parties, but centred on justice for those that continue to suffer the effect of the legacy of the colonial and apartheid dispossession.

⁴⁶According to the Department of Rural Development and Land Reform (DRDLR) in 2011 as cited in the HLP, a total systems failure is where multiple aspects of policy fail at the same time encompassing poor policy design or articulation, poor implementation of established laws and policy, weak or lack of enforcement of laws by the appropriate agencies or judicial system, co-ordination issues amongst the relevant state organs or spheres of government, and a lack of organisation amongst marginalised farming populations.

⁴⁷Green Paper on land reform, 2011 and Hall, 2016, as cited in Kgalema Motlanthe's HLP on Key Legislation Review, 2017.

APPENDIX I: OVERVIEW OF THE RESEARCH APPROACH

Documents assessed:

i. Primary sources (26)

* Speeches from the Nelson Mandela Foundation archives:
21 speeches

* Land specific speeches: post-transition (6)

– Statement by President Nelson Mandela on the KwaZulu-Natal Land Deal, 1994-05-20

– Address by President Nelson Mandela at the opening of the Congress of the South African Agricultural Union (SAAU) – now known as AgriSA. 90th Anniversary of the SAAU, 1994-10-18

– Speech by President Nelson Mandela at the launch of the KwaZulu-Natal Land Reform Pilot Programme, 1995-03-26

– Speech by President Nelson Mandela at the launch of the KwaZulu-Natal Agricultural Union, 1997-04-24

– Speech by President Nelson Mandela at the Lephatoana II Trust Open Day, 1997-06-21

– Speech by President Nelson Mandela at the celebrations commemorating the restoration of land at Cremin, 1998-06-23

* Other speeches where land is mentioned identified using ‘land’, ‘land reform’ search words within the Nelson Mandela Foundation archives

* **During the struggle (2)**

– Black man in a white man's court: Nelson Mandela's first court statement, 1962

– I am prepared to die: Nelson Mandela's statement from the dock at the opening of the defence case in the Rivonia Trial, 20 April 1964

* **During the transition (7)**

– Nelson Mandela's address to the youth, 1990-04-13

– Nelson Mandela's address to South African business executives: Options for Building an Economic Future, 1990-05-23

– Statement of the Deputy President of the African National Congress, Nelson Mandela, to the Confederation of British Industry, 1990-07-04

– Address of Nelson Mandela President of the African National Congress to the Finance Week Breakfast Club, 1991-07-19

– Speech by Nelson Mandela at ZCC Easter Conference, 1992-04-20

– Remarks by ANC President Nelson Mandela on the National Press Club, 1991-12-05

– Nelson Mandela's speech to the Free Ethiopian Church of Southern Africa, 1992-12-14

* **Post-transition, the Presidential years (6)**

– New Year Message by President Nelson Mandela for 1995, 1994-12-30

– Political Report of the National Executive Committee to the 49th National Conference of the African National Congress by Nelson Mandela, 1994-12-17

– Opening address by President Nelson Mandela to the third session of Parliament, 1996-02-09

– Speaker's Notes for President Nelson Mandela for Meeting of Alliance Structures in KZN, 1996-11-12

– Speech by President Mandela at the installation of His Highness Thovhela Toni Peter Mphephu Ramabulana of Venda, 1998-11-28

– Address by President Mandela to Parliament: State of the Nation Address, Date(s): 1999-02-05.

APPENDIX I: OVERVIEW OF THE RESEARCH APPROACH

* **Archived Written Materials: 5 Extracts of Long Walk Original Manuscript (LWOM)**

* **During the struggle**

- Long Walk Original Manuscript [LWOM_072.jpg], Chapter 4-072, 1976.
- Long Walk Original Manuscript [LWOM_179.jpg], Chapter 6-179, 1976 - (Creation)
- Long Walk Original Manuscript [LWOM_625.jpg], Chapter 18-625, Date(s), 1976
- Long Walk Original Manuscript [LWOM_354.jpg], Chapter 11-354, 1976
- Long Walk Original Manuscript [LWOM_004.jpg], Chapter 1-004, 1976

ii. **Mixed sources (Primary and Secondary)**

- * Nelson Mandela: The Presidential Years (accessed online)
 - 1 Setting the Agenda
 - 4. Government of National Unity
 - 5. Some unpleasant tasks
 - 6. The President and the Constitution
 - 11. Reconciliation
 - 12 Social and economic transformation

iii. **Secondary sources**

- * ANC Africans' Claims in South Africa incorporating the Atlantic Charter from the African's perspectives and the ANC Bill of Rights, 1943
- * Freedom Charter, 1955
- * Expropriation Act No. 63 of 1975
- * Abolition of Racially Based Land Measures Act, 1991
- * ANC Ready to Govern document, 1992
- * Making Democracy Work, A Framework for Macroeconomic Policy in South Africa, a Report to the Democratic Movement in South Africa, Macro-economic research group (MERG), 1993

* Interim Constitution, 1993

* Reconstruction and Development Programme, 1994 (ANC document)

* ANC Election Manifesto, 1994

* RDP White Paper, 1994 (Government document)

* Restitution of Land Rights Act No. 22 of 1994

* Constitution of the Republic of South Africa, 1996

* State of the Nation Addresses, 1999 and 2000

* Policy Statement by the Minister for Agriculture and Land Affairs for Strategic Direction on Land Issues, Parliamentary Monitoring Group (PMG), 2000

* Land Affairs Budget Vote 29, National Treasury, 2000

* Diagnostic Report on Land Reform in South Africa, Commissioned report for High Level Panel on the assessment of key legislation and the acceleration of fundamental change (HLP), an initiative of the Parliament of South Africa, Institute for Poverty, Land and Agrarian Studies, University of the Western Cape, 2016

* Report of the HLP (Kgalema Motlanthe's HLP on Key Legislation Review), 2017

* Illustrative National Land Reform Framework Bill with Land Rights Protector, 2017

* The Final Report of the Presidential Advisory Panel on Land Reform and Agriculture, 2019

iv. **Other relevant sources – i.e. books, academic articles, etc.**

* The Land Question in South Africa, Ntsebeza, L. and Hall, R., 2007

* Land Matters, Ngcukaitobi, T., 2021

* The South African tradition of racial capitalism, Ethnic and Racial Studies, Levenson, Z. and Paret, M., 2023: DOI: 10.1080/01419870.2023.2219300