

Perspective on how the Colonial and Apartheid Regimes used Laws to Enforce Land Discrimination and Dispossession in South Africa

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Abstract

Undoubtedly, during the colonial and apartheid regimes, the white minority deployed and used different laws and policies to perpetrate and enforce land dispossession and segregation against the black majority. These laws and policies seemingly have serious discriminatory impacts and effects such as destructive, devastating and disruptive effects on the ways of life of the black people in the country. Mostly, this paper considers and covers the land discriminatory agenda from 1912 when the African National Congress (ANC) was formed up to 1994 when the ANC became the first democratically elected party by all South Africans. The paper exposes the dark days of the past colonial and apartheid regimes and accentuates that laws were effectively used to execute these forced land dispossession, removals, mobility restrictions, segregation and discrimination against the black majority owners. The paper showcases the interventions made by the black majority to abate the land grab during these periods and the various barriers the colonisers and apartheid used to thwart these interventions and efforts. The paper also looks at the roles played by the black people immediately leading to 1994 elections through CODESA and the progressive intervention made immediately by the ANC through the RDP.

Keywords: Colonial and Apartheid settlers; land dispossession; historical land discriminatory Laws and Policies; black majority; South Africa.

Introduction

The first Black President of the democratic republic of South Africa, President Nelson Rolihlahla Mandela during his inaugural speech in 1994 in Pretoria, South Africa said that we must stand together, be united as a nation for purposes of national reconciliation, nation building and for the birth of the new world (Mandela, 1994). Mandela further asserted that “let there be justice for all, let there be peace for all, let there be work, bread, water and salt for all, let each know that for each the body, mind and the soul have been freed to fulfil themselves” (Mandela, 1994). It with these words that conciliation was birthed in South Africa, harmony was echoed through the guidance of these powerful and insightful words. Although it was fairly expected that the first opportunity the black people would get, they will avenge for the sufferings they experienced during the apartheid era. However, in contrary President Nelson Mandela took a different approach and emphasised that “Never, never and never again shall it be that this beautiful land shall again experience oppression of one by another and suffer the indignity of being skunk of the world. Let freedom reign” (Mandela, 1994). From this moment on wards black people felt a sense of appease knowing that the

era of oppression has come to an end, and the white minority were relief knowing that there won't be any retaliation from the black people. This was the first step of building the nation in confidence that the country will never experience any exclusion particularly exclusions that are based on race or ethnic groups. The dawn of the 10 of May 1994 held mixed emotions and anticipation for all South Africans, but at sunset of the very day both blacks and whites knew that South Africa belongs to all who live in it.

Historically land has been recognised as the source of wealth, social status and power. The basis of socio- economic rights such as food, shelter and economic activities. It is the most significant provider of rural livelihoods, Black people in rural areas are depended on tilling the ground to make a living. Any significant concept of sustainable development is depended on the availability or access to land.

In South Africa, the acts of conquest, land dispossession and forced removals and racially skewed distribution of land and resources left South Africa with a complex and difficult legacy (Dlamini, 2013). South Africa experienced the most destructive colonisation and land dispossession which took place during the period of 1899-1902. During this era, blacks were forcefully relocated from their lands to overcrowded areas. Shortly after the forced removals the Native Land Act of 1913 was introduced to formally discriminate and exclude blacks from owning or buying land. Subsequent to this the Native Trust and Land Act 1936 (NTLA) was promulgated to demarcate and designate specific land for a specific ethnic group and consequently restrict blacks from accessing the whites only areas. This development was soon followed by the Groups Areas Acts 1950 (GAA) which necessitated to classifying Blacks to different categories ranging from native, coloured and Indian. This development caused a huge segregation amongst blacks and engineered cultural seclusion amongst Black people. Hence the current culture identification issues which plays a huge role in Black people's lives. The sense of belonging and superiority than another fellow Black person from a different tribe. These issues are the legacy of the discriminatory practices that necessitated to separation of black people and instilled tribalism in each group, with a sense of superiority over the other.

This was formalised and validated by the introduction of the Natives Land Act (NLA), which laid a complete ban and prohibition in law between the Black and non-black landholding together with the NTLA, which aimed at abolishing the individual land ownership and created an arrangement whereby a person (trustee) held property as its nominal owner for the benefit of others. These laws entrenched and formalised racial discrimination in access to land in South Africa. Both NLA and NTLA effectively ensured that Blacks occupied only about 13% of Land in the rural areas, it was particularly the NTLA which ensured that Blacks were given access to the most remote areas that were set aside for them by the apartheid ruler. When black people were relocated, the areas which were targeted as Black settlements were the non-arable land, this was for purposes of ensuring that black people do not continue to participate in the agricultural activities, particularly commercial farming. This is evident in the location of the homelands currently referred to as rural areas, most of these areas are rocky areas such as Gazankulu particularly Bushbuckridge area. Farming around these areas is not that productive due to the rocky surface, unlike places such as

Hoedspruit where the land is quite fertile and suitable for farming. This is the reason why the existing South African land tenure and land development patterns greatly depict the political and economic state of affairs of the apartheid era. These racially orientated colonial apartheid land laws and policies caused insecurity, landlessness and poverty amongst Black people. Black people's livelihood was depended on land, Blacks tilled the ground for food and built houses with clay. Land has a deeper meaning to Black people as they raised and natured their kids from the natural resources of the land they resided on. Hence the land dispossession had a major disruption in the way of living for Black people. Their true nature and identity has been lost with the land dispossession and further fragmented by the complex land administration system that regulated land use of the homelands where Black resided. The current insecure land rights are the aftermath of the fragmented land system which was introduced by the NLA and its successors. It is also the reason for incompetent land administration and land use by the majority of the Black people in South Africa.

Background to Land Dispossession in South Africa

In 1653 colonisation started and the process of land dispossession and racial discrimination also begun in South Africa. The Colonists (Dutch and British) managed to place Black South Africans into smaller areas. This was formalized by the introduction of the NLA. The aim of the NLA was to lay a complete prohibition in law between the Black and non-black landholding (Kloppers and Pienaar, 2014) together with the NTLA, which was aimed at abolishing the individual land ownership and created a procedure whereby a person (representative) held property as its nominal owner for the benefit of others. These laws have regressive effects and formalised racial discrimination regarding access to land in South Africa. Moreover, during the era of NLA & NTLA these laws effectively ensured that Blacks occupied only about 13% of land in the rural areas. The NTLA was introduced to abolish communal land rights by bringing about restricted freehold land by an individual; this is in terms of Section 2 of the NTLA which provides that "certain areas of land be transferred to native trust and be administered by the trust." Areas such as Transkei, Bophuthatswana, Ciskei, Venda, Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa, and QwaQwa. These different Bantustans were created to separate black people by ethnic groups, for example Gazankulu was an area set aside for Tsongas and Shangaans, whilst Venda was purely restricted for Venda's. A person belonging from a different ethnic group was not allowed to go and reside in an area belonging to a different ethnic group, never mind having any relations with a person of a different ethnic group. People were forced to keep to their ethnic groups, this created an animosity amongst the people of the same skin colour. Till date there are issues of hatred and undermining amongst the different ethnic groups owing to the discriminatory practices of apartheid era. Furthermore, NTLA ensured that Blacks were given access to the most remote areas which were set aside for them, by forcing them to occupy small areas which were secluded from towns and urban places. Whilst fertile land, towns and city were designated for whites only and to the exclusion of all black people, including Indians and coloureds. However, according to the Natives (Urban Areas) Act 21 of 1923, Blacks

were allowed to reside in the outskirts of white urban areas and industrial areas. Although the permission was not automatic, Blacks were required to get approval from the local urban authority to gain access to the said outskirts areas commonly referred to as Locations. Blacks could only acquire temporary residence in towns and urban places and they were not allowed to own land in white towns. According to Christopher Black people were legally barred from residing and owning property in white urban areas (Christopher, 1999). As a result, Blacks would illegally occupy some parts of the cities as they were struggling to fit in the small spaces, taking into account the growing number of the population of Black people. The current informal settlements consisting of shacks exist today because of the deprivation of land ownership by Black people. The NLA and NTLA also had an impact of striping Black people of their right to own land prior to 1991 (Kloppers and Pienaar, 2014). This process was initiated by the provisions of NLA particularly section 2 which prohibited buying or owning of land by a native person. Furthermore NTLA and its successors continued to advance the provisions of NLA by ensuring that there is an establishment of Bantustans to separate Black people and categorise them by ethnic groups. Giving way to the introduction of Group Areas Act that ensured that a certain ethnic group keep to itself and limit interaction amongst people with different ethnic groups. According to Govender and Reddy the National Party (apartheid government) main objective was to establish residential segregation, which was successfully achieved and remains to be one of the major challenges the Democratic government is faced with (Govender and Reddy, 2019). To date, South Africa is still struggling to redistribute land which was illegally taken away from Blacks.

The NLA and NTLA had a major implication on land delivery systems, because these laws created special land delivery procedures known as "Proclamation R293 of 1962 for proclaimed urban areas and R188 of 1969 for rural areas" (Govender and Reddy, 2019). Proclamation R293 was aimed at establishing, administer, regulate and manage townships for the homelands of Black people (Transkei, Bophuthatswana, Ciskei, Venda, Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa, and QwaQwa), previously referred to as *Bantus*. However, the rural areas were divided in to three categories; the South African Development Trusts land, self-governing territory land (KaNgwane, KwaZulu and QwaQwa) and the states Transkei, Bophuthatswana, Venda and Ciskei (TBVC). The said Bantustans were introduced by the NTLA and regulated by the Bantu Homelands Citizenship Act of 1970 which granted black people living in these areas citizenship, however such citizenship was limited to the designated area group. Furthermore, there were no civil and political rights granted to people living in Bantustans or Homelands. The likes of Bantu Authority Act, Act 68 of 1951 made provision for the establishment of black homelands and regional authorities, with an intention of creating greater self-governance. However, such governance was subject to the greater administration of the National Party. Lastly the Promotion of Bantu Self-Government Act, Act 46 of 1959, which separated Black people into different ethnic group advancing the interests of NTLA and the GAA of ensuring cultural segregation amongst Black people. The Black Administration Act 38 of 1927 gave rise to various other legislation dealing with regulation and land tenure rights, Legislation such as Proclamation R188 and Proclamation R293. Whilst according to

regulation 1 of the Black Areas Land Regulations, 1969 (Proclamation R188), the proclamation R188 is design to deal with rural land tenure, providing occupants with Permission to Occupy is known as a (PTO), consequently denying occupants ownership rights over the piece of land they have been assigned to occupy. The policy version of R293 was developed as a so-called independence of each homeland or Bantustan. Due to the lack of provincial jurisdiction of ordinances over the areas which were regulated in terms of this proclamation. According to Black Laws Amendment Act 56 of 1949, provincial ordinances has no jurisdiction over land use administration of the areas that were under South African Development Trust (SADT). This includes the rural and urban areas that was occupied by blacks but regulated in terms of Proclamation R293. Hence the Proclamation was intitled to regulate the control of Townships and administration in Black areas solely for purposes of urban tenure development. There were also other laws that prohibited Black people from owning land in white farming areas and prohibited white farmers from contracting land to Black people and share the yields. Laws such as the Group Areas Act 36 of 1966 regulated acquisitions, alienation and occupation of land by stipulating which part of the Republic could be occupied by which race. The Black (Native) Laws Amendment Act (BLAA) No 46 of 1937, which prohibited Blacks from acquiring land in urban areas unless the Director General (DG) grants them consent. Read together with the NLA which prohibited renting and purchasing of land by a Native person. Although the former appeared to be a bit reasonable by making an exception of granting of consent by the DG, however, such provision was mostly overruled by the provision of the latter, making it impossible for Black people to acquire land. In essence the BLAA was intended to grant permission for Black people to occupy white only areas for purposes of rendering services to the white minority. The intention was not to grant permission to occupy for any other reason. In addition, The Native Service Contracts Act of 1932 made provision for white farmers to evict black workers for defaulting in labour and whipping Black people for any conduct that may indicate disobedience of instructions given by the white master. Furthermore, the NSCA compelled Black people to carry passes everywhere they went. In essence the consent granted by the DG was subject to other provisions such as the NSCA need to carry passes as a form of identification and prove to substantiate your presence in the white designated areas. Not only the white areas were patrolled and monitored to avoid Black intrusion, rural areas were also subjected to unjust practices through the use of discriminatory laws. Particularly Proclamation R293 and Proclamation 188, these laws created special land delivery procedures for urban areas and for rural areas separately and as a result there was no uniform regulation of land ownership. African land ownership was limited to native reserves, with communal land tenure administered by traditional leaders, who are custodians of communal land in terms of section 2 of the NTLA which provides that certain areas of land be transferred to native trust and be administered by the trust. Land that has been transferred to trust to be administered as communal land has created far more challenges that still prevails to date. Ranging from the role of the traditional leaders to the tenure system at play. Buthelezi and Yeni are of the view that traditional leaders are operating in misconception of owning communal land whilst their duties are that of a custodian, holding the land on behalf

of the community. Due to this misconception traditional leaders often advance business interest over community interests. This often results in abuse of power and compromise the livelihood of people residing in these areas. Buthelezi *et al.* further argues that the state continuous giving of power to administer and control communal land to traditional leaders is merely a strategy of securing votes from their constituencies. This assertion suggests that there is no valuable reason for state not to change tenure system of the communal land to that of secured land rights to the occupants. Even after the country has gained its independence the legacy of apartheid regime is still thriving, although the difference is that now it is used for a different objective of securing votes and advancing political agendas. However, the effect is still the same for people living in rural areas, they are still experiencing insecure tenure rights. As a result, their use and enjoyment of the land is limited to that which the PTO has allowed for that specific portion of land. In this democratic era rural dwellers are still experiencing limited rights over the land that belongs to their ancestors. It is However, unfortunate that the democratic governance does not consider that granting ownership rights to the communal areas occupants, will not only grant them ownership over land but will also improve the value of the land.

In the 1950's a document called the Freedom Charter (FC) was promulgated by the African National Congress (ANC), a political structure that fought for freedom and equality among Blacks and Whites. The FC was aimed at "putting nationalization forward as the mechanism necessary to redress decades of dispossession and destruction of Black property and economic rights." Acquiring land including its natural resources through the process of nationalisation would assist the state to speedily redistribute land without having to spend more money on expropriation of land and having to later spend even more when redistributing land to historical disadvantaged people. The main focus of this visionary document was to redress the previous dispossession of property; this is yet to be achieved to date, due to poor implementation of laws advocating for redress of previous inequalities and injustices of apartheid era. The FC aimed at giving people access to the land from which they have been previously dispossessed. This objective was later carried out in the form of land redistribution under the Land Reform Programme, although satisfactory results under this redistribution programme are yet to be achieved. This is owing to a number of reasons, such as the lengthy bureaucratic processes of identifying true claimants over counterclaimants of the same land. In order to address these challenges, the state introduced land claims court as a tribunal to preside and resolve the challenges.

Enforcement of Pre-1994 Racially Screwed Land Segregation in the Era of Colonial and Apartheid South Africa

Land tenure in South Africa is a burdensome issue (Mashau, 2014). The enormity of this challenge is huge that we are constantly reminded of it in almost every economic aspect and livelihood of Black South Africans. With prevalent knowledge that every South African dream of owning land, it is pertinent that we reflect on the core cause of this challenge. The core cause of the challenge dates back to 1652 when Jan Van Riebeeck forcefully took the land from the Khoisan by simply arguing that the

Khoisan had no rights and title to the land, and further claimed that there is no written evidence (title deed) of their true ownership of the land and robbed them of their only jewel (Dooling, 2008). This marked the beginning of land dispossession in South Africa, followed by the introduction of the Land Act 1913 and the Trust Land Act 1936. These pieces of legislation were aimed at regulating access to land, although their provisions and practices were discriminatory, in that they were instrumental to racial separation in South Africa. The application has thereof occasioned great disproportions in relation to access to land, land use and land ownership. Black people were forced to move from arable land to mountainous areas, where land was not arable and therefore, they could not farm productively. As a result, Black people suffered hunger and starvation as they could not make a living from farming, the only skill Black people had at that time.

This led to Blacks living in appalling conditions and in poverty. Black people's loss of land was the beginning of the change of their social, economic and political status in South Africa. Not only did the injustices of access to land confined Blacks in small non-arable land but it also striped Black people of their freedom to access other places where White people lived. And further ensured that Blacks are controlled and politically oppressed by the apartheid government. It is a common knowledge that indigenous people had unlimited access to land prior to the land dispossession during the pernicious colonial period, however the arrival of the Dutch and British colonist in 1652 changed the position of the Black South Africans on land ownership and constrained the accessibility of land. The colonist introduced land administrative systems that ensured that Black South Africans were left landless in overcrowded areas, administered by trustees often referred to as traditional leaders or chiefs. These land systems were introduced by a number of discriminatory Acts,' specifically the Natives Land Act 1913 together with its successors. These legislative measures were put in place specifically to limit Blacks from owning land or having access to arable land. And as a result, Black South Africans were left landless and in poverty, and this was achieved through the application of the discriminatory Land Acts as they are herein discussed in detail as follows:

The Natives Land Act 27 of 1913 (NLA)

The NLA sets the groundwork for apartheid and formalized racial discrimination and limited Black ownership of land. Jeannie asserted that the promulgation of the NLA signalled and commenced legislation of discriminatory nature. Jeannie's assertion features accordingly within the provisions of section 1 of the NLA, and according to section 1 of the NLA the natives were not supposed to enter into any agreement to purchase, hire or acquire land from any person even from a fellow native. This provision of the NLA ensured that Blacks had no right to acquire or own land. This was the beginning of race restrictions and limitation of access to land. Kloppers and Pienaar asserted that the aim of the NLA was to legalise a complete ban/prohibition concerning the Black and non- black landholding (Kloppers and Pienaar, 2014). The application of the NLA resulted in stripping Black people of their ownership of land. However, Harvey is of the view that the NLA did not entirely restrict Blacks

from owning land and further asserted that blacks were bitter about the enactment of the NLA and because of their attitude, Blacks ignored an important clause in the NLA "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 there over," which bestowed the state with the privilege to assent to the buying of land freestanding of reserves by Africans (Feinberg, 2006). Harvey further asserted that black leaders failed to acknowledge that many Africans profited from this exception clause in the NLA by purchasing farms and lots after 1913(Feinberg, 2006). However, Doreen is of the view that practices of NLA were fraught with uncertainty due to the observation that the political future of urban Black people within the white cities held a constant state of myopia (Atkinson, 2009). During the period of apartheid Black people were forced to stay in their homeland where they could exercise political freedom there, however there were no chances for Black people to exercise their political freedom outside their native reserves. Hence there were very limited chances that Black people living in the cities could make a significant change in the political arena. Despite these challenges associated with restrictions of political freedom Black people managed to overthrow the apartheid system. However, same cannot be said about the apartheid system that has left the legacy of landlessness and poverty amongst black people.

Although white officials were of the view that Black people in urban areas would remain permanently subservient in the cities, others believed they would eventually achieve full status as equals within a modern civil society (Atkinson, 2009). This indistinctness caused continual problems to the design of urban policies and led to persistent misunderstanding and disputes about appropriate urban Management System (Atkinson, 2009). However, the reality of the impact of NLA proves to the contrary of Harvey's views, in that majority of Black people were left to suffer the harsh reality of hunger and starvation as a result of their landless situation and complicated land policy systems; the people were unable to farm or productively use the land to fend for their families and generate income and that has not changed to date.

Majority of Black people opted to invade land in cities which resulted in today's informal settlements in a quest to find employment in the cities to fend for their families. Jeannie is also of the view that the application of the NLA and its successors has severe impact on spatial planning which is a strategic process that is sought to organise how the economy, society and build environment operate in a space and also ensure the protection and restoration but notwithstanding the management of the natural environment. However, even after 105 years of its enactment and 25 years after its repeal by Section 1 of the Abolition of Racially Based Land Measures Act 108 of 1991, South African towns, cities and rural areas are still confronted by the legacy of the NLA (van Wyk, 2013).

The NLA distributed land on a racial basis by putting aside scheduled areas for exclusive land acquirement and landholding by Blacks (van Wyk, 2013). The NLA made a provision for scheduled areas to be designated for exclusive occupation by Blacks. And as a result of the shortage land for Blacks, the 1913 Development Trust and Land Act extended the operation of the 1913 Act by providing for the acquisition of released regions for eventual occupancy and acquirement by Blacks(van Wyk,

2013). The Act renamed as the Bantu Land Trust Act (BTLA) of 1936, which was intended for a for the sole purpose of the acquisition of and occupation of the land by Blacks in the so called released areas. The released areas were the self-governed areas in terms of section 10 of the BTLA. In these areas or reserves, where the land was held in trusts by state, Blacks had the right to procure land taken from them and as a result they were rendered to utilise the land that was regulated by traditional leadership or tribal rulers (van Wyk, 2013). The people's right to obtain land during the apartheid era was limited to permission to occupy overcrowded native reserves, well known as former homelands.

The Native Trust and Land Act 18 of 1936 (NTLA)

The NTLA introduced native trusts and abolished individual land ownership by Black people through the introduction of Trust tenure and created an arrangement whereby a person (a trustee) holds property as its nominal owner for the benefit of other beneficiaries. This consequently established the South African Development Trust which was the government body responsible for purchasing land in released areas for Black settlements. In terms of section 2 of the NTLA, "certain areas of land were transferred to native trust to be administered by the trust." According to Kloppers and Pienaar, the aim of the NTLA was to strip Black people of their right to own land. Black people were forced to occupy land in these severed areas administered by the trustees (chiefs/traditional leaders). Hall also asserted that policies coined in the apartheid South Africa shoved millions of Black people into the infamous excessively crowded place (the match box houses and squatter camps) and disadvantaged reserves, homelands and townships.

The application of the NTLA further ensured that Blacks do not live in demarcated areas which were specifically chosen for whites only without a paper of authorization by the Governor General. African land ownership was therefore limited to native reserves, with communal land tenure administered by tribal leadership. Whereby Black people were given permission to occupy (PTO) land held in trust by traditional leaders, however the PTO does not warrant the occupant's ownership rights. Occupants are only allowed to occupy the land and ownership rights remains with the trust administered by traditional leaders as custodian of the community's interests.

The Group Areas Act 41 of 1950 (GAA)

The GAA was used by the national government to forcibly remove Black, Coloured and Indian people from designated white only areas. According to Kloppers and Pienaar, the objective of the GAA was to establish group areas and regulate the acquirement of immobile property and the occupation of land premises. The GAA established three groups of people, a white group, a native group and a coloured group. The GAA also designated areas for exclusive use for a particular group and disqualified those who were not of the same group as the area group. This, however, is the cause of the division and separation of ethnic groups, because a particular group of people were forced to be confined in a specific area, for example coloured people

were confined to the Western Cape Province. This consequently ensured that Africans had no opportunity to interact in harmony or share skills amongst one another, from one ethnic group to another. And as a result, Africans were divided into ethnic groups, and have over the years been in constant conflict of power over one another. The consequences of these discriminatory laws are not limited to physical dispossession of land, they go beyond the physical. The discriminatory laws have affected South Africans socially, psychologically and economically, in that South Africans are now only loyal to South Africans who belong to their ethnic group; the standard of classification is by the ethnic groups, and how South Africans interact with each other depends on which ethnic group you belong to. Moreover, the laws have affected the social status and the economic aspect of black people. Majority of Black people are living in poverty and have no land to farm to combat hunger and starvation. Furthermore, those who are privileged to have found employment they are not in a financial position to buy land unless they loan money from the banks. This, therefore, gives ground for the sentiment that Blacks are moving in a circle of poverty and debts for survival. The psychological aspect is that Black South Africans are constantly fighting to outlive poverty by trying to enrich themselves with the little they are trusted with in the cooperate world.

This constant fighting to outlive their direly austere state of seemingly perpetual poverty corruption, a continuous web of dishonesty and theft in an attempt to better their state of living, which come as the result of land dispossession. The level of intensity that these laws have subjected Black people to, is very extreme. Not to mention the complicated land administration system in the former homelands where Black people were confined to. A number of land administration systems play a part in the former homelands. According to Pienaar, "South Africa has two assorted property regimes which exist alongside one another, namely: the system of individualised common law land ownership (predominately based on civil law principles); and the system of communal land tenure (predominately based on shared use of land by communities in terms of indigenous law principles) is a contributory factor to the poverty levels in South Africa." (Pienaar, 2011).

The different administration system is as a result of the apartheid legacy particularly the NTLA and the GAA which necessitated to establishment of Bantustans and geographical segregation of Black people according to their tribes. The said establishment of homeland created different land use and administration systems. The whites only area had a different land use system and the homelands had a number of laws applying differently to each category of a rural area. These ununiform land use systems are the core reason South Africa is experiencing complex land use system and unsecure tenure security even after its attainment of independence and becoming a democratic republic.

The introduction of the Group Areas Act formalised the classification and separation of ethnic groups and paved the way for different land administration policies such as the Proclamations Particularly Proclamation R293 which was aimed at establishing and administering townships for Black people and Proclamation R188 which was designed to regulate rural land tenure. This consequently caused more confusion in the tenure system that applies to former homeland, creating different tenure system

despite the enactment of the proclamation with the Town Planning and Townships Ordinance (TPTO) 15 of 1986. The purpose of TPTO is to arrange and harmonise the development of the area concerned in a way that will effectively promote and enhance wealth, health, safety, good order, amenity as well as efficiency and economy through development. The legacy of the previous proclamation is still at play in rural areas, consequently there is more confusion than difficulty in uniform land administration, which has also contributed to the immense poverty levels in South Africa. Added to this, the land registration system (Deeds registries) did not provide for the registration of communal land rights. The system was adopted from the Dutch land registration procedures which offered the white minority real rights over the land they occupied and deprive blacks living in homelands rights over the land they occupied but created a system of granting permission to occupy. This arrangement made it even more difficult to be practically implemented in the context of South African land. Despite its modification in the 19th century, South African land tenure is still fragmented. Black people living in rural areas (the former homelands) are experiencing insecure tenure rights over land that belonged to their ancestors, whilst white minority in the urban areas (previously referred to as whites only area) enjoys real rights and ownership over the land that was forcefully taken away from Black people. Despite the introduction of legislation such as town planning ordinances, people living in rural areas are still trapped in communal land systems of granting permission to occupy.

The Group Areas Act 56 of 1966 (GAA, 1966)

There is the Group Areas Act 56 of 1966 the main aim of the Act was “to consolidate the law related to the establishment of group areas and to regulate the control of acquisition of immobile property and the occupation of land and premises.” The significance of the GAA was to ensure that all the provisions that regulate the different group areas are consolidated in one legislation. Despite the different provisions for each area group. GAA was an attempt to unify different laws applying to different area groups, thus the GAA sought to create a uniform land use system in areas where there were no secured tenure rights. However, it is not so different from the GAA of 1950 on the aspect of control and access to land by specific group of people, and it merely consolidated different pieces of legislation.

Kloppers and Pienaar also indicated that there are similarities of the two Group Acts- the 1950 and the 1966 Acts (Kloppers and Pienaar, 2014). The GAA of 1966 also established groups and those groups were white, Bantu and coloured. Section 20 of the GAA of 1966 created restrictions on the occupation of land in the controlled areas. Controlled areas were areas where only white people were allowed to live in and quite a small number of Black people would be given a controlled access to, as domestic workers and gardeners. This, however, did not qualify or grant access to Black people to all the “whites only” locations; at places such as parks Blacks were not allowed unless on duty. Although the Bantustans have been reintegrated into South Africa, however, for the 17 million people still residing in these former homelands the fight for full recognition of their rights to land continues (Kloppers and Pienaar, 2014).

People who were previously residing in Bantustan areas are stuck in unsecured land rights system and as result they lack ownership over the land. Hence, they rely on communal property Act where they are entitled to a permission to occupy than a title over a piece of land they have occupied over a period of time.

The effect of the above-mentioned section was to ensure that a person of a different ethnic group does not own land in the different area group nor occupy premises in a different area group. To a certain extent the implication of this provision has not been entirely eradicated. South Africa is faced with different dynamics of the fragmented tenure systems and as a result it becomes extremely difficult for legislation and policies which are available to cater for each land administrative system without having to apply uninform policies for each system. These defeat the objective of having uniform land administrative system for everyone irrespective of colour or location (urban or rural). The post-1994 administration refers to the former homelands as communal areas where tenure is at play. Although Black South Africans are now allowed to own land in any area in South Africa regardless of their skin colour, the economic status of Black South Africans has not changed; therefore, placing value to land that belongs to Blacks who are not in a financial position to afford to buy land is another way to limit access to land referred to as previously controlled areas.

Black Interventions to abate Land Discrimination During Colonial and Apartheid Regimes

When Black people were dispossessed of their land and excluded by the discriminatory laws, they began to stand in unity to fight the discriminatory practices. However, in 1959 a new political party representing the interests of Black people was established and called the Pan African Congress. The establishment of this party came as a result of lack of agreement and understanding in the Africanist debate with the ANC. In 1960 the Pan African congress launched a historic campaign where members were called to leave their passes at home and to hand themselves over to the police station for arrest. People gathered in large numbers and went to police station in peaceful demonstration of disputing the discriminatory practices. However, the campaign resulted in man slotter, a notable event of massacre that took place in Sharpeville. A massacre that costed the lives of 84 people and 365 badly injured. According to Lephakga (2013) the discriminatory laws and segregations were established to make black people aliens in their ancestral and motherland. Accordingly, black people were made foreigners on their birth land as a result black people were forced to carry identification document everywhere, they went. However, the white minority were exempted from this regulation, they were all presumed to be South Africans because of their skin colour, unlike black people who were always suspected of being foreigners and thief's in their own mother land. Black people were forced to stay in overcrowded Bantustan, an approach which was vigorously challenged by the blacks. Biko opines that the reason for objecting this approach was that it was given by the same people who had put us in this situation (Biko and Stubbs, 2004). Furthermore it is driven from the view that "in the land that is ours we find people coming to tell us where to stay and what powers we shall have, without even consulting us" (Biko

and Stubbs, 2004). It is clear from this point that Black people had had enough of the discriminatory practices as they had found themselves being moved from one place to another with an intention of excluded and alienated as the black nation from the land that natured them from birth. And isolated from their true origin, sense of belonging, their way of livelihood and the resources of the land that belongs to their ancestors. According to Pheko (1984) the 1960 Campaign was guerrilla project aimed at uniting blacks and reclaiming their dignity through political resistance. Although the campaign was not intended to be violent but the ruling party(apartheid government) felt the need to retaliate in a violent manner to curb what they perceived as a threat but Blacks perceived it as a an appeal for liberation from the unjust practices.

Formation of the African National Congress (ANC) in 1912

The ANC was formed as a resistance movement. Before the ANC was formed, there were a number of black resistance movements such as Umkosi Wezintaba which was formed in South Africa between 1890 and 1920. It is pertinent to point out that ANC as an organization was initially founded as the South African Native National Congress (SANNC) in Bloemfontein on 8 January 1912. It was established due to the unsatisfactory services that black people were receiving, including grievances owing to dissatisfaction with the South Africa Act of 1910, that necessitated to the establishment of the union of South Africa. This includes the bad treatment that black people began to experience shortly after the South Africa war which took place between 1899-1902. Numerous laws controlled and restricted black movement and labour. Hence the need for establishment of union of South Africa in 1910. Although this process of establishment took longer than anticipated. This was due to the lengthy discussions and negotiations between the four provinces namely cape province, Natal, Transvaal & Orange estate.

The conflict was about the latter's independence from the British control. The said independence which was attained in 1852 and 1854 whilst the former remained loyal to the British. However, the conflict necessitated to a lengthy discussion and negotiations amongst the four provinces. During the course of the negotiation it then became apparent that the consolidation of the four provinces or rather the proposed unity was aimed at excluding blacks from participating in a meaningful political activities. Unfortunately, with the Blacks' resistance, this resulted into formation of different political movements with a provincial appeal aimed at forging a unified political movement that will stand against the exclusion of black people. In 1909 a group of black delegates from the four provinces met to device means to object and challenge the draft of South Africa Act and Union Constitution. The delegation was known as the South Africa Native Convention (SANC). The delegation of 09 men were sent to England to attend the convention which was considered a precursor to the South African Native National Congress (SANNC). The delegation did not achieve anything more than a sympathy that was showcased on media from the meeting, nothing fruitful ever came out of the convention.

The SANC continued to be active between the period of 1910 to 1911, objecting and challenging the discriminatory laws and legislation. However, following the activi-

ties of SANC a need for a permanent body to represent blacks on a national level arose. And as a result, SANC was transformed to a more representative and dynamic organisation which was pioneered by the legendary Pixley ka Isaka Seme a brilliant attorney and Solomon Plaatje an author. The South African Native National Congress was then established, an organisation that is currently known as African National Congress (ANC).

The SANNC continued to challenge discriminatory laws and legislation including the Land Act particularly the Natives Land Act 27 of 1913 which formalised land dispossession and upheld discriminatory practices aimed at excluding blacks from owning and buying land. The struggle of keeping and retaining the black people's livelihood and dignity by fighting for the rights of black people continued to be the mission of SANNC. Despite the unconducive conditions which were created by the white minority by waging violence against black people resistant of discriminatory practices and laws. The situation soon became very hostile blacks were now fighting for survival, whilst the white minority thrived in oppressing the black nation. The SANNC political movements grew from strength to strength, notwithstanding the endless violence and unlawful arrest that they faced daily. As the resistance was growing stronger and stronger the white minority introduced the Native Trust and Land Act 18 of 1936 as a measure to abolish individual land holding by black people, this practice necessitated to establishment of Group Areas Act 41 of 1950 which followed shortly after the promulgation of the NTLA. The purpose of the GAA was to restrict blacks, Indians and coloured from residing in white designated areas. The effect of the GAA ensured that blacks remained in the overcrowded areas where they were forcefully relocated to and not access equal space and opportunities as the white minority. Till date the African National Congress stills strives to redress the historical injustices of the colonial and apartheid era.

Crafting of the Freedom Charter in 1950 (FC) by the ANC

In the 1950s a visionary document called the Freedom Charter was espoused by the African National Congress (ANC), which aimed at "putting nationalisation forward as the mechanism necessary to redress decades of dispossession and destruction of black property and economic rights." The main focus of this visionary document was to redress the previous dispossession of property, which are yet to be achieved to date. The FC was adopted during apartheid era and it did not receive the necessary recognition by the apartheid government; it was disregarded because it proposed provisions for equal access to land, provisions that were contradicting to the objectives of the NLA and NTLA.

Despite its non-recognition, the FC was the driving force of the ANC, a Black political party, and it gave hope to Black South Africans, a hope for a better land system and recovery of the dispossessed land. It is rather unfortunate that often the FC that gave Blacks hope for better land delivery systems is reconsidered as a democratic document, with vague qualities stemming from South Africa's legacy of oppression. And very few times the FC is quoted as the authoritative Charter whose objectives the government seeks to achieve. This is due to the lack of implementation of policies and

laws advocating for redressing of previous injustices and inequalities. Moreover, the loss of direction in proper implementation of this visionary document's objectives. "The people shall govern" clause is one of Charter's many objectives of progressive redressing of past injustices; however, the failure to implement the FC provisions results in rendering the FC as a campaign document. It is to this end that the FC is seen as a historical visionary document rather than an instrumental Charter on land matters.

The FC made a specific provision that "restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger". In light of this, it is clear that the intention or rather the objective of the FC on land matters is to ensure that everyone is afforded land and further advocates for the productive use of the land to eradicate poverty, hunger and starvation. Despite the above-mentioned objectives, Black South Africans are still landless and are living in severe poverty after 27 years of democracy. It is quite evident that the lack or poor implementation of progressive legislation is a new hindrance to eradicating poverty amongst Black people. Furthermore, the FC provided that "the state shall help the peasants with implements, seed, tractors and dams to save the soil and assist the tillers"; the intention of the FC is to ensure that the indigenous Black South Africans whose lands were taken from them and experienced land dispossession are given their land back and, also be assisted to productively use the land to eradicate poverty, hunger and starvation.

The FC was drafted and adopted during apartheid era and it faced resistance during this era, although, Black South Africans were determined to see the objectives of the FC coming to life. It is only normal that one would expect the same Black people who fought for democracy to see to it that the objectives of the FC are upheld. However, the pace at which its implementation is moving is that of a snail despite the urgent need to eradicate poverty amongst Black people by redistributing land back to Black people and equipping them with skills and resources to make a substantial living out of the land. It is for this reason, therefore, that the FC cannot be regarded as a pre-democratic instrument but rather a progressive visionary document that the current government should implement its objective.

According to the FC, everyone has the right to occupy land wherever they choose, however, this provision was countered by section 20 of the GAA of 1966 which placed restrictions to controlled areas, ensuring that Black people do not trespass to "whites only" area. It is quite evident in this regard, that section 20 of the GAA was drafted to record in writing that the apartheid government was not ready to afford Black people equal access and ownership of land. Hence, John Dube, the first president of South African Native National Congress, asserted that "if we have no land to live on, we can be no people". Dube's statement emphasises the importance of land ownership for Black South Africans; and Dube's assertion resonates in similar visionary tones on the matter of land as the objective sought to be achieved by the Freedom Charter (Feinberg, 2009). Failure to pursue the FC objectives renders its provisions useless and impractical, in that they are very authoritative on paper but have no impact practically, like they were rendered during apartheid era.

The apartheid government had an opportunity to adopt the Charter's objectives but,

chose to continue with the unjust practices and ensured that the discrimination was not only limited to where Black people could reside but extended to where Black people could not go. Additionally, the unjust practices ensured that Black people were confined to one place where they could not farm productively nor have access to rivers or green lands to tend their livestock. The extent of the limitation of access to land had severe consequences on Black's livelihood and resulted in extreme poverty levels amongst Black people. Consequently, this affected the social and economic status of Black South Africans.

To this date the level of poverty amongst Black people is very high. A number of strategic attempts to eradicate poverty in South Africa have been made with very low success rate results, the likes of grants programmes and food parcels, but there are still many families going to bed with hunger. This is because all of these strategic attempts are not sustainable. Furthermore, the strategic attempts are not equipping Black South Africans to independently make a living for themselves, but rather they confined the people to rely on grants and food parcels programmes for a living. That on itself does not contribute to the economy of the country but rather it is a costly programme. The state appears not to invest in training and funding land reform beneficiaries as much as it is invested in continuing to spend on programmes which are not necessarily equipping nor preparing individuals to be independent. But rather to rely on a handover system of simple providing to the poor and not grant these individuals opportunities to participate in developmental projects and consequently contribute to the economy.

The negative effects of the colonial and apartheid land legislation segregation are not the only problems to land issues; the current democratic government system is also contributing to the continuous poverty levels in the lives of Black South Africans and the landless situation. The current democratic government contributes negatively by failing to implement legislation aimed at redressing previous injustices and inequalities, thereby ensuring that land is properly redistributed to the indigenous owners accompanied with support resources to aid the beneficiaries to productively use the land.

Convention for a Democratic South Africa (CODESA) 1991

The Convention for Democratic South Africa (CODESA) was founded in December 20, 1991, however the first sitting took place in 1990, followed by numerous meetings and the meeting held in October 25th 1991, the gathering consisted of the multiparty approximately 92 organisation constituting a negotiation forum. The main purpose of this gathering was to negotiation the principles of the new constitution and the composition of the interim or transitional power to manage the transitional period. The gathering sat and discussed the issues of forging a smooth transition from the apartheid era towards democracy. A declaration was drafted from this gathering detailing a joint programme for negotiated transfer of power. During the process of negotiating there were side meetings which were held by PAC, AZAPO, the Democratic Party (DP), homeland leaders, Mass Democratic Movement organizations and the NP, which necessitated to formulation of Patriotic front with an intention of gaining

more power and balance on the negotiation table against the National Party. This arrangement worked in favour of the parties particularly ANC, its interest of having an interim government or rather a transitional government were upheld in the meeting. The bargaining power was beginning to gain strength on the Patriotic front. According to Ebrahim this was the very first time that the ruling party and government had to come to terms that it may have to give up the ruling power it enjoyed over a period of years. After several meetings the first multiparty constitutional meeting was arranged to take place on the 29-30 November 1991 at Kempton park, Johannesburg. By the end of November there was an establishment of groups which were tasked to prepare for the plenary focusing on Codesa's statement of intent and founding charter, the organization of Codesa, and the broad process of negotiation. One of the groups which was tasked to deal with the future of the people living in TBVC states to included in the drafting of the interim constitution as part of the new democratic Republic. It was during this stage that the processes of reconciling the alienated Black South Africans with the rest of the nation was considered. This initiative indicated the future that Black political parties hoped for and the anticipation of reconciling with the motherland. The place of originality and sacred place of the Black nation's ancestors. CODESA played a huge role in uniting Blacks in one nation and bringing back the spirit of oneness amongst Black people, particularly in the sense of belonging. Furthermore, it ensured smooth transition from apartheid governance towards democracy and inclusion of all people. The interim Constitution bears evidence of the hard work done during the negotiations. South Africa today is enjoying democracy birthed out of the long negotiations of CODESA. Land reform found its way in the heart of the constitution due to the concentrated discussions of redressal emanating from CODESA meetings. South Africa's Independency was not served on a sliver plater, but it was birthed from lengthy and uncomfortable discussion which turned violent and killing of 15 people 1992, however with the help of the current president Cyril Ramaphosa and Roelf Meyer the negotiations were resumed.

A Step in the Right Direction-The Introduction of the RDP

The land issues soon became a political issue, one that Black people sought to resolve as soon as they attain political power and fought for democracy that would liberate Black people from the White oppressors. Hence, the need to redress the injustices and inequalities of the apartheid era took a spotlight when South Africa became a democratic Republic in 1994.

Pursuant to that, a number of transformative legislative and polices interventions were enacted in line with the Constitution such as the RDP, which paved the way for the promulgation of legislation that promotes land reform. But prior to the promulgation of these progressive interventions, a number of destructive and discriminating laws were in full operation which makes it of a paramount importance to firstly outline the particular pieces of legislation that drove South Africa to its current state on land issues. Hence in the below subtitled, we embarked on the discussions of apartheid laws that had negative impacts and effects on access to land, particularly highlighting the race discriminatory practices these laws introduced and entrenched.

When the RDP was promulgated in 1994, it was aimed at addressing the previous injustices and inequalities of the apartheid regime, by addressing the immense socio-economic problems such as lack of food (poverty) and adequate housing which consequently resulted from lack of access to land including limited resources made available to Blacks. This policy provided for a set of guidelines and principles that mandated direction to the initial process of formulating the land reform policy and programme. Two years later, the Constitution of the Republic of South Africa was promulgated in 1996 (Constitution) and it retained the earlier negotiated property clause which was referred to as Section 28 in the Interim Constitution of 1993 and now is referred to as Section 25 of the 1996 Constitution which provides that “no law may permit arbitrary deprivation of property.” While expropriation is allowed “in the public interest”; this term is defined to include land reform policy. Both the Constitution and the RDP paved the way for the implementation of the land reform programme. In 1997, the White Paper on South African Land Policy was introduced, and it became the driving force for introducing land reform in South Africa. This policy outlined the guiding principles of land reform and how each of the principle was going to apply. The policy identified three principles namely Land Tenure, Restitution and Redistribution. Land Tenure is focused on providing security to those with unsecured tenure system, particularly those living in former homelands. Whilst Restitution is aimed at restoring land to previously dispossessed people. Redistribution is aimed at providing access to land for both residential and agricultural purposes. Moreover, these laws were intended to play an important role as the central and driving force of the programme of rural development. The land reform programme mainly focuses on redressing the injustices of forced removals and ensures that there is security of tenure for rural dwellers. It was also intended to ensure that there is developmental transformation in the rural areas, although the development aspect is yet to be achieved. So far, failure to offer aid facilities to land reform recipients resulted in unused redistributed land. These laws were intended to improve household welfare and alleviation of poverty, by creating opportunities such as commercial farming among Blacks. However, land reform beneficiaries’ failure to use redistributed land in a productive manner hinders development, particularly in the rural communities and it fails to eradicate poverty amongst the land reform beneficiaries resulting in defeating the objectives of the White Paper of redressing historical injustices through land reform and eradicating poverty.

To date, the Department of Agriculture and Land Affairs is still yet to achieve its target to transfer 30% of commercial farms over the period of 15 years which was introduced in 1999. This commitment was made by ANC government and enforced in terms of the Land Redistribution for Agricultural Development of 2001. The target year of redistributing 30% of land was then moved to 2014. However, due to slow implementation of the redistributive processes the said target has not been achieved. Despite the adoption of the policies and laws that sought to ensure redressing of previous injustices and eradicating poverty amongst Blacks, failure to assist Black people to use their land productively to generate income and make a living does not address the aspect of alleviating poverty. Furthermore, the slow pace of implementation and enforcement of laws and policies aimed at promoting the land reform

programme have become an obstacle yet to be overcome. This has contributed to the delay in the process of redistribution of land to the people who were previously dispossessed coupled with failure to utilise redistributed land in a productive manner. Consequently, this aggravates and exacerbates poverty levels, hunger and starvation among the land reform beneficiaries."

Kloppers and Pienaar (2014) are of the view that the aim of racial segregation, eventually occasioned the need of land reform. Although land reform was introduced to rectify the injustices and inequalities caused by the NTLA, it has however proven to be difficult if not almost impossible to achieve such an objective, without having to invoke radical approaches in legislation drafting that will racially disadvantage whites. Approaches such as the proposed expropriation without compensation, it is however unfortunate that not only the proposed land expropriation without compensation will face major challenges on implementation, but also in classification and identification of beneficiaries and land to expropriate.

Most of the private owned land is owned by juristic persons (companies) which have natural persons as directors, it will be difficult if not almost impossible to put colour to juristic persons. Furthermore, the identification of beneficiaries will also be another major obstacle, because not every black South African is a legitimate beneficiary. We have more South African citizen by virtue of birth location; thus, to say about 30% of South African citizens obtained their citizenship because they were born in South Africa, but their parents are not South African nationals. Moreover, the question of food security; should the proposed land expropriation without compensation be approved, will food security be secured? Do we have policy interventions to secure the surety that nation security is not threatened? And finally, alternatively, should the state resort to long term leases, who is going to benefit from the proceeds thereof, etc.? In a nutshell, our fragmented land legislation and policies have a long way to go. There are evidently more challenges to encounter in the process of redressing the previous injustices, and not even land expropriation without compensation will be able to solve half of these challenges. It is therefore without doubt that there are policies and legislation which are very instrumental for redressing the previous injustices and inequalities of land ownership, but the poor implementation and enforcement of these policies render them useless to the dispossessed Black South Africans. The legacy of the NTLA is a very difficult system to remove, and still haunts the current initiatives to redress the previous unjust land administrative systems. Evidence of this is in the bleak reality, which is that Black people are still under the same old communal land systems in rural areas where land is held in trust for the benefit of the community and administered by tribal authorities.

Land in communal areas is not owned by individuals and as a result it cannot be sold but rather a system of paying annual levies to traditional leaders is at play. Therefore, a person who holds a land under communal area has no right to sell the land, but Traditional Leaders are vested with the rights to allocate the land for residential purposes, thus making it almost difficult to utilise the land for business, because another land administrative measure of local government will have to come to play. Moreover, holding a piece of land in communal area does not contribute to one's economic status, land held in a communal area consequently does not qualify as an asset

because the ownership of the land rests with the Communal Trust and traditional leaders are vested with rights to administer the land; in light of this, land in communal areas is a valueless resource in that it does not contribute to a person's economic status but rather allows a person to hold for use not ownership. Even though access to land in communal area it was given, it was given with limitation to ownership. Which, in this regard, makes it impossible to improve black people's livelihood if it cannot be used productively to do commercial vast scale farming, eradicate poverty and create opportunities for black South Africa people to fend for themselves.

Conclusion

The apartheid governance forcefully took land from Black people and introduced a system of segregating Black South Africans from each other. The purpose was to completely exclude Blacks from participating in any political activities and waging an uprising against the apartheid rulers. The system kept Blacks isolated from one another, but out of oppression Black people stood together and established political organisations to represent fellow Black people. Although there were other challenging issues in forming one united organisation of representing Black people, all the organisations which were established stood for one thing, although it was displayed in different ways but all the Black political organisations sought to fight and challenge the discriminatory and unjust laws. Some of the organisations out of frustration took to streets to confront the white minorities of their destructive practices against Black South Africans. Despite the peaceful nature of the campaign, the white minority preferred violence to silence Black people. The practice continued until the 80's, with Black people resistance growing stronger and stronger. A new era of governance was ushered with the introduction of CODESA negotiations. Aiming at facilitating transition from oppression period to democratic governance. In 1994 a democratic government was elected and took office in the new South Africa. From that period a number of laws and legislation were enacted to redress the historical injustices.

However, the impacts and effects of the apartheid land dispossession, forced removal, segregation, exclusion and discrimination did not only have impacts and effects in those years, their legacies are still thriving, and the South African government is still struggling to redistribute the land which was forcefully and illegally acquired. The poverty level amongst Black people is still rising. The 1913 and 1936 Land Acts further had a major implication on land delivery systems; it created special land delivery procedures for urban areas and for rural areas separately. So there was no uniform regulation of land ownership. African land ownership was limited to native reserves, with communal land tenure administered by traditional leaders. And as a result, South African land tenure system is still fragmented.

The NLA and NTLA with its successors further ensured that Black people are stripped off ownership of land and are pushed to congested non arable land. Leaving Black people in serve poverty where they could not continue farming for a living. Majority of Black males had to retire to cities to find employment in White owned firms, and women would seek employment as house helpers while children would go to white farms and toil in order to have a meal for the day. This situation led to a generation

of illiterate Black people as they were forced to work at an early age to care for the weary elderly and has consequently pushed Black people to the bottom of the food chain. Not only Black people are landless, but they are also poor and illiterate, all these are the fruits of the unjust practices of the discriminatory land Acts.

References

- Atkinson D (2009) Patrivalism and paternalism in South Africa 'Native Administration' in the 1950's. *Historia*,54,262-280.
- Biko S and Stubbs A (2004) I write what I like. **Johannesburg: Picador Africa**. Available at:<https://www.worldcat.org/title/i-write-what-i-like-a-selection-of-his-writings/oclc/56361631>(accessed 14 July 2020).
- Christopher AJ (1999) Towards the post-apartheid City. *L'Espace géographique*, 28(4):300-308.
- Dlamini SI (2013) Land reform in South Africa: dismantling the historical legacy of the racially skewed land dispensation. Available at: <https://ukzn-dspace.ukzn.ac.za/handle/10413/10626>(accessed 29 January 2021).
- Dooling W (2008) *Slavery, emancipation and colonial rule in South Africa*. University of Kwazulu Natal Press, South Africa.
- Ebrahim H (1998) *The Soul of a Nation: Constitution-Making in South Africa*. Oxford University Press.
- Feinberg HM (2006) Protest in South Africa: Prominent black leaders' commentary on the Natives Land Act, 1913-1936. *Historia*, 51,119-144.
- Feinberg HM (2009) Black South African initiatives and the land,1913-1948. *Journal for contemporary History*, 34,39-61.
- Govender N and Reddy PS (2019) Urban Regeneration in South Africa The Apartheid Legacy and Legislative Framework Re-examined-The Case of eThekweni Municipality. Available at: <https://journals.co.za/doi/abs/10.10520/EJC-18121befd1> (accessed 29 June 2021).
- Kloppers HJ and Pienaar GJ (2014) The Historical Context of Land Reform in South Africa and Early Policies. *Potchefstroom Electronic Law Journal*, 17(2), 677-707.
- Lephakga T (2013) The history of theologised politics of South Africa, the 1913 Land Act and its impact on the flight from the black self. Available at:<http://www.scielo.org.za/pdf/she/v39n2/21.pdf>(accessed 11 September 2020).
- Mandela NR (1994) Statement of The President of the African National Congress, Nelson Mandela, At His Inauguration As President Of The Democratic Republic Of South Africa, Union Buildings, Pretoria, May 10 1994. Available at: https://www.africa.upenn.edu/Articles_Gen/Inaugural_Speech_17984.html (accessed 19 March 2021).
- Mashau TD (2014) More than just a piece of land :Power dynamics in the land discourse within the city of Tshwane. Available at: <https://journals.co.za/doi/abs/10.10520/EJC166016> (accessed 27 December 2020).
- Pheko M (1984) *Apartheid: The story of a dispossessed people*. **London: Marram Books**.
- Pienaar G (2011) Land information as a tool for effective land administration and development. Available at: <https://journals.co.za/doi/10.10520/EJC124846>(accessed 21 October 2020).
- van Wyk J (2013) The legacy of the 1913 black Land Act for spartial planning. Available at: <https://journals.co.za/doi/10.10520/EJC153149> (accessed 11 December 2020).