

The Discourse and Policy of Land Restitution as Inspiration for Mobilisation

This paper explores the role of the restitution of land rights process in motivating organisation around land issues and in particular land occupations. This is based largely on two case studies, from Limpopo province, of land occupations by people who see themselves as land claimants and have historical connections to the land occupied. Their land claims have not been settled, but the notion of a right to the land established in their minds by the land claims process appears to be central to the occupations. In both cases people have returned to state-land that their families were removed from by the apartheid regime. Despite having no support and being under threat of eviction by the government, they have gone into production. They are establishing themselves as peasant farmers growing crops such as maize, peanuts and pumpkins largely for their own consumption with some sales as well, especially by a few of the larger farmers.

Two aspects of particular interest in these land occupations are: the effective utilisation of the land especially compared to most land reform projects implemented through government programmes, including restitution; and the nature of community leadership involved in these occupations. The form of production that people are choosing to implement in these situations, where there is no control by the state, is markedly different from that contained in business plans drawn up for claimants in formally settled claims. The initiative and commitment to production in these sites is a practical demonstration of the energy and interest in production that is so often lacking in the government's land reform projects. The formal process of lodging and negotiating settlement of land claims has brought to prominence an articulate leadership, typically teachers and traditional leaders, perhaps good at engaging the Land Claims Commission in meetings, but often not especially interested or skilled in actually farming. The land occupations looked at in these case studies have mobilised a production leadership of people who have, through action, proven their interest and ability in agricultural production.

The opportunities these findings present for the mobilisation of landless people and organisation of land occupations are explored, including reflection on the role that a 'social obligations' clause in the constitution could play. Implications for the idea of 'community driven' and 'pro-active' land reform, that have gained more prominence in recent debates, are also considered. This in the context of the continuing failure of government land reform programmes to deliver land at the scale required and failure to achieve development benefits in the majority of cases where claimants have received land. The failings of current approaches have been widely acknowledged, in particular at the National Land Summit held in 2005, but there seems little progress in finding alternatives. This paper suggests that at least part of the solution can be found in the notion of a right to land created by the restitution policy and some of the actions inspired by this.

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