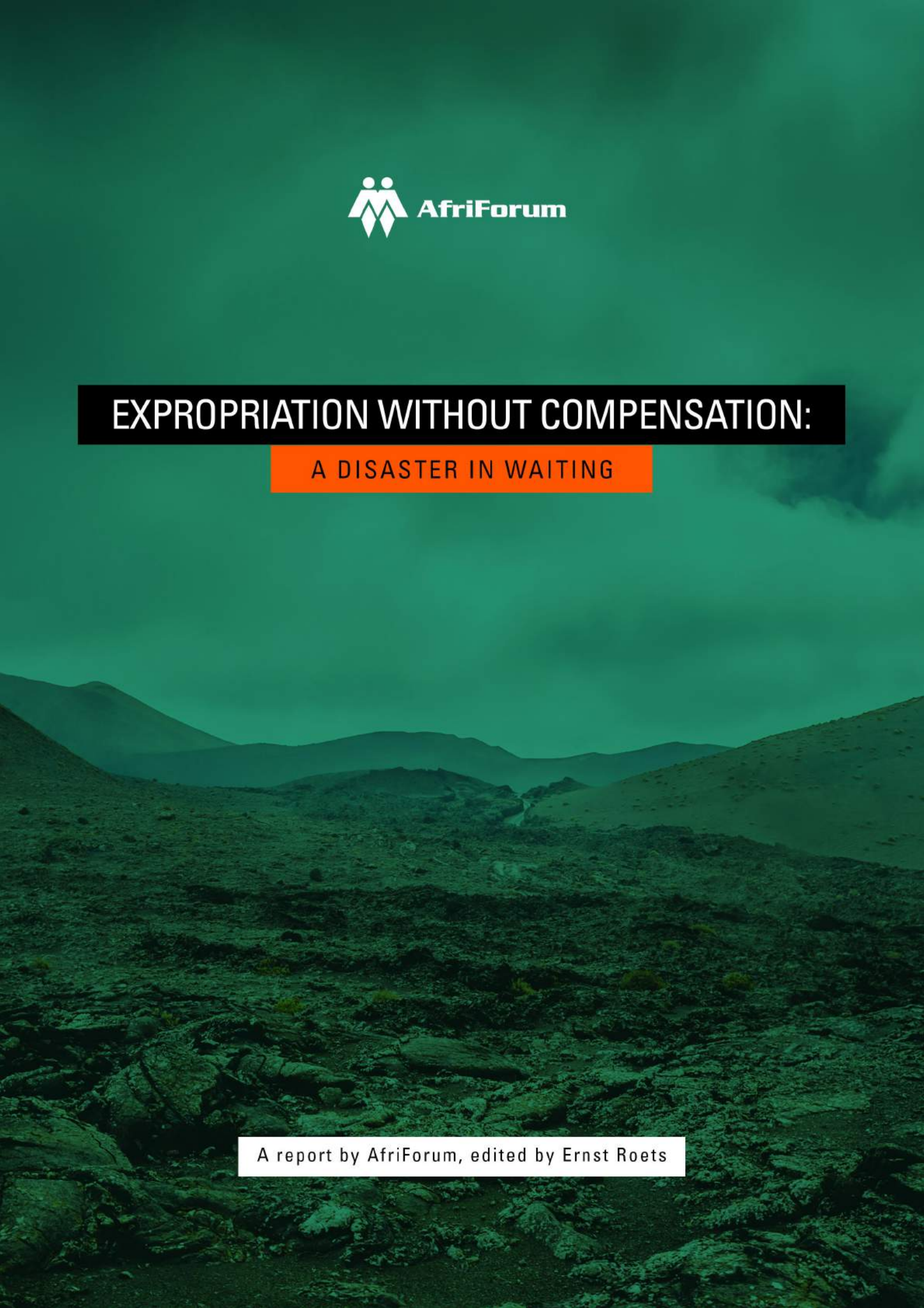

EXPROPRIATION WITHOUT COMPENSATION:

A DISASTER IN WAITING

A report by AfriForum, edited by Ernst Roets

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AfriForum

MEMORANDUM

EXPROPRIATION WITHOUT COMPENSATION

A DISASTER IN WAITING

1. Expropriation without compensation

Once the ruling ANC had adopted a policy that land should be expropriated without compensation at its 54th National Conference in December 2017, Cyril Ramaphosa, its newly elected President, said that taking the land owned by white farmers should increase food production and that "South Africa could turn into the ultimate paradise if the implementation of the policy of expropriation of land without compensation leads to higher food production". He added: "We can make this country the Garden of Eden."[1] On 27 February 2018, the South African Parliament adopted a motion that a process had to be started to amend Section 25 (the property rights clause) in the South African Constitution to allow for expropriation of land without compensation.[2]

"(A)lmost 400 years ago, a criminal by the name of Jan van Riebeeck landed in our native land and declared an already occupied land by the native population as a no-man's land," argued Julius Malema, Leader of the EFF, as he introduced the motion in Parliament, which was supported by the ruling ANC. "Van Riebeeck, a first descendent of the Dutch to arrive in the Cape would later lead a full blown colonial genocide, anti-black land dispossession criminal project, arguing that simply because our people could not produce title deeds, this land, that they have been living in for more than a thousand years, was not their own."[3] He continued: "The time for reconciliation is over; now is the time for justice."[4]

David Mabuza, Deputy President, threatened white farmers with a "violent takeover" should they not volunteer some of their land.[5]

Other than the clear racist motivation that serves as a foundation to this motion, here are at least three major problems with the South African government's stance on land reform. The first is that it is based on a distorted perception of history. The second is that there is no real "hunger for land" – in fact, the vast majority of black people in South Africa have no interest in owning agricultural land. The third is that where the government has intervened with regard to landownership, it has had catastrophic results. But before these issues are addressed, the dishonesty of the South African government regarding expropriation of property should be pointed out.

2. Dishonesty regarding expropriation

President Cyril Ramaphosa described his pilgrimage to the World Economic Forum (WEF) in January 2018 as "very very successful". The main aim of this trip was to encourage international investors to invest in South Africa.[6] Less than a month after the wooing of international investors under the assumption that property rights will be protected in South Africa, the South African Parliament decided that the South African Constitution would have to be amended to allow for the expropriation of property without compensation.

It is argued that this policy must be executed so that more black people can own property. It is however evident from the policy documents of both the ruling ANC and its supporting EFF, that the intention is for the state to own the land, not private individuals. This point is further proven by the fact that only 6,3% of land that had been bought by the state, has been transferred to private ownership.[7]

[1] News24. (7 January 2018). Taking land should increase food production – Ramaphosa.
[2] News24. (27 February 2018). National Assembly adopts motion on land expropriation without compensation.
[3] Hansard (Unrevised). National Assembly. (27 February 2017). pp. 25–26.
[4] Hansard (Unrevised). National Assembly. (27 February 2017). p. 28.
[5] IOL. (7 April 2018). Mabuza appeals to white farmers to share their land.
[6] Fin24. (28 January 2018). Ramaphosa wows Davos money.
[7] Interview with Johann Bornman. (19 April 2018).

Furthermore, the motion to expropriate property without compensation is based on a flawed state-driven land audit that is soaked with fabrications and methodological errors.

3. Flawed perception of history

It is often argued that land reform had to be executed in order to correct historical injustices. While it is certainly true that a variety of injustices occurred throughout South Africa's history, it should be pointed out that the history of land ownership in South Africa is more complex than that which is regularly argued by political leaders. The truth is that white owned land was acquired in three different ways, namely occupation of empty land, acquiring of land through negotiation and conquest. The focus of this report is not to provide a historic account of events. Two comments should however be made regarding the obtaining of land through conquest. The first is that it was a common practice among black tribes at the time.[8] The second is that obtaining of land through conquest was not that common among white people who settled in South Africa. The majority of land was either acquired through the occupation of empty land, or through negotiations with local black tribes.[9]

4. No "hunger for land"

The Restitution of Land Rights Act[10] allowed for people to institute claims for land of which they had been deprived of as a result of racially discriminatory practices such as forced removals. By the time the cut-off date was reached in 1998, about 80 000 land claims had been filed. The government was not satisfied and opened the process again in 2014, claiming that they believed that 400 000 land claims would be filed in total.[11] A little known fact is that 57,8% of land claims were for urban land, as opposed to rural land.[12] Furthermore, what came as a source of frustration to the government was the fact that 93% of those who had instituted land claims indicated that they did not really have an interest in owning agricultural land and that they would prefer to receive money as compensation. The government responded angrily to this, stating that it was "hurting land reform". Bheki Mbili, in charge of Land Restitution Support in KwaZulu-Natal, explained what black land claimants say:

Many of the claimants already have small pieces of land and some don't even live in those areas where their forefathers were removed from. Some say to us that they don't want more land than they already own and the risk involved if they ask us to buy them those huge pieces of land that will go out of production.

He then explained why this was a problem for the government:

The problem with this is that if you look at the outcome of first phase of the land audit, the amount of land that is private land particularly that is owned by white people in this country is still in the region of between 70 and 80%. We can only change the land ownership pattern if people opt for restoration. If they opt for financial compensation the pattern stays the same. If you take the money you don't dent the problem that currently exists.[13]

Notwithstanding the fact that the figures of white landownership provided by Mbili are inflated (at least 34,5% of all land in South Africa and 26,7% of agricultural land is black-owned),[14] the problem is therefore that the South African government is dedicated

[8] Changuoin, L. and Steenkamp, B. (2011). Omstrede Land. Pretoria: Protea Boekhuis. p. 30.
[9] Changuoin, L. and Steenkamp, B. (2011). Omstrede Land. Pretoria: Protea Boekhuis.
[10] No. 22 of 1994.
[11] The Citizen. (10 July 2014). 400 000 Valid land claims remain.
[12] Agri Development Solutions database. Interview with Johann Bornman. (19 April 2018).
[13] TimesLive. (30 May 2017). Land claimants want the cash not the land, says KZN Land Claims Commission.
[14] Agri Development Solutions database. Interview with Johann Bornman. (19 April 2018).

to reducing the amount of land owned by white people, while this is not regarded as a priority by the majority of black South Africans.

This is also evident from the rapid pace at which urbanisation among black South Africans is taking place. Black South Africans, more than any other group, seem to want to live in cities, rather than in rural areas. From 2000 to 2015, the population of so-called black Africans in Johannesburg increased by 76,7%. The corresponding number for Cape Town is 122,4% and for Pretoria it is 71,6%. During the same time frame, the number of white people in Johannesburg declined by 8,1% and in Cape Town by 0,7%. In Pretoria, the number of white people increased by a mere 2,7%.[15]

With regard to the intention to enter agriculture, Statistics South Africa (SSA) found that only 2,8% of all university students enrolled to study agricultural science and similar courses.[16]

Furthermore, when the Institute of Race Relations (IRR) surveyed South Africans and asked them what they believed had to be done to improve their lives, a mere 1% indicated that they believed that land reform would improve their lives. The survey also found that a mere 0,6% of people in South Africa regard land distribution as South Africa's most serious unresolved problem. It is noteworthy from this survey that white South Africans regard land reform as a more pressing issue to be resolved than black South Africans.[17]

5. Failure of land reform

According to the South African government, about 9% – almost 8 million hectares – of agricultural land has already been distributed to black African people.[17] However, it was admitted that more than 90% of farms distributed by the state to black African communities failed and usually reverted very quickly either to subsistence farming or to squatter camps.[18] A study by the Land Bank found that approximately 4 000 farms had been acquired since 1994 at a cost of R10 billion, of which only 10% were productive.[19] While the South African government had already spent more than R45 billion on land reform, only 6,3% of the land that had been acquired by the state had been transferred into private land.[20]

6. Conclusion

Land reform is a political ploy, a policy that is rigged for failure and one that only serves to escalate the friction that already exists with regard to South Africa's food producers.

It is clear that the South African government's push for expropriation without compensation is founded in racist sentiment and a distortion of history. It is also clear that the so-called hunger for land is largely non-existent – particularly with regard to agricultural land. Furthermore, it is clear that land reform has already been disastrous to the extent that it has been executed in South Africa.

While the primary targets of this policy are clearly white farmers, the primary victims might just as well be the very people that the South African government claims to represent.

[15] Institute of Race Relations. (2017). South Africa Survey 2017. pp. 28–29.
[16] News24. (26 February 2017). Land reform is a political ploy.
[17] TimesLive. (10 March 2018). Land debate is clouded by misrepresentation and lack of data.
[18] Mail & Guardian. (2 March 2010). Land reform: Use it or lose it, says minister. See also Johnson, R. W. (2015). How Long Will South Africa Survive?
[19] Business Day. (6 June 2017). Land policies try to solve imaginary issues at expense of real problems. See also Fin24. (22 May 2017). Govt. sits on 4 000 farms, yet hints at expropriation.
[20] Interview with Johann Bornman. (19 April 2018).

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Property rights and expropriation without compensation in South Africa

a memo for AfriForum

Russell Lamberti

Section 1: Context and background

South Africa has a complex history of landownership and control. Not only is the history of land dispossession, purchase, treaty and conquest fraught with factual complexity, but the very different concept and modes of private and communal property ownership among various nations and ethnolinguistic groups add additional layers of complexity. Many of these differences in understanding the past and in the concept of property ownership persist to this day.

This results in a widely differing perception among people of the degree of past and present land injustice. Few believe that landownership and control patterns in present-day South Africa are wholly just or fair. Restitution and restoration of provably stolen land, or the value of that land, is a moral and economic imperative.

However, because of the complex milieu of vastly differing perceptions of the nature of, extent of and solutions to land injustice, this restitution and restoration imperative should be pursued in a spirit of caution, respect for the property rights of current legal property owners, and ever-mindful that in complex sociological matters, there are seldom "final solutions", but rather costly trade-offs. Indeed, history shows us that the quests for "final solutions" often lead to great calamity because costly trade-offs are not adequately considered.

The great risk in pursuing land justice in South Africa is that it is done by weakening property rights and with a "final solution" mindset rather than a trade-off mindset.

Fortunately, in South Africa, it is entirely possible to achieve significant restitution, restoration and greater landownership without resorting to ill-conceived and economically disastrous measures. But, equally, there is considerable risk associated with adopting measures that have failed elsewhere and been especially damaging to the already-impoverished.

This subject cannot be dealt with in full here. Instead, the purpose of this memo is to highlight what must be avoided if the process of trying to fulfil land justice is to not result in higher land injustice and impoverishment.

In trying to fulfil land justice in South Africa, it is vital that the property rights of existing land and real estate owners are not threatened or weakened or undermined. This should be an *absolute minimum requirement*. Further to this, it would be far preferable, and eminently achievable, that the pursuit of greater land justice *strengthens* property rights.

In Section 2, I will detail why upholding property rights is so vital. In Section 3, I will discuss how stronger property rights are integral to land justice. Section 4 concludes.

Section 2: The purpose and benefit of private property

If parliament amends the Constitution in such a way as to weaken property rights, give more control and discretion over land and real estate to the state, and make arbitrary state expropriation possible, then South Africa risks sliding into social and economic chaos.

The following points summarise the reason why threatening property rights and the security of property tenure is so dangerous:

1. Private property incentivises wealth creation
2. Private property facilitates purposeful economic action and trade
3. Private property diminishes conflict over resources

These three elements are absolutely crucial to economic development, economic progress and poverty alleviation.

2.1: Property rights as an incentive

Private property gives us the security that what we work for will be to our benefit and will not be taken away from us. This incentivises us to invest our time, talent and resources into creating valuable products and services that we can trade with others in return for their valuable things. This allows people to build wealth.

With the security of ownership and control, people's planning horizons can become longer. They tend to consume less and invest more. This investment creates productive businesses that hire more people, develop more products and services, and generate more wealth.

Without security of tenure, people have less incentive to invest. They tend to have a shorter planning horizon and engage in lower risk consumption rather than higher risk investment. They tend to consume more and invest less. Less investment means fewer businesses to hire people, fewer products and services, and less wealth creation.

2.2: Property rights and the ability to act

Having a domain of exclusive control over something is precisely what private property recognises. Why is this domain of exclusive control so important?

Without clearly delineated private property, and hence no domain of exclusive control, no one is certain who may justly use, control and trade resources. Without the ability to act decisively and exclusively with property, market prices cannot form correctly. Without prices that reflect relative scarcity and demand, people cannot make accurate decisions about which economic plans to pursue and with which resources to pursue them.

In the same way that we can act decisively and purposefully with our bodies because we own our bodies and have exclusive control over them, so property rights in possessions and land allow us to act decisively and purposefully with those resources.

Without the ability to act and adequately form market prices, economic action becomes confused and wasteful.

2.3: Property rights and conflict

By far the primary function of property rights is to diminish conflict over scarce resources. Conflict arises over resources when ownership is not objectively delineated and respected.

Under conditions of conflict, resources would not be used patiently and productively, but hurriedly and exploitatively. The incentive to produce and trade diminishes, and the result is that productivity plummets and people create less wealth than they would otherwise.

Widespread conflict over scarce resources turns society into one of violence, fear and survival of the strongest and most violent. Poverty for most becomes inescapable.

2.4: Property rights ceded to the state

The state may try to claim ownership of all property and promise as a "final arbiter" to mitigate the adverse consequences discussed in 2.1–2.3.

But since the allocation of control of property would still be arbitrary, based on political favours and cronyism, bureaucratically ultra-complex, and be subject to the whims of the political leaders of the day, it would retard purposeful economic activity and reduce incentives to produce value.

Even if the state did not try to tell everyone what to do with every piece of property, if it still retained effective legal ownership of all property then it could arbitrarily deprive people of their possessions whenever it liked or dictate how others may use property. This lack of security of and control over property would deter productive private investment and reduce wealth creation as already discussed.

Indeed, the appropriation of property is precisely how the state denies property rights. If no one has a right to property and if society is barred from developing mechanisms to establish property rights, then it means some powerful entity is usurping control over all property by force. It may be a mighty, tyrannical king or mafia organisation, but in the modern context, it is the state that can play this role.

2.5: Property rights and land

In the same vein as 2.1–2.4, private property in land allows people to have exclusive control over parcels of space to facilitate valuable economic production, consumption, dwelling and trade in land. If land tenure is uncertain, people would be less willing to invest their time, talents and resources in using it to produce value, to improve living conditions, or trade for other economic goods and services. Conflict over land would arise, and social order would quickly break down into chaos.

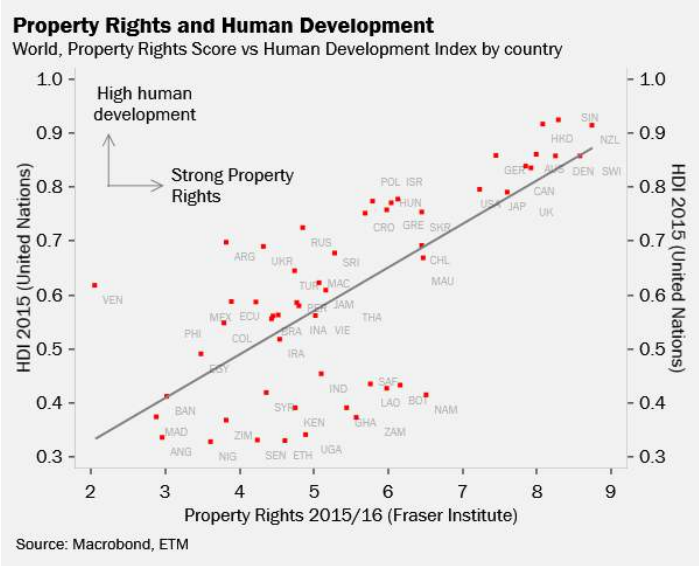
Placing land under state ownership or allowing the state to arbitrarily deprive people of land – as in the case with property in general – would destroy productivity on land and decimate wealth creation.

2.6: Weak property rights: data and historical examples

2.6.1: Property rights and human development

The world's leading economists have long recognised that private property rights are essential to wealth creation and human progress. Indeed, wherever people are denied property rights, the society is poor, ridden with conflict, and wealth concentrates in the hands of a small, corrupt minority.

A snapshot of 55 countries from 2015 shows that secure property rights are associated with the highest levels of human development. Conversely, low levels of human development occur in countries with weak property rights.



Source: Macrobond, ETM

To be sure, this is not a simple causal phenomenon. As societies begin to realise the importance of respecting and delineating property ownership, so they can amass more wealth and achieve higher levels of human development. A wealthier and better-educated population can further develop mechanisms for guarding and protecting property rights, which aids further wealth creation and rising living standards.

There are also some interesting "outlying" countries in the chart above, most notably Venezuela (VEN) and Namibia, Botswana and South Africa (NAM, BOT and SAF).

In the case of Venezuela, it is recorded as having a roughly average level of human development, but the weakest property rights of the sample. This is rather easily explained however by the fact that Venezuelan property rights have been violated substantially only in recent years, and, under hyperinflation – where the state robs people of the value of their money – continues to plummet as of 2018. With documented soaring poverty, empty shops, rampant violent crime, widespread unrest, public health problems and mass emigration, it is safe to surmise that Venezuela's human development index has fallen rapidly since 2015.

In the cases of Namibia, Botswana and South Africa, these countries have above-average security of property, but quite low levels of human development. This seems to reflect the relatively sophisticated formal legal systems in these countries but with large poor populations.

But it may also represent an incorrectly measured gauge of the strength of property rights. In the South African context, millions of people occupy land which they do not own or to which they have a clear rental title. This includes vast tracts of tribal trust land, state land, and urban and rural township land.

These "two-speed" countries are quite unique globally in their extreme melding of developed market and developing market characteristics. It may be that the human development index better captures average levels of human development, but the property rights index is biased toward capturing only the formal systems. Or perhaps it is that vast sections of these populations do not have access to formal property right recognition and protections due to a lack of land tenure and title. This is something I return to in Section 3.

These outliers are exceptions that seem to prove the rule: protected property rights are strongly associated with more wealth and higher levels of human development.

2.6.2: Property rights in history

Although a study of property rights in various countries through history is far beyond the scope of this memo, the historical record is quite clear that where property rights were weakened, countries and societies floundered, and where they were strengthened, countries and societies thrived.

In many respects, the debate over whether property rights are fundamental to prosperity and human development has become petty and caught in academic minutiae. One can quibble about the nuanced differences between different countries and their multiple reasons for relative success or failure. Indeed, careful analysis of what causes national prosperity is essential. But equally, looking at the broad span of history, or at countries over long timeframes, it is virtually self-evident that property rights have been fundamental to social and economic progress.

Where property rights were extended widely across society over the past few hundred years – particularly in Europe and North America – those societies have become tremendously wealthy. The United States has for the past 240 years probably respected and protected private property rights best and has been the most significant wealth generator for much of that period.

Since strengthening property rights dramatically from the late 1970s, Chinese prosperity has soared.

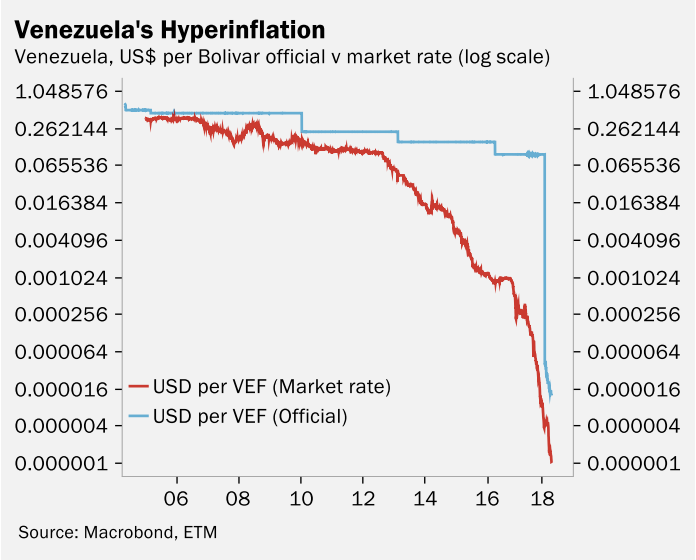
We also have numerous side-by-side social experiments in which it is evident that stronger property rights were more conducive to human flourishing than weak or no property rights. Perhaps the most well-known of these was West and East Germany. Property rights in West Germany were secure and almost non-existent in East Germany. At the time of German reunification in the late 1980s, West Germans were many times more technologically advanced, prosperous and healthy than their East German cousins.

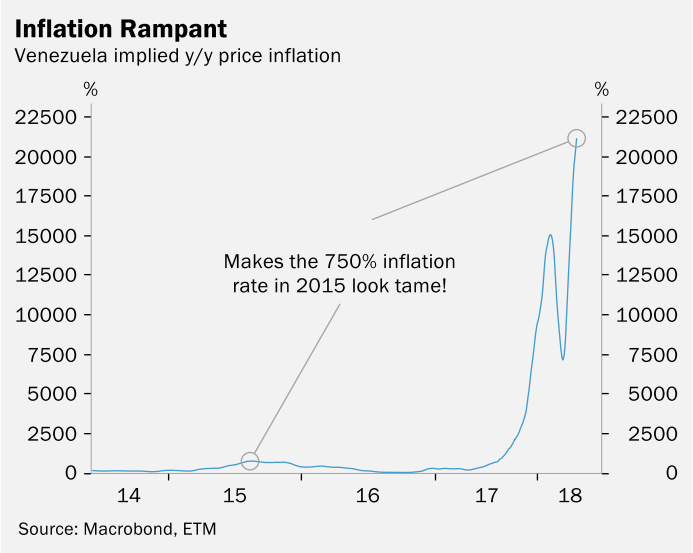
We also have two present-day side-by-side experiments: North and South Korea, and Venezuela and Colombia. North and South Korea is a particularly stark comparison. After 66 years of separation, North Korea, which has virtually no property rights at all, has a GDP per capita of around $400 compared to about $28 000 (70x) in South Korea. Very few South Koreans have ever tried to cross the border to live in North Korea, while North Koreans have tried continuously to escape their extreme poverty.

Likewise, as the government of Venezuela deprives people of property rights, so Venezuelans increasingly try flocking to neighbouring Colombia which holds property rights in far higher regard.

In the latest such experiment in disregarding property rights, we have seen the almost total economic and social collapse of Venezuela. Venezuela's currency, the bolivar, could acquire a quarter of a US dollar – 25¢ – a decade ago. Today it can only purchase *1-millionth* of a US dollar, or 0.0001¢, due to rampant monetary corruption and printing which is causing hyperinflation and impoverishment.

Venezuela's annual inflation rate is currently running along at a staggering 21 000% due to rampant money printing, which is the total disregard for property rights in people's monetary savings and incomes.





And, closer to South Africa, we might even compare Zimbabwe and its neighbouring countries as side-by-side experiments in property rights protection. As the Mugabe regime began land invasions and dismantled property right protections in the Constitution and courts in the early 2000s, so the economy collapsed and people flooded into neighbouring countries where property rights were more respected.

Indeed, history is chock full of examples of people migrating from countries that do not respect property rights to places that do. It is unfortunately also replete with examples of states that decided to strip their subjects of all – or almost all – property rights. The results in these countries – USSR, Maoist China, North Korea and numerous others – were human catastrophes.

Even the somewhat less extreme (though still extensive) deprivations of property rights produced horrible results. We can think of the property rights violations under Nazi Germany, Mugabe's Zimbabwe, Bolivarian Venezuela, various Latin American, Asian and African dictatorships and so on that led to extreme suffering. The Colonial and Apartheid era governments of South Africa also violated property rights which retarded human development and wealth creation in the broader society.

It is not incorrect to say that, in the extreme cases of property rights violation, whole economies can collapse almost entirely (and have). It is quite clear that the strength of property rights is a continuum upon which human prosperity rests. Weakening property rights is not just *a* way to make a nation poorer, it is *the* way. Perhaps only total war comes close to the economic devastation wrought by stripping people of property rights.

2.6.3: Property rights and the poor

History is also clear that the poorest in society suffer most from weakened property rights. Wealthy Zimbabweans under the Mugabe regime, for example, were able to use their capital and know-how to survive and evade the worst consequences, including by emigrating to more property-friendly countries. The most impoverished Zimbabweans, by contrast, died of starvation, sunk into even deeper poverty, and became chronically unemployed and destitute.

This is a pattern repeated many times over in countries with states that violate property rights. Even if property rights are weakened to expropriate land to give it to poor people, the results are always dire. The reason is that once property rights are undermined, they become difficult to strengthen again. The state often retains control over the land redistributed, and recipients do not have full title and control over it. Also, the state sets a dangerous precedent by confiscating people's property, causing skilled people and investors to flee to friendlier countries. Those left in control of land lack capital, and it is hard for the state to entice investors back once they've betrayed their trust once before.

In this sense, confidence in property rights can be quite fragile. Once lost, it can take a very long time to recover.

It is patently clear that, should property rights be further weakened in South Africa, it is the very people whom the state claims to care about the most that would suffer the most.

Section 3: Land justice while strengthening property rights

Given the theoretical and historical weight of evidence, the South African parliament should not change the Constitution to weaken property rights, give the state more discretion to decide what to do with private property and allow for land expropriation without compensation (EWC). Such a path would very likely be an economic disaster.

But South Africa can pursue land justice and strengthen property rights at the same time. This must surely be the goal of anyone that wants a more prosperous future for all South Africans?

In fact, stronger property rights are *the only way* to achieve greater land justice. How can this be done?

While a full discussion of this is beyond the scope of this memo, it is well worth listing a few salient features of land justice and restitution as a process of strengthening, not weakening, property rights.

Before doing that, though, it is also worth briefly pointing out what a land reform process would look like that *weakens* property rights.

3.1: Land reform that weakens property rights

- **Expropriation without compensation (EWC).** Giving the state discretion to expropriate private property without compensation is effectively giving the state the power to steal property from its owners. This would drastically reduce security of tenure and weaken property rights.

- **Expropriation with compensation.** Likewise, giving the state more power and discretion to expropriate land with compensation would nonetheless still weaken property rights. Expropriation of any sort is an involuntary process for the "seller". Widening the scope of the state's ability to expropriate with compensation merely widens the scope of the state's ability to force people to do things against their will. This is a violation of property rights. It also gives the state wider scope to determine "fair" compensation, and this creates an arbitrary process that undermines the right of the property owner to decide how to dispose of his or her property and what price is subjectively acceptable to them.
- **Land nationalisation.** Nationalising all land and vesting its ownership and control in the hands of the state, wipes out private property rights in land, by definition. It is true that the state may nationalise land ownership but immediately establish say 100-year land leases with existing land users and occupiers. Rights to act, transact, produce and sell under these leases would have to be as strong as the previously existing rights under private ownership, and the state would have to be constitutionally unable to break a lease contract. However, even while these latter conditions would be less damaging than outright nationalisation with no or weak leasehold rights, it would still weaken property rights. Land users (previously owners) would have less incentive to plan and invest for the long term or leave assets for their children and grandchildren. The state, as freeholder, could retain a degree of power over land decision-making and could exert undue control over leaseholders. The state would also likely levy a land tax/rent, and as freeholder could raise this very high arbitrarily.
- **Land tax.** A universal land tax has gained popularity in some circles (see Henry George). The state might decide not to amend the Constitution or embark on EWC but may nonetheless pass a universal land tax on landowners. Current property taxes for local governments are of course a form of this already, though a formal national land tax would be an additional loss of property rights. A national land tax would make it nearly impossible to own and live on a piece of land unless that land was very productive or the owner very wealthy. Merely living in a home that one owned and paid for would oblige one to pay the state. Many people who couldn't pay would be forced to sell their properties or face having their property confiscated. A national land tax would be a reduction in property rights, a form of slavery and economically disastrous.
- **Expropriating "unproductive" land.** Economic value is subjective, and as such, the productivity of land is subjective. A state is not capable of objectively judging whether something is being used productively or not. It is perfectly legitimate for someone to purchase land from someone else for purely speculative purposes voluntarily. If the property sits idle, there are those who believe the state should be able to expropriate it. But the land is subjectively productive to the owner, who derives value from it in waiting to sell for a subjectively attractive price or for the right time to develop it. He also chooses to tie his capital up in the piece of land, forgoing other productive investments, proof again that idle land confers a productive value to the owner in its giving him future options. Land speculation also signals to the real estate market where people think the most desirable undeveloped land is, helping to allocate scarce construction and town planning resources and helping prospective buy-to-build purchasers assess where to buy land.
- **Estate expropriation.** Taking estate taxes one step further to estate expropriation would deny land inheritance entirely. Land in a deceased estate would immediately vest with the state. This would also reduce the incentive to plan and invest for the long term and leave wealth to future generations. It would mean that sudden death of a land-owner could immediately impoverish his family. This would be a clear reduction in property rights.

These are just some of the ways land reform initiatives would weaken and deprive people of property rights.

3.2: Land reform that strengthens property rights

- **Tribal trust reform**. Currently, tribal trust areas, which cover vast areas of high-quality land, do not recognise, or recognise only weakly or informally, private property ownership and title. These areas suffer from many of the ills described in Section 2. Radically transforming tribal trust land into private property land by recognising demarcated private ownership rights for existing inhabitants and users would make hundreds of thousands, maybe millions of people, full-title landowners who were previously deprived of this. It would be an extension and strengthening of property rights in South Africa.
- **State land reform**. The state owns vast tracts of land across South Africa. Most state-owned land today is state-owned because it was appropriated or expropriated by the state before 1994. Much of this land can be redistributed to people through a fair, transparent process. The state should settle provable land claims on this land. For unclaimed land, after defining a beneficiary group, the state could use a lottery process. The key is that the parcels of land pass into full-title ownership in the name of the beneficiary, to use and sell according to the rights of private property owners.
- **Compensation for provable land theft**. Provable land theft should be rectified with payment to the dispossessed or their provable descendants. State revenues should fund this. Compensation could be based on valid present market values as well as additional compensation for foregone opportunity costs. This would restore victims of past, provable

land injustice while maintaining property rights of existing landowners. Victims would be able to do as they please with the money, including buying land freely on the market.

- **Township title**. Currently, most urban and peri-urban township dwellers do not have title to the land and properties they occupy. Although difficult due to logistical complexities, it is possible to confer full ownership title to township dwellers. Modern geospatial technology makes this increasingly viable. It would be an additional boost to private property rights while creating more property owners of people who were previously deprived of land or of freely buying land.

By allocating the vast tracts of occupied and unoccupied tribal trust land and state land to the people who live on it or who were previously dispossessed and previously disadvantaged by racial discrimination laws, South Africa would move closer to restoring land justice while broadening and strengthening private property rights. By compensating provably dispossessed people with money funded from the state coffers restores victims of injustice without weakening property rights. By demarcating and recognising full-rights township land ownership, property rights are broadened and strengthened, enhancing land justice.

Section 4: Conclusion

Because of the complex milieu of vastly different perceptions of the nature and extent of land injustice in South Africa, restitution and restoration to victims of land injustice should be pursued in a spirit of caution and respect for the property rights of current legal property owners.

Perfect "final solutions" are not possible, but healthy and constructive trade-offs are possible. Fortunately, these trade-offs still allow for extensive restitution and fulfilment of the requirements of land justice while *strengthening* property rights.

The great risk in pursuing land justice in South Africa is that it is done by *weakening* property rights. This would not be land justice but would deepen land *injustice*.

Private property rights are vital to the functioning of a society and economic system for the following reasons:

1. Private property incentivises wealth creation
2. Private property facilitates purposeful economic action and trade
3. Private property diminishes conflict over resources

When property rights are violated, wealth creation declines, and individual and social conflict increases. Historically, the countries that have violated property rights the most have experienced unimaginable social catastrophes and mass poverty. And it is the poor who suffer the most when states trample on property rights.

Meanwhile, countries that strengthened and respected property rights experienced the most significant increases in prosperity and human flourishing ever seen.

A "land reform" programme that weakens property rights risks producing precisely the outcomes that those who seek land justice wish to avoid.

Fortunately, a society can substantially fulfil the requirements of land justice while broadening and strengthening property rights. It would lead to a reduction in poverty and greater shared prosperity

This should be the path chosen.


AfriForum
HISTORY ON SOUTH AFRICAN LAND
Liza-Mari Oberholzer

INTRODUCTION

NEGOTIATION

Much land came into white possession through negotiations with black nations. The negotiations involved service delivery or exchange transactions and there are several examples of collaborative agreements that were concluded between the Voortrekkers and indigenous tribes, as will be discussed for each province. The missionary Owen's account of Retief's visit to Dingaan gives an indication of the Voortrekkers' approach to relations with the indigenous tribes. Dingaan informed Retief in writing that he wanted to negotiate with him in connection with future land ownership. Retief wanted to reach a good understanding with Dingaan before settling in Natal. The missionary Owen, who was established a short distance from Dingaan's kraal, wrote the following in this regard on 8 November 1837:

"I then asked him whether they·would attempt to occupy the country by force? He distinctly said 'No'."[21]

EMPTY-LAND THEORY

In the period before white settlers entered the interior of Southern Africa, one of the biggest relocations of indigenous people in Africa took place. The rise of the mighty Zulu nation led to widespread disruption and the extinction of various tribes in the years between 1818 and 1835. Nguni-speakers refer to this period as the *Mfecane*, while Sotho-speakers call it the *Difaqane*.[22]

The confrontations that led to the cycle of violence between the black tribes were a result of the initial conflict between the Mthethwa and the Ndwandwe and it was continued in the struggle for power between Shaka and Zwide. The military organisation of the Natal Nguni – mainly the Mthethwa and the Ndwandwe – and the subsequent conflict indirectly contributed to the emergence of a new leader, Shaka. Under the leadership of Shaka, the once obscure Zulu nation became the dominant group in the area that was responsible for the large-scale displacement and extinction of other smaller tribes. The conflict spilled over to the interior and resulted in the greatest migration of people in recent history. As a result, very few of the Bantu-speaking tribes were still living in the same place they did in 1815. The lives of thousands of people changed irrevocably, traditional tribes were destroyed and thousands of people were forced to re-group into new units. The Mfecane/Difaqane also led to the depopulation of large parts of fertile land in the interior and in Natal. By 1836, when the Voortrekkers entered the area, the tribes of the interior had not yet managed to reorganize. It is believed that the wars led to the death of as many as two million people and that many tribes moved from their traditional territory, some from as far as Tanzania, Zimbabwe, Zambia, Mozambique, Botswana, Lesotho and the Eastern and Western Cape.

Andries Pretorius gave an account of his journey to the interior, describing scenes of destroyed native villages piled with bones of the dead; and how small tribes were forced to eat their own children because of the constant persecution and destruction by "bloodthirsty and rapacious" stronger tribes:

"Nog iets moet ik ten slotte aanhalen, dat, toen wy de Kolonie verlaten hebbe en de Oranjerevier overgaad, vond wy steeden en dorpen de Or naturellen die verwoest en met doodsbeenderen opgevult leggen, ja, wat meer was, dat de mindere stammen genoodzaakt waaren hun kinderen te eeten, door de geduurige vervolging en vernieling door den bloeddorst en roofzuch van den meerderre stammen."[23]

[21] The Diary of the Rev. Francis Owen Missionary with Dingaan in 1837-1838, edited by Sir George E. Cory (1926), p. 630.
[22] L. Changuion & B. Steenkamp. Omstrede land. Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 - 2011, p 27.
[23] A. Pretorius to the editor of De Zuid-Afrikaan, Magaliesberg, 16 March 1850. Transvaal Archive; Government secretary; Incoming pieces, 1850 - 1853, p17.

Robert Moffat also wrote about this in his *Memoirs*:

"Everywhere the people seemed very destitute. Their country lay too near to the land of the heartless chief [Mzilikazi] Mr. Moffat was on his way to see, and by him their homes had been repeatedly destroyed, their cattle taken, their friends and neighbors killed."[24]

In those days, South Africa was also considerably less densely populated than today. Apart from the large-scale migration of people because of the extinction wars, the total population was also considerably smaller. The numbers are also included in the earliest census figures for the whole of South Africa. The 1911 census determined that the "indigenous" population consisted of 4 019 006 individuals and represented about 67% of the total population of 5 973 394.[25]

Table 1: Population of South Africa in the 1911 cencus

	Cape Province	%	Natal	%	Transvaal	%	OFS	%	Total	%
White	582 377	22.7	98 114	8.2	420 562	24.9	175 189	33.2	1 276 242	21.4
Native	1 519 939	59.3	953 398	79.8	1 219 845	72.3	325 824	61.7	4 019 006	67.3
Coloured	454 985	17.7	9 111	0.8	34 793	2.1	27 054	5.1	525 943	8.8
Asiatic	7 664	0.3	133 420	11.2	11 012	0.7	107	0.0	152 203	2.5
Total	2 564 965	100	1 194 043	100	1 686 212	100	528 174	100	5 973 394	100

In addition, Statistics SA estimates that population sizes from year 1 onwards are as shown in Table 1. The numbers clearly show that in the area now known as South Africa, the population was only slightly above 1.5 million. At the time of the Great Trek, the number of people must have been between 1.5 million and 2.547 million, which indicates that the country could not be densely populated and that the argument of an "empty" land is therefore quite possible.

[24] Wilder, M.L. 1887. Memoirs of Robert Moffat, missionary to South Africa, 1817 - 1870, p 604. [kindle version].
[25] Thompson, L.M. 1960. *The Unification of South Africa 1902-1910*. Oxford: Clarendon Press.

Table 2: Population numbers and density in hectares per person

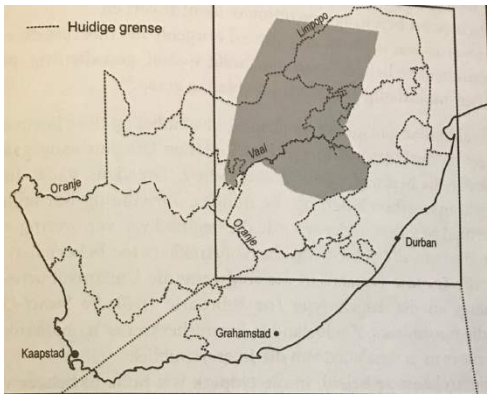
Jaar	Bevolking	Hektaar/persoon
1	100 000	1220,8
1000	300 000	406,9
1500	600 000	203,5
1600	700 000	174,4
1700	1 000 000	122,1
1820	1 550 000	78,8
1870	2 547 000	47,9
2015	55 956 000	2,2
Skatting vir 2030	**66 900 000**	**1,8**

Bronne: *Statistiek SA, World Population Prospects, United Nations.*

VICTORY

The concept of gaining possession through war or the victory of land is recognised worldwide as an authorised way to gain land.[26] This form of land gain was also applied in Africa, for example by the expansion of the Zulu nation during the Mfecane. The largest conquest of territory in South Africa took place in November 1837, when Mzilikazi's Khumalo-Ndebeles were defeated by the Voortrekkers under the leadership of Andries Hendrik Potgieter and Piet Uys. The territory previously governed by Mzilikazi rightly became the property of the Voortrekkers after this date. The area included the largest part of the current North West Province and Gauteng, as well as a smaller part of the current Limpopo.[27]

[26] L. Changuion & B. Steenkamp. Omstrede land. Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 - 2011, p??
[27] Ibid.



Above: Area conquered by the Voortrekkers through the defeat of Mzilikazi.

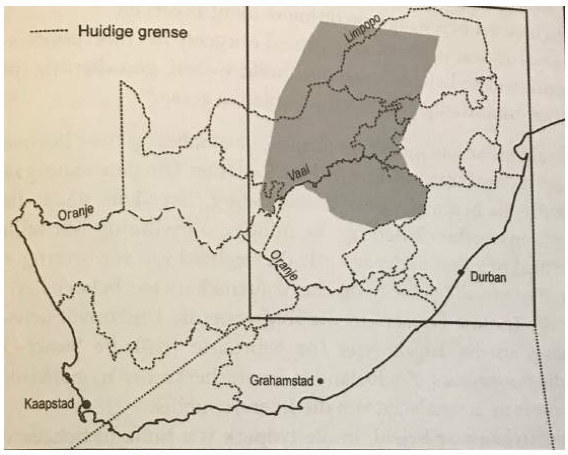
The area where the Republic of Natalia was to be established was also won during the Battle of Blood River, although Retief already made an agreement for the area with Dingaan at an earlier stage. One of the biggest consequences of the battle was that Dingaan's power was broken. His half-brother Mpande joined forces with the Voortrekkers and sent an army of 10 000 men to assist Pretorius in a subsequent expedition against Dingaan. Dingaan was finally defeated by the "Cattle Commando" so named because they returned with 41 000 cattle. Shortly thereafter Dingaan was killed and Pretorius declared Mpande as the king of the Zulus.28 After this, the conquest of territory was on a small scale and it will be discussed for the different provinces as necessary.

[28] Giliomee, H. Die Afrikaners, 'n biografie. 2004. p. 124.

GAUTENG

Conquest

Based on the right of conquest, the land previously falling under the control of Mzilikazi by right became the property of the Voortrekkers. The area includes the major portion of the present provinces of North West and Gauteng, as well as a smaller portion of the present Limpopo.[29] Following the victory over Mzilikazi, Matlaba of the Rolong and Potgieter reached a settlement agreement. The area between Mafikeng and Taung was given to the Rolong for their assistance against Mzilikazi. Chief Mioloa of the Bahurutshe was given a piece of land, and the Rolong received the area between the present Mafeking and Taung. The dishing out of land made the Voortrekkers the lawful new owners of the area – also in the eyes of the tribes in the area.



Left: Area conquered by the Voortrekkers by their victory over Mzilikazi

Based on the right of conquest, Potgieter claimed the land north of the Vaal River that previously had fallen under Mzilikazi. The area was bigger than the area occupied by Mzilikazi and included the area conquered and subjugated by Mzilikazi. While it is impossible to accurately determine the borders of Mzilikazi's land, RK Rasmussen conducted intensive research on the area and he averred that the Vaal River was the southern border of the area. To the south-east, the Ndebele attacked and dispelled a Griqua group led by Peter Davids who had been hunting in the area around the confluence of the Vaal and Wilge Rivers, in 1834. Eastwards their sphere of influence extended as far as the Elands River and north-eastwards to the Pienaars River. In the west, the influence of the Ndebele extended up to Kanye. Groups of Tswana were living in the south-west, where they had taken refuge because of Mzilikazi's wars of extermination.[30] The area therefore includes the major portion of the present provinces of North West and Gauteng, as well as a smaller portion of the present Limpopo.[31] As from 1839 the Voortrekkers occupied land north of the Vaal River along the Mooi River and the Schoonspruit in the area they had conquered from Mzilikazi. Potchefstroom was established, and a large area was declared state land and held in trust for the white population. In 1839 and 1840, farms were allocated to

[29] Ibid.
[30] Berg atlas p 127
[31] Ibid.

farmers. After 1839 many farmers also acquired farms specifically in the future Western and Southern Transvaal. In 1845, land was also acquired in the area later to be known as Eastern Transvaal.

Based on the right of conquest, farms were laid out as early as 1839 in the area now forming part of Gauteng. As early as 1839 and 1840, there were records of farms in the following regions:

Gatsrand

Witwatersrand

Magaliesberg

Hennops River

Apies River

Bronberg

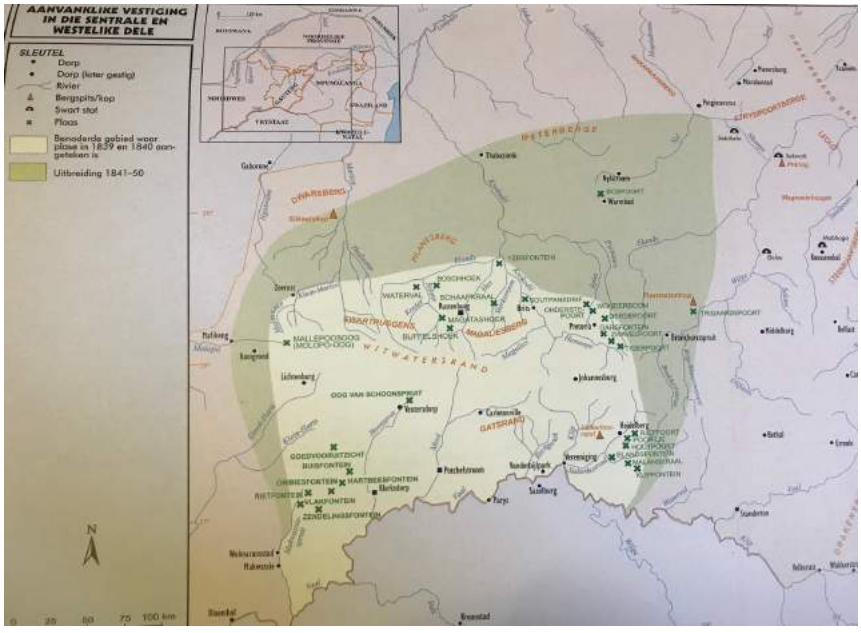
Onderstepoorts

Wonderboom

Derdepoort

Tigerpoort

Zwavelpoort.



Above: Area where farms were laid out as early as 1839 and 1840

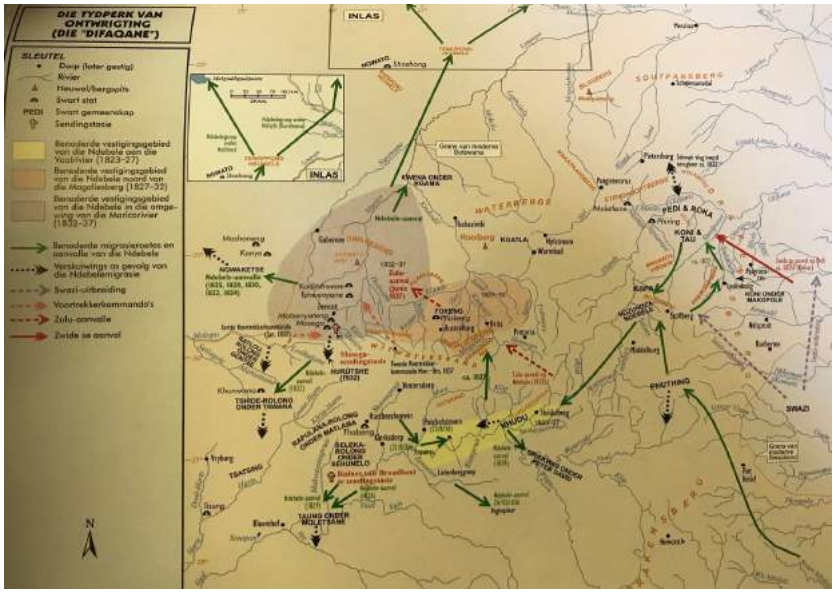
The Voortrekkers were assisted by Batlhaping, Barolong, Bataung and Bahurutshe chiefs who had been harassed by Mzilikazi.[32] The Voortrekker allies were rewarded by Potgieter in "localities previously occupied by them". For example, Chief Moiloa of the Bahurutshe, who also took part in the final commando against Mzilikazi, received a piece of land known as Moiloa's Reserve from Potgieter in 1837-1838. The agreement was confirmed by Moiloa before the Bloemfontein commission in 1871. Shortly after the Hurutshe agreement, similar agreements were reached with Matlaba of the Rolong for the area between today's Mafikeng and Taung. Other agreements were concluded with the smaller groups who had assisted the Voortrekkers against Mzilikazi. The area of the Kwena was recognised and the Kgatla received land near Derdepoort.[33]

Vacant land

In the period preceding the arrival of white settlers in the interior of Southern Africa, one of the most extensive displacements of indigenous nations in Africa took place. The rise of the Zulu nation led to widespread disruption and the annihilation of several tribes in the years between 1818 and 1835. This period is referred to as the Mfecane by Nguni speakers, or the Difaqane according to Sotho speakers.[34]

The rise of the powerful Zulu nation had far-reaching effects for the rest of Southern Africa. The confrontations that led to the chain reaction of violence among the black tribes were the result of the initial conflict between the Mthethwa and the Ndwandwe. It was continued in the struggle for power between Shaka and Zwide. The conflict spread to the interior and resulted in the biggest migration of people in the recent past. The result was that very few of the Bantu speaking tribes were living at the same places they had occupied in 1815. The lives of thousands of people were changed irrevocably, traditional tribes were destroyed and thousands of people were forced to regroup in new units. The Mfecane/Difaqane also resulted in the depopulation of large areas of fertile land in the interior and in what today is KwaZulu-Natal. The tribes of the interior had not yet succeeded in reorganising themselves by the time the Voortrekkers arrived in 1836. It is estimated that the wars caused the death of two million people and that numerous tribes moved away from their traditional land, some as far as the present Tanzania, Zimbabwe, Zambia, Mozambique, Botswana, Lesotho and the Eastern and Western Cape.

[32] Etherington, N. 2001. The Great Treks: the transformation of Southern Africa, 1815-1854. Longman: Cape Town, p. 249.
[33] Changuion, L & Steenkamp, B. 2000. Omstrede Land – Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 – 2011. Protea Boekhuis: Pretoria, p. 31.
[34] Changuion, L & Steenkamp, B. 2000. Omstrede Land – Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 – 2011. Protea Boekhuis: Pretoria, p. 27.



Above: Effects of the Mfekane/Difaqane in the areas forming part of the present Gauteng province

When Mzilikazi broke away from Shaka in about 1821, he trekked northwards, through the present Vryheid, Piet Retief and Ermelo. Mzilikazi's followers increased almost every day as some of the disrupted Sotho tribes joined him. About 1822 he crossed the Drakensberg Mountains and reached Pediland, where he defeated the Pedi. The Pedi survivors fled to the Soutpansberg Mountains.[35] Mzilikazi then attacked other tribes in the area and stayed there for about a year before moving on. He and his followers moved south-westwards and lived on the banks of the Vaal River between the present Heidelberg and Potchefstroom from 1823 to 1827. From here, Mzilikazi launched several attacks on other tribes in the vicinity, among them the Taung and the Fokeng. In the then Transvaal, Mzilikazi captured large numbers of cattle and his kraals were often attacked and looted. Mzilikazi's domination of the area was accompanied by extreme violence. In the *Pretoriana Joernaal* of 1979, D.G. van der Byl wrote:

At this time the Cashan country was inhabited by the Bakwena, or Crocodile People, one of the largest and most prosperous of the Sotho tribes. The Bakwena villages were encircled by stone walls and the plastered walls of their rondavel-type huts were decorated with attractive designs. Some such were situated in the area where Irene now is and it was here, in the autumn of 1825, that the Matabele who had set about subjugating the Crocodile People and were chasing a crowd of refugees down the Hennops River valley were amazed when their quarry disappeared from sight. On further inspection the Matabele discovered that hundreds of Crocodile People had taken refuge in a large cave whose entrance was secluded beneath a big tree not far from the Hennops River about a kilometre south of Irene. Mzilikazi ordered that fires be made in the mouth ofthe cave with the result that most ofthe unfortunate victims were asphyxiated whilst those who dared to emerge were assegaied. Mzilikazl destroyed almost every settlement of the Bakwena in the Cashan country. The campaign was completed in 1826 and the Matabele then became prosperous and Mzilikazi ordered the construction of a number of military kraals: one of the principal kraals was close to the Apies River, a few kilometres north of Irene and was known as enKungwini - the Place of Mist.[36]

[35] Rasmussen, K. Mzilikazi's Migrations South of Limpopo, c. 1821 – 1827: A Reassessment. *Transafrican Journal of History*, Vol. 5. No 1 (1976), bl. 56.

[36] Van der Byl, D.G. 1979. *The Cashan Country a Century and a half ago*. Pretoriana, 77/78, bl. 3–4.

In 1827, Mzilikazi decided to relocate to the north of the Magaliesberg, where he stayed along one of the tributaries of the Crocodile River in the vicinity of the present Pretoria.[37] Mzilikazi established several kraals between the Elands River and the Pienaars River and continued launching attacks on the neighbouring Tswana groups.[38] By 1830 he was the supreme power in the area north of the Vaal River.

Negotiations

When Andries Potgieter and other Boers reached the vicinity of Lydenburg in 1845 the area was totally uninhabited. King Mswati had great appreciation for the fighting ability of the Boers and he also was aware of a vision of his father, King Mswati, shortly before he died. His vision was that people with white skins and long hair would come to the area and that it would mean the end of the Swazi nation if they would shed the blood of these people. When Andries Potgieter requested King Mswati to allow him to settle in the area, Mswati agreed for strategic reasons, namely to serve as a buffer between the Swazi nation and their black enemies from the north, the Pedi.

The area allocated to Andries Potgieter extended from the mouth of the Limpopo River in the Indian Ocean to the confluence of the Limpopo and the Olifants Rivers, from there to the origin of the Elandspruit near Pretoria, from there in a straight line to the Crocodile River, from there to the confluence of the Crocodile River and the Komati River and then straight to the Indian Ocean. The Boers paid 100 heads of cattle for the area and the cattle were delivered to King Mswati in two batches in 1846. The transaction was finalised by way of a signed treaty.

Summary

The main argument for land tenure in the present Gauteng rests on two principles.

The total area of the province can be claimed on the principle of conquest. The concept of conquest of land is recognised all over the world as an authorised way to conquer land.[39] In this regard, conquest of land was also applied in Africa, with the expansion of the Zulu nation during the Mfekane being only one example. The biggest conquest of land in South Africa took place in November 1837, when the Voortrekkers led by Andries Hendrik Potgieter and Piet Uys defeated Mzilikazi's Khumalo-Ndebele. Because of the right of conquest, the land previously falling under the control of Mzilikazi by right became the property of the Voortrekkers.

The area now forming the province of Gauteng was greatly affected by the disrupting wars that raged in the interior and that were caused by the rise of the Zulu nation. The fact that the Voortrekkers as early as 1839 and 1840 were able to lay out farms in large parts of the present Gauteng without there being any indications of local tribes being affected, in itself is an indication that the area had been left largely vacant by the Mfekane. Mzilikazi occupied mainly the area now forming part of the Gauteng province, where he drove out or annihilated numerous tribes in a violent manner.

[37] Wright, J. 2006. *Beyond the "Zulu Aftermath": Migrations, Identities, Histories*. Journal of Natal and Zulu History, 24, bl. 1–36.
[38] Ngcongco, L.D. 1989. The Mfecane and the rise of new African states. In Ajayi, J.F.A. (ed.). *General History of Africa VI: Africa in the Nineteenth Century until the 1880s.* Unesco: Paris, bl. 107.
[39] Changuion, L & Steenkamp, B. 2000. *Omstrede Land – Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 – 2011*. Protea Boekhuis: Pretoria, bl.

NORTH WEST

Conquest

When Mzilikazi went to live in the Marico Valley in 1832, he built his military capital, Mosega. It was placed under the command of Khaliphi. Mzilikazi's territory now lay between the Limpopo, Crocodile, Vaal and Molopo rivers. In 1936 the early Voortrekker groups crossed the Vaal River. The Ndebele totally wiped out the Liebenberg trek party and several people in the Erasmus trek were killed. The Botha and Steyn treks were also attacked, but they succeeded in fending off the Ndebele. Mzilikazi heard rumours that other large trek parties were moving north. He sent out his army under Khaliphi's command to attack the Voortrekkers, and in October 1936 they came into conflict at Vegkop. During the battle of Vegkop on 20 October 1836, between 3 000 and 5 000 impis attacked fewer than 40 adult men in the Vegkop laager. Although the attack was fended off, the Ndebele plundered all the Voortrekkers' livestock. The Trekkers then trekked to Thaba Nchu with the aid of trek oxen they got from the Barolong tribe at Thaba Nchu. The chief, Mokora, was well-disposed towards the Trekkers.

The Trekkers decided to attack Mzilikazi, and on 2, 3 and 4 January 1837 107 burghers, about 40 Griqua and Korana and 60 Rolong left Thaba Nchu. When they reached Mosega, there were roughly 18 to 20 Ndebele villages, with Motsenyateng as the village where Mzilikazi lived. However, when they attacked, Mzilikazi was about 5 km away. The main village, Mosega, was destroyed and the Ndebele fled to Gabeni.[40]

News of the defeat reached Dingane and he saw it as a golden opportunity to launch an attack on the Ndebele.

In November 1837 the Voortrekkers launched a second attack on the Ndebele, and in a confrontation lasting nine days, they destroyed Gabeni. Mzilikazi decided to leave the Marico Valley and moved further north. Many of the Tswana subjects decided to remain behind. There were about 15 000 Ndebele refugees, and they were far too many to move as a single unit. After they had crossed the Limpopo River, the Ndebele split into smaller groups in the area currently known as Botswana. The group led by Khaliphi moved north-east, and Mzilikazi and the rest of the army first moved north-west along the edge of the Kalahari, where they attacked several other tribes. Die Ndebele eventually arrived in Matabeleland, where Mzilikazi built a new village and from where he organised his army once more. In 1852 Mzilikazi and Hendrik Potgieter concluded a peace agreement, and in May 1853 Mzilikazi concluded a similar agreement with Andries Pretorius.[41]

Because of the right of military conquest, the territory that previously fell under Mzilikazi was by right the property of the Voortrekkers now. The territory included the main portion of the current North West and Gauteng, as well as a smaller portion of the current Limpopo.[42] After the victory, Matlaba of the Rolong and Potgieter concluded an agreement that gave the territory between the former Mafikeng and Taung to the Rolong for their assistance against Mzilikazi. Chief Moiloa of the Bahurutshe was given a piece of land, and the Rolong received the area between the current Mahikeng and Taung. The Voortrekkers distributed the land as the lawful new owners of the territory – as they were regarded by the tribes in the area too.

By right of conquest Potgieter claimed the territory north of the Vaal River, which previously fell under the control of Mzilikazi. The territory was bigger than the area inhabited by Mzilikazi, and included the area conquered and seized by Mzilikazi. Although it is impossible to establish the exact boundaries of Mzilikazi's territory, RK Rasmussen conducted intensive research on the area and alleged that the southern border of the territory was the Vaal River.

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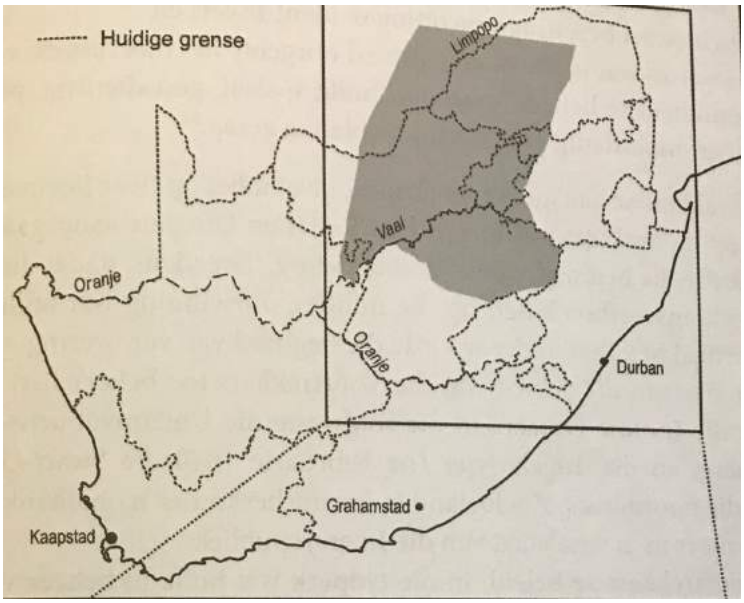
[40] Ngcongco, L.D. 1989. The Mfecane and the rise of new African states. In Ajayi, J.F.A. (ed.). *General History of Africa VI: Africa in the Nineteenth Century until the 1880s.* Unesco: Paris, p 107.
[41] Sutherland, J & Canwell, D. 2004. *The Zulu Kings and their armies*, Barnsley: Pen and Sword Books Ltd., bl.55.
[42] Ibid.

To the south-east the Ndebele attacked and drove out a Griqua group led by Peter Davids that hunted in the vicinity of the confluence of the Vaal and Wilge rivers. To the east their influence stretched as far as the Elands River, and north-east to the Pienaars River because of the presence of the tsetse fly. To the west the influence of the Ndebele stretched up to Kanye. To the south-west there were groups of Tswana who had fled there because of Mzilikazi's wars of annihilation.[43] The territory therefore included the main portion of the current North West and Gauteng, as well as a smaller portion of the current Limpopo.[44]

From 1839, the Voortrekkers occupied land north of the Vaal River, along the Mooi River and Schoonspruit, in the territory they had conquered from Mzilikazi. Potchefstroom was founded and a large area was declared to be state land and held in trust for the white population. Farms were assigned to farmers in 1839 and 1840. From 1839 many farmers also started acquiring farms, specifically in the areas later known as Western and Southern Transvaal. In 1845 land was acquired in the area that was later known as Eastern Transvaal.



Left: Territory conquered by the Voortrekkers when they defeated Mzilikazi

[a/w: Current borders; Cape Town]

Negotiation

In a petition compiled by the Voortrekkers north of the Orange River in 1843 they claimed the territory between the Orange River and the Modder River. They wrote the following about the territory:

The Land which we now occupy as Emigrants, and on which a number of Griquas and Bastards reside, extends from the Bank of the Orange River, Northward to the Modder River, at least 20 hours on horse-back, and in its length full 30 hours on horse-back. This piece of Land, we can assure you, was solely inhabited by Bushmen. We doubt not but you are aware that already in former times the Colonists have applied for this ground to the Bushman Captains, and

43 Berg atlas p 127
44 Ibid.

that those Bushman Captains have agreed with them and exchanged (or bartered) a large part of the said ground for a considerable number of sheep and cattle.[45]

When the Sand River Convention was signed in 1852, the western border of the then *Zuid-Afrikaansche Republiek* (ZAR) was not defined. By the 1880s there was conflict between several Tswana tribes on the western side of the area later known as the Transvaal. In 1882 whites on the western border became involved in a war between the Barolong, the Batlaping and some of the Korana tribes. Some white volunteers fought on the side of the Korana chief, Mossweu (Massouw), and others on that of the Tlaping leader, Mankurwane. The Korana won the war, and in exchange for their service the white volunteers were given land by the Korana adjacent to area later known as the Transvaal.[46]

David Massouw, the leader of the Korana, gave farms to 416 white farmers, and the burghers declared an independent republic on 26 July 1882. The republic was called Stellaland, after a comet had been seen in the area one night. The town of Vryburg was founded as the capital, and by the time it had been established the republic already covered an area of 15 500 km^2. The Republic of Goshen was established in the Rooigrond area in October 1882 with the approval of Moshette, and covered about 10 400 km^2. On 6 August 1883 Stellaland and Goshen merged to form the United States of Stellaland. This territory constitutes a large part of the current North West.

Vacant land theory

In January 1823 the Wesleyan missionaries Broadbent and Hodgson, who were on their way to do missionary work among the Seleka-Rolong from Sehunelo in the vicinity of Makwassiespruit, encountered Rolong who had been driven out by Sotho marauders. The invaders had also attacked the Tsatsing and, further to the north, the Kwena and Rolong and the Hurutshe at Kaditshwene. The Ngwaketse were then attacked but fended off their attackers and then marched against the Ratlou-Rolong of Gontse in the vicinity of Khunwana.

By 1823 the Ndebele had moved southwards and reached the Vaal River, after they had attacked Ndzundza. At the Vaal River the Khudu, who had settled at the confluence of the Suikerbosrand River, fled to the west, to the territory of the Rolong. The Ndebele then settled north and south of the Vaal River, from the current Heidelberg to the current Potchefstroom. From the Vaal River the Ndebele launched several attacks, particularly to the west. In their immediate vicinity they attacked the Khudu and the Kwena, but also looked further to the west. While the Ndebele had been settled along the Vaal River, the Taung, the Griqua and the Korana had launched several raids on them. In retribution, the Ndebele attacked Moletsane, who lived just to the west of the Ndebele territory, in 1826 and chased him southwards across the Vaal River.

In 1831 the Ndebele moved to approximately 40 km from the upper courses of the Crocodile River, to the south-east of the Toelanie River, and to the Pilanesberg, northwards to at least the confluence of the Marico and Crocodile rivers, and southwards to the Molopo River. To the south up to the Vaal River Mzilikazi had created a territory without villages and settlements. The area was therefore uninhabited at the time due to Mzilikazi's raids.

Several other tribes suffered under Mzilikazi's attacks and territorial expansion. When Mzilikazi was defeated, the period known as the Difaquane/Mfekane came to an end north of the Vaal River. The black communities were affected in various ways by Mzilikazi's wars. Some Tswana communities like the Tlaping, Tlharo and Kgalagadi, who were the furthest to the west, and the Venda in the north were not disrupted a lot. In contrast, other communities – particularly those living in the current North West and Gauteng – were seriously disrupted. Many were driven from their territories or fled. Large parts of the territory controlled by Mzilikazi were either evacuated or lay vacant after he had been defeated, because large groups of Ndebele moved away after Mzilikazi's power had been broken.

[45] Voortrekker petition to Commissioner Cloete in Natal. L. Changioun, p 334.
[46] Changioun, p 83.

Conclusion

The biggest part of the current North West can be claimed on the principle of military conquest. The concept of military conquest or the conquest of land is recognised globally as a legitimate way of conquering land.[47] In this regard the conquering of territory occurred in Africa too, with the expansion of the Zulu nation during the Mfekane as only one example.

The biggest conquest of territory in South Africa occurred in November 1837, when the Voortrekkers, led by Andries Hendrik Potgieter and Piet Uys, defeated Mzilikazi's Khumalo-Ndebele. The territory that previously fell under Mzilikazi was subsequently by right the property of the Voortrekkers. The territory includes the main portion of the current North West and Gauteng, as well as a smaller portion of the current Limpopo.[48] In the current North West in particular, this includes the following towns and surrounding areas:

Mahikeng

Zeerust

Great Marico

Rustenburg

Ventersdorp

Potchefstroom

Klerksdorp

Wolmaransstad

Schweizer-Reineke

As a result of assistance provided to the Griqua and an agreement with Moshette, the early white settlers in the area acquired more than 25 000 km^2 of territory. This area was in the vicinity of the current Vryburg. Finally, one can also argue that large areas were wiped out and left vacant by Mzilikazi in his wars of annihilation. Among other areas, the territory south of the Molopo River up to the Vaal River was left empty as a buffer area, with no villages or settlements.

47 Changuion, L & Steenkamp, B. Omstrede land. Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652–2011, p

48 ibid

Mpumalanga

Treaties and agreements

As from 1844 the Voortrekkers had started to settle in the area known today as Mpumalanga. A commission led by Hendrik Potgieter left for Mozambique during that year to enter into an agreement with the Portuguese regarding territory for the Voortrekkers. It was agreed that the area east of the Lebombo Mountains belonged to the Portuguese and that the Voortrekkers would take possession of the adjacent area within the boundaries of the 10th and 26th degree of latitude, and four days by horse from the Lebombo Mountains. In July 1845, the Voortrekkers also signed an agreement with the Bapedi chieftain Sekwati, confirming that they were allowed to live in the area.

The Ohrigstad Trekkers negotiated with the Pedi and Swazi and concluded agreements on the region later known as Lydenburg. On 5 July 1845 Potgieter went to the Pedi chief, Sekwati, and concluded with him and some of his captains a peace treaty ("vredes tractaat") to acquire land for farming and the construction of a settlement. In a memorandum to the *Volksraad* and also in the *Volksraad*'s resolutions of 20 August 1845 taken at Ohrigstad, reference is made to this "peace treaty". It appears that this was the first of four treaties that were entered into between the Voortrekkers and the surrounding black communities.[49]

When Hendrik Potgieter and his followers arrived in the Lydenburg area in 1845, the area was completely uninhabited. The Swazi king Mswati had great appreciation for the Boers' fighting skills, and was also aware of a vision which his father, King Mswati II, had shortly before his death, that people with white skins and long hair would come to the area, and that it would be the end of the Swazi people if they would shed the blood of these people. When Hendrik Potgieter requested King Mswati to establish his people in the area, Mswati agreed for strategic reasons, namely to create a buffer between the Swazi people and his black enemies in the north, the Pedis. The area awarded to Hendrik Potgieter stretched from the mouth of the Limpopo River in the Indian Ocean, up to the confluence of the Olifants River with the Limpopo River, then further to the rise of the Elandspruit near Pretoria, then straight to the Crocodile River, then up to the confluence of the Crocodile River and the Komati River and then in a straight line to the Indian Ocean. The Boers paid one hundred head of cattle for the area and the cattle was delivered to King Mswati in two assignments in 1846. The transaction was finalised by means of a signed treaty. According to this treaty the territory stretched from Ohrigstad northwards up to the Olifants River up and down until where it meets the Delagoa Bay line, southwards up to the Krokodil River, westwards up to the Eland Spruit and the 26th degree of latitude, eastwards up to where the Krokodil flows into the Komati River and up to the Delagoa Bay line.

The area that was transferred was large and would include the later towns of Middelburg, Barberton, Machadodorp and a part of Carolina.

On 4 July 1855 Commandant-General W.F. Joubert reported to the Lydenburg Commission that the Swazi king, Mswati, was prepared to relinquish another portion of his territory adjacent to the Lydenburg district. A second deed of sale granted the area south of the Komati River up to the Pongola River, the Vaal River and the border between Natal, the Free State and Zululand up to the Olifants River to the Lydenburg migrants, in exchange for seventy high-quality heifers. However, the Pedi chief Sekwati contested this later because, according to him, Mswati exchanged territory that did not belong to him. The Pedi did not acknowledge the treaty because the Swazi never defeated the Pedi. Sekwati regarded the land as his property because he was

[49] Jooste, C.P. 2008. *Machadodorp tot en met dorpstigting in 1904*. Unpublished MA dissertation, University of Pretoria, p. 83.

expelled from the area during the Mfecane by Dingane and Mzilikazi, and not by the Swazi. The Voortrekkers then concluded an agreement with Sekwati, according to which he surrendered his claim of ownership on land east of the Steelpoort River.[50]

In 1860, King Mswati expressed the wish to establish white farmers in the west and southwest of his kingdom. On 12 June 1860 the Commander-General of the *Zuid-Afrikaansche Republiek* (South African Republic, or ZAR) met with a group of Swazi chiefs, who pointed out to him the area where Mswati wanted to see the white farmers settled. This agreement was once again finalised by signing a treaty. The chiefs signed on behalf of the king. The area under discussion stretched from the Steelpoort River to the origin of the Komati and Vaal River, from there to the Majuba Mountain, and then up to where the Pongola River rises, then further down, to the Pongola Poort at Lubombo, where it crosses the 1855 line. It was explicitly agreed that these farmers had to protect the Swazi from Zulu raids. The ZAR then divided this area into farms and sold it to individual farmers.

The Republic of the Little Free State was a short-lived Boer Republic in the Piet Retief area in present-day Mpumalanga. The first whites had settled in the area by 1876 on land purchased from the Swazi king Mbandzeni, a son of Mswati II. In 1875, when President Burgers was the president of the ZAR, King Mbandzeni expressed his wish for reliable white farmers to be placed on the southwestern border of Swaziland. Its purpose would be to keep an eye on a certain Mbilini who carried out raids in that area. Ignatius Maritz and three brothers-in-law, Ferreiras, then settled in the area. When a dispute arose later on, the white farmers (by then consisting of 72 men) declared this area independent under the presidency of J. Bezuidenhout as chairman of a three-man government. The area measured about 36 000 acres and was called “Little Free State”. To justify their actions, they made it known that no Swazi had ever lived in that area. The town of Piet Retief was established as the capital and the Republic functioned independently until 1891, after which it was incorporated into the ZAR.

Conquest

Smaller sections of what is currently known as Mpumalanga were conquered by the Voortrekkers when they defeated Mzilikazi in 1837. The territory, which had previously fallen under the control of Mzilikazi, was henceforth the rightful property of the Voortrekkers. The area included the largest part of present-day North West and Gauteng, as well as a smaller part of Limpopo and small parts of Mpumalanga, as indicated by the dark area on the map. The sections in question include the following areas:

Greylingstad

Groove

Balfour

Kwaggafontein

KwaMhlanga

[50] Jooste, C.P. 2008. *Machadodorp tot en met dorpstigting in 1904*. Unpublished MA dissertation, University of Pretoria, p. 85

(and many other smaller villages)

The area, known as Sekukuniland, was located in the current provinces of Limpopo and Mpumalanga, between the Olifants and Steelpoort River and the Drakensberg and Leolo Mountains. In 1876 war broke out between the ZAR and the Pedi under Sekhukhune due to stock theft and land occupation. Two thousand civilians, assisted by Swazi warriors, were deployed against the Pedi. Several unsuccessful skirmishes took place to which the Boers responded by disrupting the Pedi's agricultural activities. Sekhukhune had no choice but to conclude peace. An agreement by means of a treaty was concluded in February 1877 with Dr Alexander Merensky as mediator. Sekhukhune signed the treaty, declaring himself a ZAR subject and paying 2000 heads of cattle as war debt.

Uninhabited land

In the period of time just before the Voortrekkers entered the interior of Southern Africa, one of the biggest migrations of indigenous peoples in Africa occurred. The rise of the mighty Zulu nation led to widespread disruption and the extinction of various tribes in the period between 1818 and 1835. These events are referred to by Nguni speakers as the Mfecane, and by Sotho-speaking people as the Difaqane.[51]

The continuing rise of the powerful Zulu nation had far-reaching consequences for the rest of Southern Africa. The confrontations that led to the chain reaction of violence between the black tribes arose from an initial conflict between the Mthethwa and the Ndwandwe and continued in the struggle for power between Shaka and Zwide. The conflict expanded to the interior and resulted in the greatest migration of people in recent history. The end result was that only a handful of Bantu-speaking tribes still found themselves in the same place where they had lived in 1815. The life of thousands of people was changed irrevocably, traditional tribal ties were destroyed and tribes were forced to re-group into new units. The Mfecane/Difaqane also led to the depopulation of large parts of fertile land in the interior and in Natal. The tribes of the interior had not yet managed to reorganise themselves by the time the Voortrekkers arrived around 1836. It is believed that the wars led to the death of up to two million people and that many tribes migrated from their traditional territory; some even as far as Tanzania, Zimbabwe, Zambia, Mozambique, Botswana, Lesotho and the Eastern and Western Cape.

Andries Pretorius described the state in which they found the interior as follows:

> Finally, I need to state that when we had left the Colony and crossed the Orange River, we came across cities and villages of natives destroyed and filled with skeletons, yes, even more, the lesser

[51] Changuion, L. & Steenkamp, B. 2000 *Omstrede land. Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652-2011.* Pretoria: Protea Boekhuis, p. 27.

tribes had to eat their own children, due to the persistent persecution and destruction by the bloodthirst and robbery of the greater tribes.[52]

Statistics SA also estimates that the population size of the area now known as South Africa would have been between 1,5 million and 2,547 million people at the time of the Great Trek.

Summary

As far as Mpumalanga is concerned, it can be convincingly argued that land was mainly obtained through treaties and agreements, but also through conquest and settlement on uninhabited land.

Key arguments for treaties and agreements

It is known that several agreements were concluded between the Voortrekkers and the tribes who lived in the area. The treaties that are especially applicable to the current province of Mpumalanga are as follows:

- An agreement concluded in 1844 in Mozambique with the Portuguese for the area west of the Lebombo Mountains. The area includes parts of the current Mpumalanga and Limpopo.
- An agreement in July 1845 with the Bapedi chief Sekwati, who confirmed and endorsed the agreement as concluded with the Portuguese. The area includes parts of the current Mpumalanga and Limpopo.
- A deed of sale with the Swazi's concluded on 25 July 1846 for the area between the Olifants River and the Crocodile and Elands River up to the Portuguese area in the east. The area was bought for one hundred head of cattle. The area includes parts of the current Mpumalanga and Limpopo.
- The 1860 agreement with King Mswati for the area from the Steelpoort River to the origin of the Komati and Vaal River, up to the Majuba Mountain and up to where the Pongola River rises, from there down to the Pongola Poort near Lubombo, where it crossed the 1855 line.
- The area that formed the short-lived Boer Republic, called Little Free State, and which comprised approximately 36 000 acres, bought from Mbandzeni, a son of Mswati.

Key arguments about conquest

- A portion of the territory was conquered when Mzilikazi was defeated in 1837. The territory subsequently came under the control of the Voortrekkers and was governed by the rule of conquest.

[52] A. Pretorius to the editor of *De Zuid-Afrikaan*, Magaliesberg, 16 March 1850. Transvaalse Argiefstukke – Staatsekretaris; Inkomende Stukke, 1850-1853, p. 17.

- After the war against Sekhukhune, the Pedi acknowledged that they were ZAR subjects.

Key argument on uninhabited land

Furthermore, it can be argued that parts of Mpumalanga were empty and uninhabited because of the wars of annihilation known as the Mfecane.

FREE STATE

Uninhabited land

The Orange Free State – the historic precursor of the current Free State province – was an independent state in Southern Africa during the second half of the 19th century and was located between the Orange and Vaal River. It may be said with a reasonable degree of certainty that the first inhabitants of the area were the Anatwa San, as their rock paintings are found across a wide range of the area. By 1775 the Korannas crossed the Orange River and began to drive the San out of the area.[53]

The southward immigration stream of the earliest black tribes from the area currently known as Botswana, began at that time. By the beginning of the 19th century there were already twenty-one black tribes in the northwestern part of the former Basotholand. These tribes included the Zulu-speaking Maphetla, Mapolane and Baphuti who fled from Natal. The Bakwenas were subdivided into five groups, collectively known as the Basotho, and lived mainly in the vicinity of Hlotse, near the present-day Ficksburg.[54]

The extinction wars (Difiqane) took place during 1822 to 1836. North of the Vaal River, Mzilikazi's Matabeles reigned in terror and drove the Tswana people southwest and westward to the Kalahari. Until the Voortrekkers defeated Mzilikazi at Vegkop in October 1836, he went from one raid to the next in the Free State. The French missionary Ellenberger estimated that during the years 1822 and 1828 the fleeing tribes in the Free State had eaten about 288 000 of their own people because of famine. Large numbers of people also died as a result of famine and war. The Free State was virtually completely unpopulated upon the arrival of the Voortrekkers. Moshweshe used the opportunity created by the Difaqane to expand his power base. With a group of followers, he moved southwards to the mountain settlement of Thaba Bosigo in 1824. Refugees who had lost their tribes, streamed to them.

The Voortrekkers were not the first white people to enter the Free State. Before the start of the Great Trek, farmers from the northern districts of the Cape Colony crossed the Orange River to hunt in the Free State. The severe droughts forced farmers to cross the Orange River with their livestock in search of better pasture. Farmers had been undertaking seasonal migrations from the northern border districts of the Cape Colony across the Orange River since 1821. In 1824 several cattle farmers decided to live in the area. The entire area south of the Modder River and between the Orange and Caledon River west of Langeberg was occupied by migrant farmers between 1825 and 1840. For example, Rudolph van Wyk established himself in the farm Rietpoort in 1829, where Smithfield was later established. When well-known traveller Andrew Smith undertook a journey from Bethulie past the present-day Smithfield across the Caledon River to Thaba Bosigo in 1835, he came across a large number of farmers on farms as far north as the present-day Wepener. In a statement dating from that period, H.D. Warden claims that during a visit to this area in 1826, he did not see any black tribes but noticed only small San groups. At the beginning of the 1830s, several Boers lived in the southeastern part of the area across the Orange River, while Moshweshe was restricted to Thaba Bosigo and the surrounding mountainous areas.

On a map that was compiled by French missionary E. Casalis in that year, the Basotho territory stretched westwards from the Caledon River to the first mountain range, eastwards to Maluti and southwards to Morija. A map drawn up by the missionaries T. Arbousset and A. Daumas about two years later indicated the same territory.[55]

The first Voortrekkers started settling in the Free State from 1835, mainly in the vicinity of the present-day Winburg, which was established by Andries Pretorius in 1841 and is the oldest town in the Free State. After the annexation of Natal in 1842, many Trekkers left Natal and moved to the Free State. At the beginning, relations between the indigenous tribes and Trekkers were good in the Free State and the burghers maintained good relations with Moshweshe. Adam Kok and Moshweshe, however, would

[53] Eloff, C.C. Die sogenaamde verowerde gebied: Omstrede grensstreek tussen die Oranje-Vrystaat en Lesotho (Basoetoland), p 4.
[54] *Ibid*.
[55] Eloff, C.C. Die sogenaamde verowerde gebied: Omstrede grensstreek tussen die Oranje-Vrystaat en Lesotho (Basoetoland), p5.

later complain that their land was being taken from them by white people, whereupon Major Warden was sent as British Resident to maintain peace in the district. His headquarters were on the farm Bloemfontein, which later developed into the capital of the Free State.[56]

Andries Pretorius describes his journey across the Orange River into what is today the Free State, as follows:

"Nog iets moet ik ten slotte aanhalen, dat, toen wy de Kolonie verlaten hebbe en de Oranjerevier overgaad, vond wy steeden en dorpen de Or naturellen die verwoest en met doodsbeenderen opgevult leggen, ja, wat meer was, dat de mindere stammen genoodzaakt waaren hun kinderen te eeten, door de geduurige vervolging en vernieling door den bloeddorst en roofzuch van den meerderre stammen."[57]

Treaties and agreements

The Voortrekkers, led by Andries Hendrik Potgieter, entered into several agreements with the few groups of indigenous peoples who remained in the area now known as the Free State. In June 1838, Potgieter exchanged the territory between the Fat and Vaal River for 49 cattle with Makwana, leader of the Taung (a Tswana group). This area included the current town of Winburg. The area where Winburg was established was uninhabited and the nearest tribe was the Taung under the leadership of Makwana at Thaba Nchu, 60 km southeast of the town. The transaction is described in a letter from Potgieter to Governor Napier in the Cape, dated December 3, 1838:

"Artikel 4

Ten eersten hebben wy aangetroffen de kapetyn Danser en met hem een vrede besluyt en ten tweede de konieng Maroka en ook met een vrede besluyt, ten derde de bastaards kaptyn Pieter Davieds ook een vree de besluyt, ten vierde de konieng Sikoniala ook met een vreede besluyt, ten veyfde de kapiteyn Makwana ook met een vrede besluyt."[58]

And:

"Artikel 6

Wy hebben voor ons een streek lands gekogt van de kapetyn Makwana die ook gerenneweerd is door Musielikaats omrede wy niemand wel benadelen van de naatsies die hier zyn en dat wy ten eene mal syn land en besit neemt tot tyd en wil dat hy ons vee wedergeeft en hy is soo ver gevlugt dat wy niet weet waar hy is en wy geloven niet dat het een onregmatige maak is die wy u tans voorstellen."[59]

The agreement was reached because Potgieter promised to assist the Taung if Mzilikazi threatened them again. The land was thus obtained through negotiation. In December 1838 a proclamation was sent to the Cape governor to proclaim that the ground north of the Vet River would become an independent republic. In 1842 Winburg was established as the first town in the area.

[56] Van Jaarsveld, F.A. Van Van Riebeeck tot Vorster 1652 - 1974, Perskor Uitgewers, p 149.
[57] A. Pretorius to the editor of De Zuid-Afrikaan, Magaliesberg, 16 March 1850. Transvaals Archive pieces – State Secretary; Incoming Pieces, 1850 - 1853, p17.
[58] Changuion, L & Steenkamp, B. *Omstrede Land, Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 – 2011.* Pretoria: Protea Boekhuis, p. 316.
[59] H.S. Pretorius, D.W. Kruger en C. Beyers (reds), Voortrekkerargiefstukke, 1829 - 1849, pp. 29 -31.

In 1844, the Voortrekkers of the Potchefstroom-Winburg community laid claim to the area south of the republic to the Orange River. In a petition by the Voortrekkers north of the Orange River in 1843, they claimed the territory between the Orange River and the Modder River. About this area they write the following:

"The Land which we now occupy as Emigrants, and on which a number of Griquas and Bastards reside, extends from the Bank of the Orange River, Northward to the Modder River, at least 20 hours on horse-back, and in its length full 30 hours on horse-back. This piece of Land, we can assure you, was solely inhabited by Bushmen. We doubt not but you are aware that already in former times the Colonists have applied for this ground to the Bushman Captains, and that those Bushman Captains have agreed with them and exchanged (or bartered) a large part of the said ground for a considerable number of sheep and cattle."[60]

However, it soon led to conflict with the Basotho under the leadership of Moshweshe and with the Griquas led by Adam Kok. During the Difaqane, Moshweshe fled to what is known today as Lesotho. After the Voortrekkers had defeated Mzilikazi, Moshweshe claimed the area between the Vaal and Orange River, which brought him directly into conflict with the Voortrekkers. This conflict thus involved the argument of an empty inland area and the principle of possession through conquest. The Griquas under Adam Kok were a group of brown people who had already migrated north of the Orange River before the Voortrekkers did, without being one of the original indigenous tribes. They appealed to the Cape Colony to intervene between the three groups. In 1843, agreements of protection were concluded which led to three treaties. The Voortrekkers were excluded from the agreements – something with which they were dissatisfied, as the area between the Vet and Vaal River, which was obtained by Hendrik Potgieter from the Taung leader Makwana in exchange for cattle in 1836, would now be cut off from the Voortrekker area.

In 1848 the Basothos started settling among white settlers in the Winburg district, and in 1849 Warden was obliged to make a border between white and black.[61] This border was called the Warden line and was the recognised border between the Free State and Basotholand. In 1851, Warden had to send troops against the Basothos who ignored the border line. However, his troops were defeated near Ladybrand. Moshweshe sent groups of Basothos to the Free State to raid farms. In 1852, the successive governor, Cathcart, sent 2 000 soldiers to punish Moshweshe, but was defeated at Thaba Bosigo. The British government then decided to acknowledge the independence of the Free State. The area between the Vaal and Orange River was declared an independent republic with the conclusion of the Bloemfontein Convention in 1854.

In 1867 the Free State government concluded an agreement with Paul Mopeli, the brother of Moshweshe. According to the agreement, Mopeli concurred that his tribe would be subjects of the Free State government and that they would acquire the area of Witzieshoek as a settlement area. The agreement was maintained by both parties.

Possession through conquest

Three wars were fought between the inhabitants of the Free State and Moshweshe's Basothos: the Senekal War (1858), the Squiti War (1865-1866) and the Third Basotho War (1867-1868). The wars broke out because of conflicting claims to the area between the Caledon and Orange River, which included the current Harrismith, Wepener and Zastron. It is significant that early travellers in the area did not make mention of black people in the area. From 1819 to 1831, hunters like G.P.N Coetsee, O.J. van Schalkwyk and J.H. Snyman and L.J. Fourie explored the entire southeastern area across the Orange River, and even visited Thaba Bosigo. The areas of Rouxville, Smithfield, Wepener and Zastron were inhabited only by the San, and they found no other signs of other black tribes (including Basothos).

In February 1858, tensions again arose over the ownership of land between the Moshweshe area and the Orange Free State. Further conflict arose due to cattle theft, and J.N. Boshoff (president of the Orange Free State) declared war on the Basothos on 19 March 1858. The Boers, however, were unable to penetrate the mountain stronghold of the Basothos, and a ceasefire was signed on 1 June. The first treaty of Aliwal North was signed by the two parties on 29 September. According to this treaty, the Free State had to give 50 farms in the controversial area between the Orange and Caledon River (in the current districts of Zastron

[60] Changioun, L. Voortrekker petition to Commissioner Cloete in Natal, p. 334.
[61] Ade Ajayi, J.F. General History of Africa, VI, Africa in the Nineteenth Century until the 1880s, Heineman International, p. 145.

and Wepener) to the Basothos. The Warden line north of the Caledon River was maintained and both groups had to undertake to keep their subjects out of the other's area.[62]

When J.H. Brand became president of the Orange Free State (OFS) in February 1864, one of his first tasks was to determine the border between the OFS and the Basothos. With the help of Sir Philip Wodehouse, the Cape Governor, he wanted to make a formal and binding agreement with Moshweshe in terms of which the border districts could be restored. On 28 October 1864 Wodehouse announced his borders, with the effect that the Warden Line of 1849 was maintained.

Although this border arrangement resulted in Wepener, Zastron, Ladybrand, Clocolan, Fouriesburg, Ficksburg and parts of Marquard and Excelsior still forming part of Basotho territory, a large part of the territory between the Caledon and Orange River was now recognised as OFS property.[63]

After establishing a clear border line that was accepted by both the Orange Free State and Moshweshe, President Brand ordered that Moshweshe's subjects should withdraw from Free State territory before 30 November 1864. Moshweshe struggled to get his subjects under control and President Brand set an ultimatum on 6 June 1865. When the ultimatum expired three days later, war was declared against the Basothos.

On 31 July 1865 Wepener issued the following proclamation:

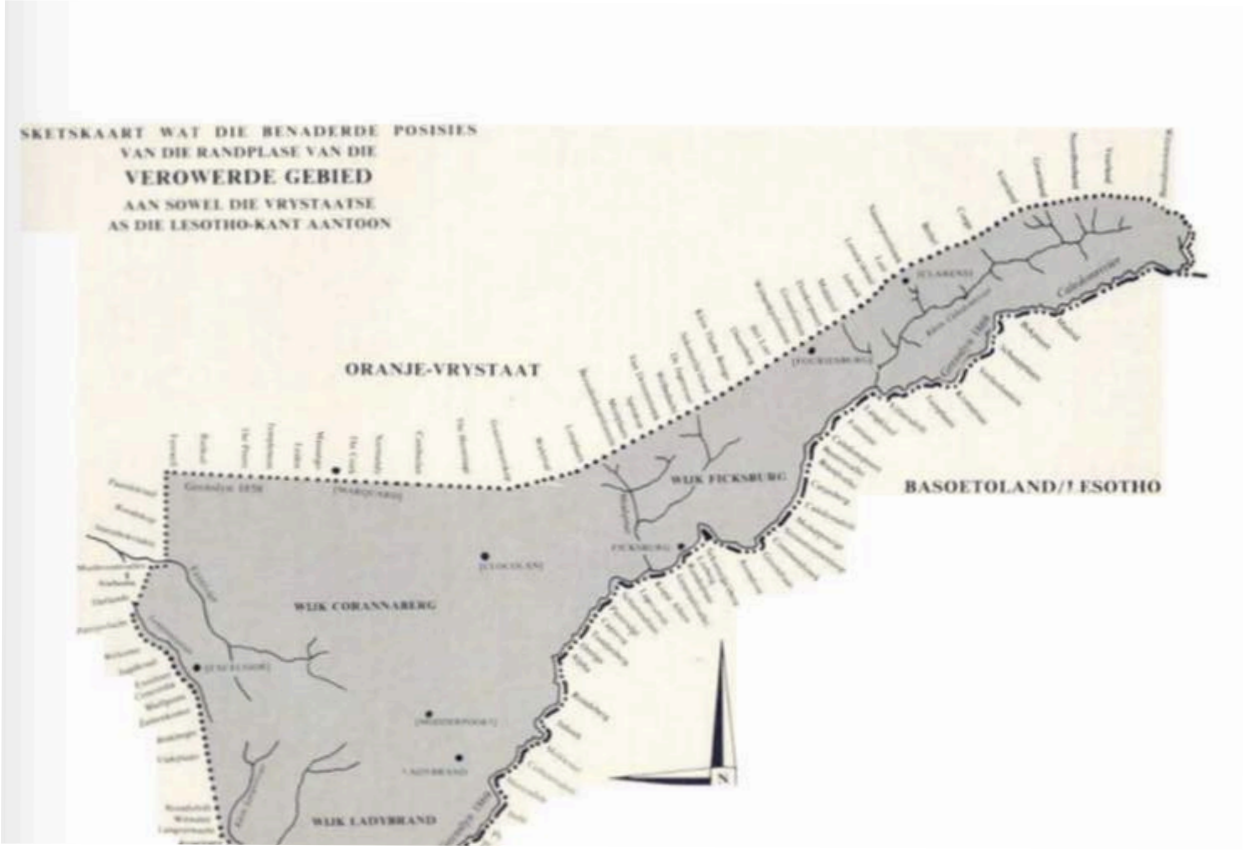
"Daar de divisie van het Vrijstaat-leger onder mijn Kommando OllIe vijanden, de Bagulas, hebben weggedreven van af de grenzen van den Vrijstaat tot dele plaats [Morija], zoo verklaar en proclameer ik aan den Oranje Vrij Staat te hebben geannexeerd den door dit kommando veroverden grand, te weten: Van Bamboesplaats ten oosten van Pampoenspruit, gaande in een regte lijn tot drie mijlen ten oosten van Letsie's nieuwe stat [Matsieng], en van daar in eenregte lijn noord op tot de Caledon Rivier." [64]

[62] Eloff, C.C. Die sogenaamde verowerde gebied: Omstrede grensstreek tussen die Oranje-Vrystaat en Lesotho (Basoetoland), p 9.
[63] Ibid.
[64] Theal, G.M. Basutoland records III, p. 423.

On 6 October 1865 Fick issued a proclamation that:

"... de scheidingslijn tusschen Basutoland en den Vrijstaat (zal) in bet vervolg als volgt (zijn): Van de Natalsche Britsche lijn af met de Drakens- berg tot aan de bran van de Putiatsana, en met de Putiat- sana tot in de Caledonrivier ...; langs de Caledonrivier af tot 3 mijlen ten oosten van Letsie's nieuwe stat, en van daar in eene regte lijn tot aan Bamboesplaats, ten oosten van Pampoenspruit."

Figure 1: Conquered territory in the Orange Free State



In the Caledon River district, the Smithfield Commando soon annexed the territory of Baphuti chief Moorosi. On 15 November 1865 this area was incorporated into the already proclaimed conquests of Wepener and Fick by Cmdt P.J. Wessels.[65]

Already in October 1865 the conquered area was formally annexed by the Orange Free State. On 3 April 1866, the treaty of Thaba Bosigo was concluded between the Free State and Basotholand, according to which Moshweshe was obliged to relinquish the conquered area. He also had to recognise the new border between the two states, remove his subjects from the annexed area and pay warfare compensation of several thousand cattle to the Orange Free State. By signing the treaty, Moshweshe admitted that the contested territory was conquered by the Free State.

[65]V AB, V.R. 182 Bylae tot Volksraadnotule 1866I van kmdt. P.J. Wessels,15.11.1865, p.85.

Shortly thereafter, the Basothos gathered an armed force and two white persons were murdered in Ladybrand in June 1867. President Brand of the Orange Free State insisted that Moshweshe should hand over the culprits, but Moshweshe refused, saying that he did not agree with the 1866 borderlines and that the murders did not take place in Free State territory.

In July 1867, the third war broke out between the Orange Free State and the Basothos. In this war, Boer forces conquered all Moshweshe's land except Thaba Bosigo. Moshweshe then asked England for help. On 12 March 1868, Britain annexed the area after governor Edmond Wodehouse of the Cape Colony was told to negotiate with Moshweshe to declare the Basothos as British subjects. After that, the borders of the present Lesotho were drawn in February 1869 in terms of the Aliwal North Convention, which ended the conflict. Portions of what is now the Free State were then also added to the Orange Free State.

The right to land ownership of farmers in the Free State therefore rested on three principles.

Various sources indicate that the area was sparsely populated when first the migrant farmers and later the Voortrekkers moved there. The Difaqane displaced large numbers of people and according to certain sources led to the deaths of up to 2 million people. Moshweshe's relocation to Thaba Bosigo in 1824 is in itself indicative of the shift of people during this time. Pretorius particularly refers to the area across the Orange River when he describes the abandoned villages and bones of the dead that they found in the villages. The Free State was certainly one of the areas most affected by the Difaqane. Descriptions and maps drawn up by various missionaries and travellers at the time showed that large parts of area were occupied only by nomadic San groups and not by the Basothos or other black tribes.

The second argument is that the Voortrekkers entered into various agreements and treaties with the indigenous tribes. In June 1838, Potgieter exchanged the territory between the Vet and Vaal River for 49 cattle with Makwana, leader of the Taung (a Tswana group). The area in question included the current town of Winburg. The area where Winburg was established, was uninhabited and the nearest tribe was the Taung under the leadership of Makwana at Thaba Nchu, 60 km southeast of the town. In the Voortrekker petition, the Voortrekkers also make mention of agreements for territories that were made with the San communities in the Free State.

The third argument is based on the principle of the conquest of territory. In three separate wars fought against Moshweshe and the Basothos, the Orange Free State tried to maintain the boundaries between the Orange Free State and Basotholand as determined by mediators. A large proportion of land was annexed by the Orange Free State in 1865; and the treaty of Thaba Bosigo, which supported those terms, was signed by Moshweshe. Parts of the Free State were therefore acquired by conquest through war.

LIMPOPO

The following three arguments can be made to indicate that large parts of the Limpopo Province were uninhabited in the early 1800s, that numerous agreements were reached between Voortrekkers and other tribes and that their land was conquered by means of internationally recognised possession through war:

Possession through conquest

The Voortrekkers trekked across the Vaal River in small Trek companies since 1836. The following year, a Voortrekker commando, under command of Hendrik Potgieter, defeated Mzilikazi's Ndebele in two battles, thereby driving the Ndebele out of the area. The Voortrekkers were assisted by Batlhaping, Barolong, Bataung and Bahurutshe captains who had suffered under Mzilikazi.[66] The Voortrekker allies were rewarded by Potgieter with land in "localities previously occupied by them". After the victory against Mzilikazi, Moilwa of the Hurutshes visited Potgieter at Mooi River and requested leave for his people, who were driven out of the area by Mzilikazi, to return to their area. Potgieter agreed and also helped to determine the borders of the Hurutshe area (today near Zeerust). In 1871 the agreement was confirmed by Moilwa before the Bloemfontein Commission. Shortly after the Hurutshe agreement, similar arrangements were reached with Matlaba of the Rolong for the area between today's Mafeking and Taung and other agreements were concluded with the smaller groups that assisted the Voortrekkers against Mzilikazi. The Kwena's area was recognised and the Kgatla received land near Derdepoort.[67]

On the basis of possession by conquest, Potgieter laid claim to the territory north of the Vaal River, which previously fell under the control of Mzilikazi.[68] The area was larger than the area inhabited by Mzilikazi and included the area that was conquered and subjected by Mzilikazi. Although it is impossible to determine the exact boundaries of Mzilikazi's territory, R.K. Rasmussen conducted intensive research on the area and argued that the southern boundary of the area was the Vaal River. Towards the southeast, the Ndebele attacked and drove away a Griqua group under the leadership of Peter Davids, who hunted in the vicinity of the confluence of the Vaal River and the Wilge River in 1834. Thus, it can be argued that the Ndebele influence stretched as far as the confluence of the Vaal and the Wilge River. To the east, their sphere of influence stretched as far as the Elands River and north-east to the Pienaars River. Further northward distribution was prevented by the presence of the tsetse fly. Westward, the influence of the Ndebeles stretched as far as Kanye. The area therefore includes most of the current North West Province and Gauteng as well as a smaller part of the current Limpopo.[69]

[66] Etherington, N. 2001. The Great Treks: the transformation of Southern Africa, 1815-1854. Longman, Harlow, England, p. 249.
[67] Changuion, L. & Steenkamp, B. Omstrede Land, Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 - 2011, Pretoria: Protea Boekhuis, p. 31.
[68] The right to lay claim to conquered land was traditionally accepted in terms of international law until the Second World War. In Southern Africa the right to ownership through conquest was accepted by many tribes as a means of extending their land. A remarkable example of this is the Zulu nation, which has grown through warfare from a relatively unimportant and small tribe to the largest ethnic group in South Africa. This growth has only taken place because of the fact that Shaka attacked, subordinated and incorporated smaller neighbouring tribes and ruled over their territories in the Difaqane. Thus, by the time the Voortrekkers invaded Natal, Shaka's half-brother, Dingaan, possessed large parts of territory that did not previously belong to the Zulu nation.
[69] Ibid.

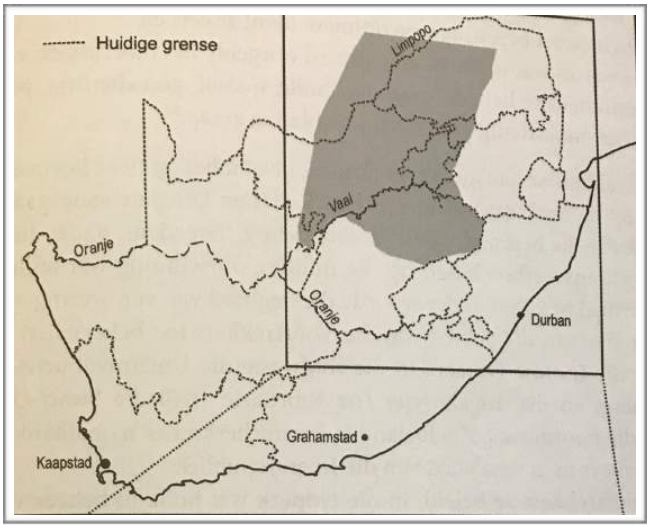


Figure 1: Territory taken after the victory over Mzilikazi

The dark section indicates the territory of which the Voortrekkers took possession after their victory over Mzilikazi, in terms of possession through conquest. The area to the south which they exchanged from Makwana, is also indicated on the map.[70]

Uninhabited land

The relatively low-lying Bushveld area that took up large parts of Limpopo during the early years of white settlement, was subjected to the endemic presence of tsetse flies and malaria mosquitoes. The presence of malaria in large parts of South Africa was brought under control only during the 1930s. The tsetse fly caused major problems for white settlers as well as the native tribes. Although the Voortrekkers mainly ate venison, they were dependent on oxen for trekking. On the other side of the spectrum, the prosperity of native tribes was measured by their number of cattle.[71] Consequently, the possible loss of livestock due to the tsetse fly was a discouraging factor that prevented white settlers as well as indigenous tribes from settling in certain areas. The first documented encounter with the tsetse fly was on 12 March 1837, in the vicinity of the Soutpansberg, as written by Louis Trichardt. Thereafter, there are several references to the presence of the fly, including accounts by Cornwallis Harris along the Crocodile River, north of the Magaliesberg. The hunters Oswell and Cardon as well as the travellers Gordon Cummings and Thomas Baines refer to the presence of tsetse flies in the vicinity of the Limpopo River, the Waterberg and the Soutpansberg areas.[72] In 1878, the traveller Anthony Trollope wrote:

[70] Changuion, L & Steenkamp, B. *Omstrede Land, Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 - 2011*, Protea Boekhuis, Pretoria, p 33

[71] Before the arrival of the European settlers in the 15th century, the economy in what was later to be known as South Africa, was based on subsistence farming and hunting. In the northern, central and eastern regions of the country, native tribes lived under the rule of a tribal captain. The economy was predominantly pastoral and wealth was measured by the number of cattle owned by a person.

[72] J.S. Bergh, ed. 1998. Geskiedenis Atlas van Suid-Afrika, Van Schaik Publishers, p 85.

"There is a fly – called the Tsetse fly – an abominable curse … which destroys all horses and cattle which come within the regions which it selects for its own purpose."[73]

It goes without saying that possible losses of cattle would prevent the native tribes from living in areas where the tsetse fly could cause large-scale deaths. Thus, large portions of Limpopo would also have been uninhabited because of the presence of the pest.

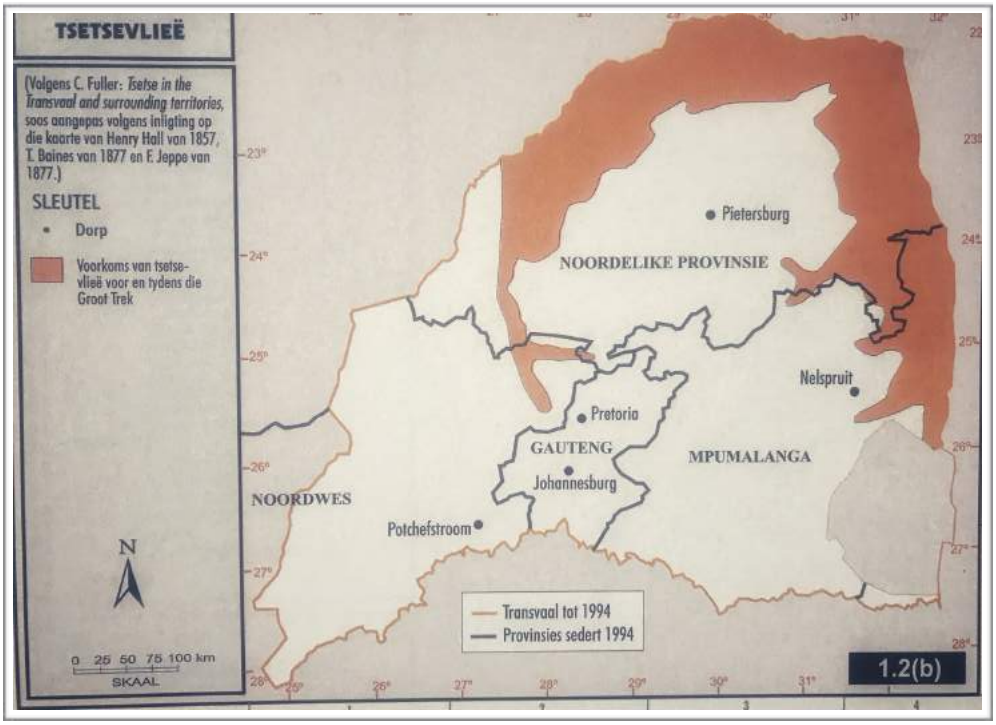


Figure 2: Distribution of the tsetse fly in the Limpopo Province.

Treaties and agreements

A commission led by Potgieter signed an agreement with the Portuguese in Mozambique in 1844 that determined that the area east of the Lebombo Mountains belonged to the Portuguese and that the Voortrekkers in the area could settle four days' travel from the East Coast. In July 1845, they also concluded an agreement with the Bapedi chief, Sekwati, who confirmed that they could live in the area. In subsequent years, the Pedi believed that the agreement did not mean land ownership but land use. Towns were built in the areas, such as Andries-Origstad (1846), Krugerspost (1849) and Lydenburg (1850). The land was bought from the Swazi on 25 July 1846, who also laid claim to it. In terms of the agreement, the area between the Olifants River in the North, the

[73] A. Trollope. 1878. South Africa, II. London, p.92.

Crocodile and Elands River and the 26th southern latitude in the south and the Portuguese area in the east would be purchased for 100 cattle.[74]

When Andries Potgieter and his Boers arrived in Lydenburg in 1845, the area was completely uninhabited. King Mswati had great appreciation for the Boers' combat abilities and was also aware of a vision of his father, King Mswati, shortly before his death that people with white skins and long hair would come to the area; and that it would mean the end of the Swazi nation if they were to shed the blood of these people. When Andries Potgieter asked Mswati to allow him to settle in the area, Mswati agreed for strategic considerations, namely so that the Boers could serve as a buffer between the Swazi people and their enemies from the north, the Pedis.

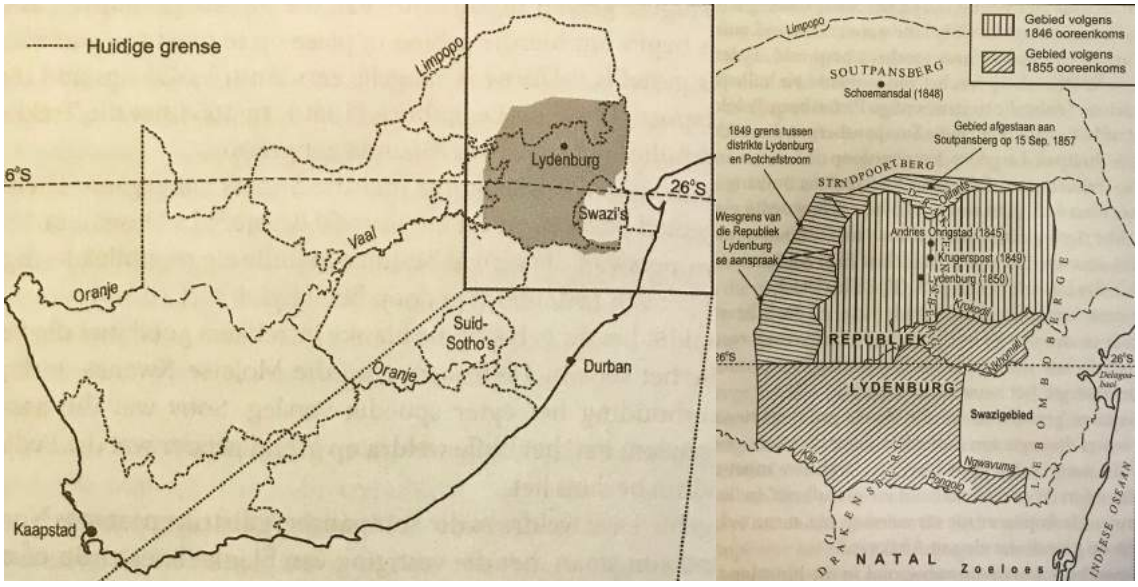


Figure 3: Land obtained from the Pedis and Swazis

The dark area indicates the area that the Voortrekkers obtained through negotiation with the Pedi and the Swazi. [75]

Between 1845 and 1847 farms were established in the area as far east as Sabie and north to the Olifants River. In the south there were at least two farms as far south as the Crocodile River and others south of the present Lydenburg. To the west there was even mention of a farm near the Wilge River. The National Council (*Volksraad*) at Andries-Ohrigstad considered the 26th southern latitude as the southern boundary of their area. Andries-Ohrigstad was evacuated in 1849 due to the threat of the tsetse fly and a malaria epidemic, and it was decided to establish the village of Lydenburg on the farm Rietspruit.

The area awarded to Andries Potgieter stretched from the mouth of the Limpopo River in the Indian Ocean, to where the Limpopo meets the Olifants River, then to the origin of the Elandspruit near Pretoria, then straight to the Crocodile River, then to the confluence of the Crocodile River and Komati River and then straight to the Indian Ocean. The Boers paid 100 cattle for the area

[74] J.S. Bergh, ed. 1998. Geskiedenis Atlas van Suid-Afrika, Van Schaik Publishers, p. 131
[75] Changuion, L & Steenkamp, B. Omstrede Land, Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 - 2011, Pretoria: Protea Boekhuis, p. 38.

and the cattle were delivered to King Mswati in 1846 in two deliveries. The transaction was finalised by means of a signed treaty. The town of Ohrigstad was then founded by Potgieter.

In the Soutpansberg district, which is now part of the Limpopo Province, white people began settling in 1848. Hendrik Potgieter also led the negotiations for territory here. Ramabulana already offered Potgieter and Louis Trichardt the opportunity to settle in the Soutpansberg district in 1836, but the offer was taken up by Potgieter only later. Potgieter and the Voortrekkers who travelled with him laid out farms along the Sand River, near the current Pietersburg (Polokwane). Not long after, the town of Zoutpansbergdorp was established, but the name was later changed to Schoemansdal.[76] Potgieter's opinion was that Schoemansdal was far enough from the Cape Colony to ensure independence.

[76] Changuion, L & Steenkamp, B. Omstrede Land, Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 – 2011. Pretoria: Protea Boekhuis, p. 37.

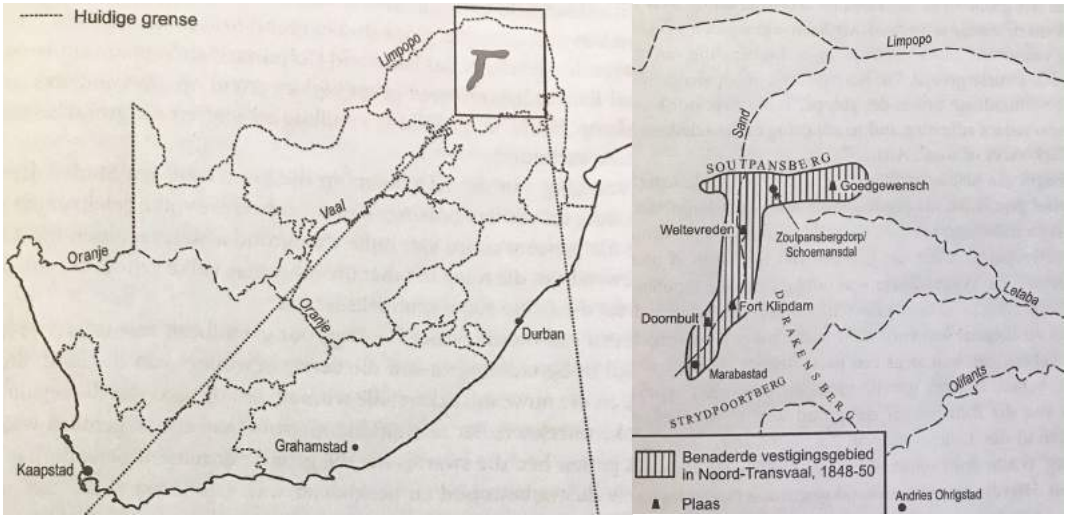


Figure 4: White settlement in the Soutpansberg area between 1848 and 1850[77]

In 1866, after the Voortrekkers got involved in the dispute over Ramabulana's succession, a Boer settlement was attacked and burned down. After that, residents moved to the centre of the town for safety. In the following year, Paul Kruger was sent from Pretoria along with 400 to 500 men to restore order. With their arrival at Schoemansdal, Kruger realised that they could not defend the town and the town was evacuated. The residents of Schoemansdal waited fourteen years before the founding of a new town, Pietersburg (Polokwane), was approved. Meanwhile, they settled in Marabastad, which grew rapidly as a result of the discovery of gold in 1871. However, Piet Joubert chose to set up a new town and named it after himself. Pietersburg grew rapidly after this, because of the development of mining in the area.

Summary

As far as the Limpopo Province is concerned, it can therefore be said with certainty that land was acquired through three means, namely possession by conquest, uninhabited land and treaties and agreements that were reached.

1. Core arguments regarding possession by conquest

- The largest part of territory was conquered with the defeat of Mzilikazi in 1837. The area then fell under the control of the Voortrekkers, through possession by conquest. The area includes the following towns, amongst others:
    - Polokwane (Pietersburg)
    - Mokopane (Potgietersrus)
    - Vaalwater
    - Modimolle (Nylstroom)

[77] Changuion, L & Steenkamp, B. Omstrede Land, Die historiese ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652 - 2011. Pretoria: Protea Boekhuis, p. 39.

  - Thabazimbi
  - Bela-Bela (Warmbad)
- This also applies to many other smaller towns to the east of Polokwane and to the south of Swartwater.

2. Core arguments for treaties and agreements

It is known that several agreements were concluded between the Voortrekkers and the tribes living in the area. The following treaties are especially applicable to the current Limpopo Province:

- An agreement concluded in Mozambique with the Portuguese for the area west of the Lebombo Mountains.
- An agreement in July 1845 with the Bapedi chief, Sekwati, confirming and endorsing the agreement made with the Portuguese.
- A sale agreement with the Swazis on 25 July 1846 for the area between the Olifants River and the Crocodile and Elands River to the Portuguese area in the east. The area was purchased for 100 cattle.
- The invitation of Ramabulana to Potgieter and Louis Trichardt to settle in the Soutpansberg district. The invitation was taken up only later.

3. Uninhabited land

The northern parts of Limpopo were empty and uninhabited due to the presence of the tsetse fly and malaria. The tsetse fly would have made the following towns uninhabitable, amongst others:

- Hoedspruit
- Phalaborwa
- Musina
- Swartwater
- As well as large portions of what is now the Kruger National Park.

NATAL

Vacant land theory

In 1800, the Natal Nguni still consisted of small tribes who lived in the region that is known today as KwaZulu-Natal. Two of the dominant groups were the Mthethwa, under the leadership of Dingiswayo, and the Ndwandwe under Zwide Nqumayo.[78] These two groups vied for the upper hand in the area, and began reorganising their tribes in military fashion.[79] By the end of the 18th century, Dingiswayo became leader of the Mtethwa after he had murdered his brother Mawewe, and made many changes in order to expand his power. To organise his subjects in a military way, he abolished ritual circumcision and grouped young men in regiments. The members of a regiment were all more or less the same age, and each regiment was distinguished by the colour of their clothing and shields. Dingiswayo was extremely successful in his war effort but tended to be a very approachable ruler to the tribes that he had subjugated.

One of the smaller tribes that were subjects of the Mthethwa was the Zulu. One of the young men who had joined the Mthethwa regiments was a young man named Shaka. Around 1818, Dingiswayo was captured by Swide of the Ndwandwe, and was executed. This afforded Shaka a golden opportunity to expand his power. He was now the most powerful leader north of the Thugela River. It was easy to eliminate Dingiswayo's successor and appoint one of his own followers as the new head of the Mthethwa. This enabled Shaka to take over the Mthethwa confederation, and he used it to incorporate other tribes under his control. His permanent force eventually consisted of 40 000 warriors, divided into 15 regiments. Shaka's main aim was to unite the different tribes of the Natal Nguni into one nation, which he then named after his own ancestor, the Zulu. All his subjects were automatically regarded as members of the Zulu nation and had to learn the Zulu language and traditions.[80]

Although Shaka had a burning desire to expand his borders, and the neighbouring tribes therefore lived in fear, he had a different approach to white people who had come to live in Natal since 1824. He was fascinated by their lifestyle, weaponry and medical knowledge, and also by the gifts that they had sent to him. He realised that they had a technological advantage and for this reason did not provoke confrontation with the white settlers. Instead, he gave the whites his protection and told his subjects to provide the whites with food and water. He also made large areas of land available to them. In exchange, Shaka utilised their military assistance, for instance against Ndwandwe in 1826 and against Beje of the Khumalo in 1827.[81]

Stories about Shaka's cruelty were widely known. According to one such story, Shaka took great care not to have any successor, and he had any girl killed who became pregnant by him. Old men and women were killed to rid society of their burden, and with the death of Shaka's mother, Nandi, he had thousands of Zulu killed so that the entire nation would be in mourning. The Zulu's military organisation was the beginning of drastic changes in the history of Southern Africa, with consequences that reached as far as the eastern border in the Cape and as far north as Lake Tanganyika.

[78] Knight, I. 2004. *The National Army Museum Book of the Zulu War*. London: Pan Macmillan, p. 6.
[79] Ngcongco, L.D. 1989. The Mfecane and the rise of new African states. In Ajayi, J.F.A. (ed.). *General History of Africa VI: Africa in the Nineteenth Century until the 1880s.* Unesco: Paris, p. 103.
[80] Bergh, J.S. 1987. *Tribes and Kingdoms*. Cape Town: Don Nelson Publishers, p. 15.
[81] Bergh, J.S. 1987. *Tribes and Kingdoms*. Cape Town: Don Nelson Publishers, p. 17.

The confrontations that led to the chain reaction of violence between the black tribes arose because of the original conflict between the Mthethwa and the Ndwandwe, and were continued in the battle for power between Shaka and Zwide. The military organisation of the Natal Nguni, mainly the Mthethwa and the Ndwandwe, and the subsequent conflict indirectly led to a new leader coming onto the scene, namely Shaka. Under Shaka's leadership, the previously obscure Zulu people became the dominant group in the area, which led to widespread displacement and expunction of other smaller tribes. The conflict spilled over to the interior, and caused the largest migration of people in the recent past. The end result was that very few of the black tribes remained in the same area that they had resided in in 1815. The lives of many thousands of people were irrevocably changed; traditional tribes were destroyed and thousands were forced to regroup and form new units. The Mfecane/Difaqane also led to the depopulation of large parts of fertile land in the interior and in Natal. At the time that the Voortrekkers arrived, in 1836, the inland tribes had not yet managed to reorganise themselves. It is estimated that the wars had caused the death of up to two million people, and that numerous tribes had moved away from their traditional areas, some as far away as Tanzania, Zimbabwe, Zambia, Mozambique, Botswana, Lesotho and the Eastern and Western Cape.

Andries Pretorius describes his journey to the interior as follows:

Nog iets moet ik ten slotte aanhalen, dat, toen wy de Kolonie verlaten hebbe en de Oranjerevier overgaad, vond wy steeden en dorpen door naturellen die verwoest en met doodsbeenderen opgevult leggen, ja, wat meer was, dat de

mindere stammen genoodzaakt waaren hun kinderen te eeten, door de geduurige vervolging en vernieling door den bloeddorst en roofzuch van den meerderre stammen.[82]

Wilder also writes as follows in his *Memoirs ...* about Robert Moffat:

Everywhere the people seemed very destitute. Their country lay too near to the land of the heartless chief [Mzilikazi] Mr. Moffat was on his way to see, and by him their homes had been repeatedly destroyed, their cattle taken, their friends and neighbors killed.[83]

Coupled with this, it could be argued that the South Africa of those years was populated much more sparsely than today. Apart from the large-scale displacement of people due to the exterminatory wars, the total population was also much lower in number. The numbers are also shown in some of the earliest census reports for the whole of South Africa. The 1911 census determined that the "indigenous" population was 4 019 006 individuals – approximately 67% of the total population of 5 973 394.[84]

	Cape Province	%	Natal	%	Transvaal	%	OFS	%	Total	%
White	582 377	22.7	98 114	8.2	420 562	24.9	175 189	33.2	1 276 242	21.4
Native	1 519 939	59.3	953 398	79.8	1 219 845	72.3	325 824	61.7	4 019 006	67.3
Coloured	454 985	17.7	9 111	0.8	34 793	2.1	27 054	5.1	525 943	8.8
Asiatic	7 664	0.3	133 420	11.2	11 012	0.7	107	0.0	152 203	2.5
Total	2 564 965	100	1 194 043	100	1 686 212	100	528 174	100	5 973 394	100

In addition, Statistics SA reckons that the population sizes since year 1 were as shown in Table 1. The numbers therefore clearly show that the population over the area that is now known as South Africa, was just below 1,5 million. Therefore, at the time of

[82] A. Pretorius to the Editor of *De Zuid-Afrikaan*, Magaliesberg, 16 March 1850. Transvaal Archived texts – State Secretary; Incoming Texts, 1850 – 1853, p. 17.
[83] Wilder, M.L. 1887. *Memoirs of Robert Moffat, missionary to South Africa, 1817 – 1870*, p. 604. [Kindle version].
[84] Thompson, L.M. 1960. *The Unification of South Africa 1902–1910*. Oxford: Clarendon Press.

the *Great Trek*, the number of people must have been between 1,5 million and 2,547 million. This in itself indicates that the land could not have been densely populated, and therefore the argument of "vacant" land becomes quite possible.

Tabel 1: Bevolkingsgetalle en -digtheid in hektaar per persoon.

Jaar	Bevolking	Hektaar/persoon
1	100 000	1220,8
1000	300 000	406,9
1500	600 000	203,5
1600	700 000	174,4
1700	1 000 000	122,1
1820	1 550 000	78,8
1870	2 547 000	47,9
2015	55 956 000	2,2
Skatting vir 2030	**66 900 000**	**1,8**

Bronne: *Statistiek SA, World Population Prospects, United Nations.*

The settlement of the Griqua in the territory that was originally known as *Niemandsland* ("No man's land"), because it was unoccupied, is also an indication that large areas of the region that is known as Natal, were vacant. The area now falls within the present-day KwaZulu-Natal. In 1862, approximately 2 000 Griqua under Captain Adam Kok III went and settled themselves in the area. They were originally from Griekwastad, lived in Philippolis in the Free State, and then trekked through the present-day Lesotho. Their main settlement was in Kokstad.

Negotiation

In 1834, about 20 men and women departed under the leadership of Piet Uys on a trek to Natal, with the objective to find a place where the Voortrekkers could go and live. In Natal they met with King Dingaan and it was agreed that the Trekkers could live in the area between the Tugela River and the Umzimvubu River. This was not the only Commission Trek. Other groups were sent to what is now referred to as Namibia, and to the Soutpansberg region. However, the Trek to Natal looked the most promising, especially after the initial negotiations with Dingaan. In 1837, Piet Retief was elected Governor of the Trekkers, and he went to negotiate with Dingaan about the Trekkers now settling in Natal. His plan was to negotiate for the same piece of land that Dingaan and Piet Uys had agreed on three years previously. Dingaan was prepared to give land to the Trekkers on condition that the Trekkers would find and return the cattle that Sikonyela had stolen. After the Trekkers had recovered the cattle, an agreement was signed with Dingaan for the area between the Umzimkulu River in the south up to the Umfolozi River in the north.

After annexation of the Natalia Republic which was established after the Battle of Blood River, on the land as agreed with Dingaan, about two-thirds of the Natal Voortrekkers trekked away to the areas later known as the Free State and Transvaal. The other Trekkers remained behind, either in Natal or in what was briefly known as the Klip River Republic. The area was bought from Mpande in 1852 by A.T Spies, J.C. Klopper and C.J. van Rooyen for 300 heads of cattle.

In archived texts, reference is made to the "Buffelrivier maatschappij", referring to certain families who had settled there together with Van Rooyen. In a proclamation of 27 December 1852, Commandant A.W.J. Pretorius informed them that the ZAR did not

recognise the transaction. The reason was apparently that the ZAR was afraid to annoy the British again, as the Buffel River would form the border between the Voortrekkers and the British after their annexation of the Klip River Republic. The *Volksraad* of the ZAR repeated the warning once again in a letter in December 1853, addressed to a certain "Philip Koch en de overigen bewoners van de omstreken der Buffelrivier" ("Philip Koch and the remaining inhabitants of the area near the Buffel River"). The inhabitants sought association with the ZAR, but this was not allowed. On 8 September 1854, the threesome, Van Rooyen, Spies and Klopper, again purchased the territory from Mpande, for a further 100 heads of cattle, whereby a sales contract was signed. The sales contract reads as follows:

Dumaseola 8 September 1854

Bij deze neemd ik de staad den vrijheid bij mijn outoriteit Mpande Konig der Zoelas dat ik een deel van mijn gronde verhandelt heeft aan de ondergetekende Emigranten voor een honderd beesten het welke ik op datum deser als contant ontvangen heef te zegge degronde hier onder vermeld als een Eewig durende Eigendom der Emigranten:

De lijn zal zijn alwaar bloet revier en buffel revier loop en langes bloet revier op verder langes de buitenste spruit (Lynspruit) op en onder de gebergtes langs alle open gronde die nu niet door Pandas kaffers bewoond is tot aan de ronde kop tusschen de twee spruiten van Pongola en tot vast aan de lijn der vrije republiek en alle in geslote gronde tot aan de Britsche lijn.

In 1860, King Mswati expressed the wish to have white farmers settle in the western and southwestern parts of his kingdom. On 12 June 1860, the Commandant-General of the *Zuid-Afrikaansche Republiek* met with a group of Swazi chieftains, who pointed out to him the area where Mswati wished that the white farmers should settle. This agreement was likewise finalised by means of a treaty. The chieftains signed on behalf of the King. The area extended from Steelpoort to the sources of the Komatie- and Vaal Rivers, from there up to the Majuba Mountain, and then to the source of the Pongolo River, then down, to the Pongolo pass at Lubombo, where it crosses the 1855 line. It was the express agreement that these Boers had to protect the Swazi people against Zulu raids. The *Zuid-Afrikaansche Republiek* divided this area up into farms and sold them to individual white farmers.

After the Battle of Blood River, the Zulu started rebuilding their military power. In 1873, Cetshwayo became king and laid claim to a section of land that belonged to the then Transvaal. A Commission was appointed by the British authorities to investigate this claim, and it was eventually agreed to hand over the area to Cetshwayo, provided that he ceased any further hostilities. Cetshwayo refused and in 1879 this led to war with Britain. The Zulu were defeated in the Battle of Ulundi, and according to the right of conquest the Zululand of those times was divided into 13 separate tribal areas, each under leadership of a different captain. After Cetshwayo's death in February 1884, his son Dinizulu was the successor to the throne. However, he could not ascend the throne because of fights between the different Zulu chieftains. Dinizulu then asked the Boers for help. A group of approximately 800 men declared Dinizulu King of the Zulu. The majority of the Zulu chieftains agreed to this, but Isibepu continued fighting, until his defeat in June 1884 in the Battle of Etshaneni. After the cessation of conflict was achieved with the help of the Boers, some land was given to the Boers as reward for their services. The treaty between Coenraad Meyer and Dinizulu was already entered into on 23 May, but a more detailed treaty was signed on 16 August. The land, which extended from the Transvaal to the sea, was promptly measured out into farms. The 500 hired soldiers each received a farm of 1 600 hectares, and the 300 who had joined later received farms of 800 hectares each. The area was known as the *Nuwe Republiek* ("New Republic"), with the town Vryheid as its capital.

Wartime conquests

In November 1838, Andries Pretorius joined up with the disheartened Trekkers. He was appointed Commandant-General, and together with his men meticulously planned for a meeting with the Zulu warriors.

One of the most important consequences of the battle was that Dingaan's power was now broken. His half-brother Mpande sided with the Trekkers and sent an army of 10 000 men to help Pretorius in a follow-up expedition against Dingaan. Dingaan was finally defeated by the so-called "Cattle Commando", a name that referred to their returning with 41 000 heads of cattle. Shortly

afterwards, Dingaan was killed and Pretorius declared Mpande King of the Zulu.[85] After the Battle of Blood River on 16 December 1838, the territory that was agreed on between Dingaan and Retief was confirmed, not only by means of a treaty, but also by means of conquest by the Voortrekkers. The borders of the area were the Indian Ocean in the southeast, the Umzimvubu River and the Drakensberg in the southwest, and the Tugela River in the northeast. Later, in February of 1840, the northeastern border would be extended right up to the Black Umfolozi River.

After this defeat, Dingaan accepted the Voortrekkers' conditions and allowed them to settle in the area. Pretorius began laying out farms in the area in Natal. However, Dingaan did not comply with the peace conditions, and the Voortrekkers entered into an agreement with Mpande (Dingaan's half-brother) to dethrone Dingaan. On 14 February, Natal was declared a Voortrekker Republic. Therefore, the Voortrekkers' possession of the Natal Republic rests on two conditions:

the Retief-Dingaan-Treaty, and

the victory achieved over Dingaan because of his breaching of the agreed peace conditions.

In summary:

The main argument for white land ownership in the province of Natal is based on negotiation with the local tribes for territory.

Negotiations with Dingaan had led to the Boers taking possession of most of the area that is now referred to as KwaZulu-Natal. After Dingaan's murder of Retief and his breaching of the peace agreements, the takeover was confirmed a second time by means of conquest.

The Kliprivier Republic, which was acquired by means of land purchases from Mpande, includes among others Ladysmith and the surrounding areas.

The New Republic was established after the territory had been acquired from the Zulu King Dinizulu for help during his accession to the throne. The area had the town Vryheid as capital and comprised about 1,04 million hectares in what is nowadays known as KwaZulu-Natal.

[85] Giliomee, H. 2004. Die Afrikaners – 'n biografie. Kaapstad: Tafelberg, p. 124.

NORTHERN CAPE

Uninhabited land

The Northern Cape is bordered by Namibia and Botswana in the north, the Western Cape in the south and by the North West, the Free State and the Eastern Cape in the east. Because the Northern Cape is in general sparsely vegetated and dry with an average rainfall of only 250 mm per year, the area is less ideal for human settlement than other parts of South Africa. According to the 2011 census, only 1 145 861 people live in the province, making it the least densely populated of all nine provinces.

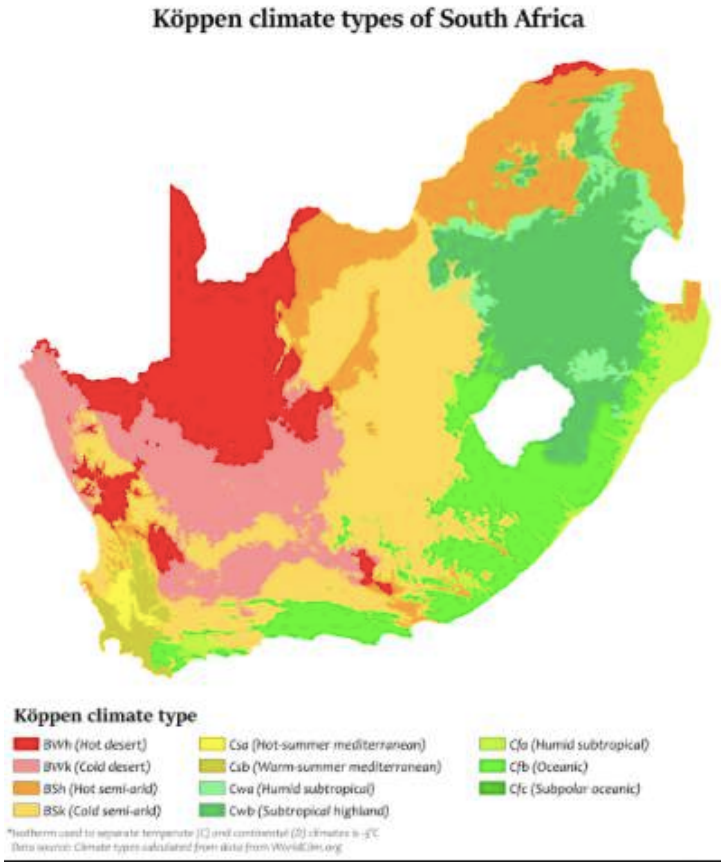


Figure 1: *Köppen's classification of South Africa's climate*

According to the Köppen climate classification system, developed by German botanist and climate scientist Wladimire Köppen, the largest part of the current Northern Cape province falls in the dry type B climate. These climatic regions are commonly found in desert areas. The areas can reach very high temperatures and have low precipitation (rainfall/hail, etc.). The soil type of these regions varies between desert sands and grassland. This climate group has less trees and vegetation than any other climate group.

Thus, the climate is considerably less ideal for human settlement than other parts of South Africa. Weather patterns still contribute to the fact that the Northern Cape is the least densely populated province, although it has the largest surface of all provinces in South Africa. Before Britain's annexation of large parts of the area, it would therefore already have been sparsely inhabited, and settlements would only occur in areas with sustained water[86]

Among the most prominent groups that inhabited the Northern Cape, are the Griquas. The first recognised leader of the Griquas was Adam Kok, born about 1710. He was referred to as a "Baster" (*mixed-race*), with reference to the fact that he was the son of a white man and a slave woman. "Basters" – the term that was used for people from mixed origin (including Khoi, San, white, black and Malay origin) – gradually started moving inland. "Basters" also formed part of the commando system at the Cape but did not want to live under government rule. Many of the group started to move northwards and eventually began to inhabit the Orange River border area. After Adam Kok was declared free, he went to the area and lived on the farm Stinkfontein, amongst others with a group of Khoi descendants. The Cape Government eventually acknowledged Kok as the chief of the Khoi, and Kok referred to himself as "kaptyn" (*captain*).[87]

Due to the territorial expansion of the Cape Colony, Adam Kok I later moved further north to live in the Kampiesberg region. During the 1780s and 1790s, more "Baster" families moved into the Orange River region and more established settlements were gradually formed. Cornelius Kok I succeeded his father in 1795 and returned to his farm in Namaqualand. His authority was represented by his son Adam Kok II and his relative Barend Barends, who acted as provincial "kaptyns". In 1801, missionaries from the *London Missionary Society* were sent to the area, on invitation of Barend Barends, to do missionary work among the "Basters".[88]

In August of that year, the first trees were planted near a number of fountains at Klaarwater. This was the first step in the construction of the town of Griekwastad (*Griquatown*). At the time, the Cape Government was not interested in the area where the "Basters" lived, as they considered it too arid and dry. Barend Barends moved to Griekwastad and the following year Cornelius Kok II, the eldest son of Cornelius Kok I, moved to spring at Knoffel Vley, which later became the town of Campbell. In about 1813 the "Basters" changed their collective name to Griquas.[89]

The missionaries of the British Missionary Society had very much authority over the Griquas. When Adam Kok II was not the submissive leader they wanted, they appointed Andries Waterboer in 1820 as leader of the Griquas. Adam Kok II refused to accept Waterboer's authority and left the area in 1842.

The Cape government regarded the Griquas as their subjects even though they lived far beyond the borders of the colony. In 1822, John Melvill was appointed as the Cape's representative in Griekwastad, but in 1834, Waterboer signed a treaty with Cape governor Sir Benjamin D'Urban which recognised the right to self-government in the Griquas' area. Under Waterboer's leadership,

[86] Rubel, F.; Kottek, M. 2011. "Comments on: 'The thermal zones of the Earth' by Wladimir Köppen (1884)". Meteorologische Zeitschrift. 20 (3): p. 361-365.
[87] Cronje, J. The Griqua of the Northern Cape: Land ownership, identity and leadership. Kimberley: The Sol Plaatje Educational Trust. p. 4.
[88] According to M. Besten, Barend Barends is the son of Klaas Barends and a daughter of Adam Kok I.
[89] Cronje, J. The Griqua of the Northern Cape: Land ownership, identity and leadership. Kimberley: The Sol Plaatje Educational Trust. p. 5.

new land ownership regulations were introduced among the Griquas. According to the regulations, land could be sold among each other with the permission of the chief, but land could not be sold to non-Griquas.[90]

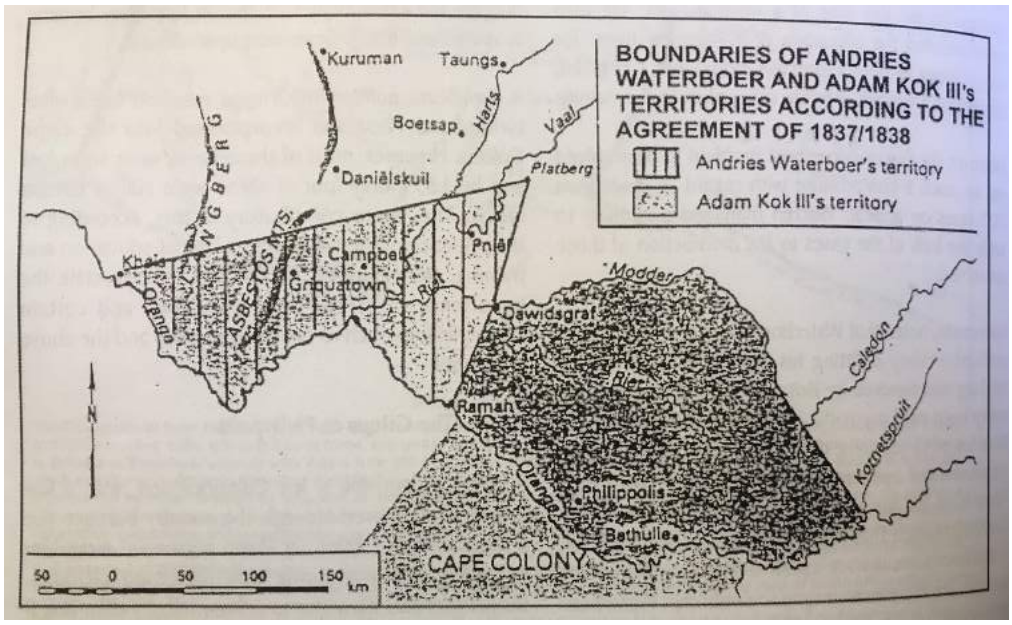


Figure 2: Boundaries of the area of Andries Waterboer and Adam Kok III in 1838

Treaties

In the 1860s there was a dispute over the so-called Campbell Grounds and surrounding areas. The ZAR, the Orange Free State and the Griquas all laid claim to the land. The Free State insisted that the land belonged to them, on the basis of a purchase agreement signed by Henry Harvey in December 1861 with the approval of Adam Kok III – therefore the land was sold with the approval of a Griqua chief. Harvey was supposed to sell only the land in the Philippolis area but also sold the land of Cornelius Kok. With the discovery of diamonds in the area, a struggle for ownership flared up as the various groups argued for possession of the land.

[90] Cronje, J. The Griqua of the Northern Cape: Land ownership, identity and leadership. Kimberley: The Sol Plaatje Educational Trust. p. 7.

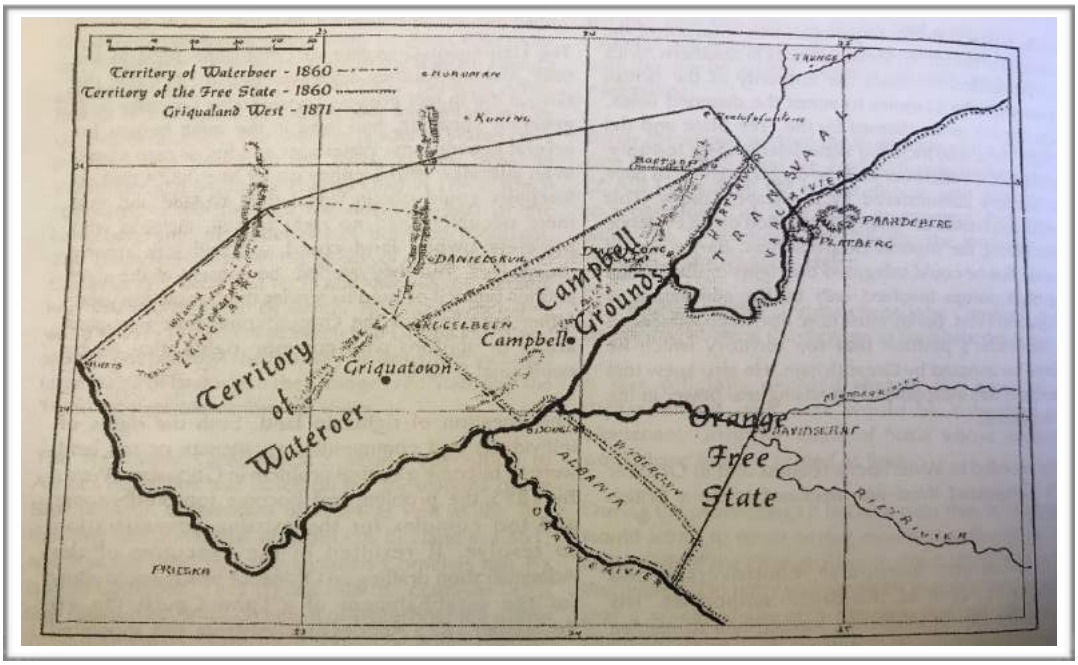


Figure 3: *Boundaries of Andries Waterboer, Campbell Grounds and Orange Free State in the late 1800s*

British imperialism

The first diamond was discovered in the Hopetown district in 1867. Nicolaas Waterboer I (the son of Andries Waterboer) now had big problems: diggers who turned up in the area wanted to get title deeds for their land and visited Griekwastad for this purpose. David Arnot, the agent and legal adviser of Nicolaas Waterboer I, tried to claim the diamond fields in Waterboer's name. Arnot was opposed by the Orange Free State, based on the Bloemfontein Convention of 1854 and the 1861 sale agreement. Finally, Lieutenant Governor R.W. Keate of Natal acted as arbitrator. He came to the conclusion that the Rolong and Thlaping tribes would receive the land from the border of the Marico River to Maquassi River and the Vaal River to Platberg; and from Platberg to Roelofsfontein in the northeast and west to King and Nelsfontein to Mremane in the south. Langeberg was the northern and western points of the Griqua area. The area included the diamond fields.[91] The Free State was eventually paid compensation for their losses.

Sir Henry Barkly, the Cape governor and high commissioner, wanted to expand the British territory to annex the diamond fields as well as the territory which was claimed by the Transvaal and Orange Free State claimed. The area also included Waterboer's territory, on condition that Waterboer and the diggers in the area would agree to place themselves under the administration of the Cape Colony. In response to this, Waterboer asked that the area rather be annexed by Britain. In 1871, Griqualand West was declared as British territory. Two years later, in 1873, the area was declared Crown Colony, because the Cape Colony did not want to incorporate the area.

With the annexation of the area, the land came under the authority of the British government. Barkly assured the residents of the area that disputes involving residents who had title deeds but no land rights, would be resolved. A land commission was appointed on 14 March 1872 to receive and consider the land claims. The issue of land ownership became so complex that a Land Court was

[91]J. Cronje, The Griqua of the Northern Cape: Land ownership, identity and leadership. The Sol Plaatje Educational Trust, Kimberley, p. 7.

established in 1875, with Andries Stockenström appointed as judge. Due to disputes about land ownership, the Griquas rebelled against Britain in 1876. They were supported by two groups: the Batlaping and the Korannas. The rebellion came to an end in 1879.

Because of the opposition among the Griquas and the widespread disputes, Captain Charles Warren was asked in 1877 to investigate land ownership in the area. Warren judged about 200 court cases that were in dispute and resolved the majority. He also suggested that Griquas without land had to receive plots in the area of Griekwastad, Campbell, Backhouse, Daniëlskuil or other places in the area. From 1875, the Campbell area was measured out and plots were sold.

Many towns that still exist in the Northern Cape have originated because of the presence of various missionary groups. Missionary stations led to the emergence of Upington, Kuruman and Pofadder as well as various other towns in the area. Upington was founded by Christiaan Schröder as the "Olijvenhoutsdrift" mission station. Kuruman was also established as an English missionary. The mission station was already founded in 1821 by Robert Moffat (who also visited Mzilikazi) and his wife Mary. The Moffats established themselves here and worked in the area among the Tswanas for fifty years. The area in which Kuruman falls was originally the main region of the so-called "Woestynboesmans" (*Desert bushmen*). The first white people settled in the area in around 1800, when missionary Johan Kok from the South African Missionary Society arrived. He was murdered eight years later by Tswanas and for a time thereafter no permanent mission station was established in the area. Sixteen years later, Moffat settled there. The first owner of a farm in the neighbourhood was N.J. Bosman, who remained in the area until the early 20th century.

Kimberley's origins are associated with the discovery of the first diamond, by a fifteen-year-old son on the farm De Kalk near Hopetown. Thus, several families were already settled in the Northern Cape at the time. The discovery of diamonds resulted in the inflow of thousands of diggers, many who came from abroad. The area where they went to live, referred to the *New Rush*. Digging took place at the Colesberg Hill (now the Kimberley Hole) in particular.

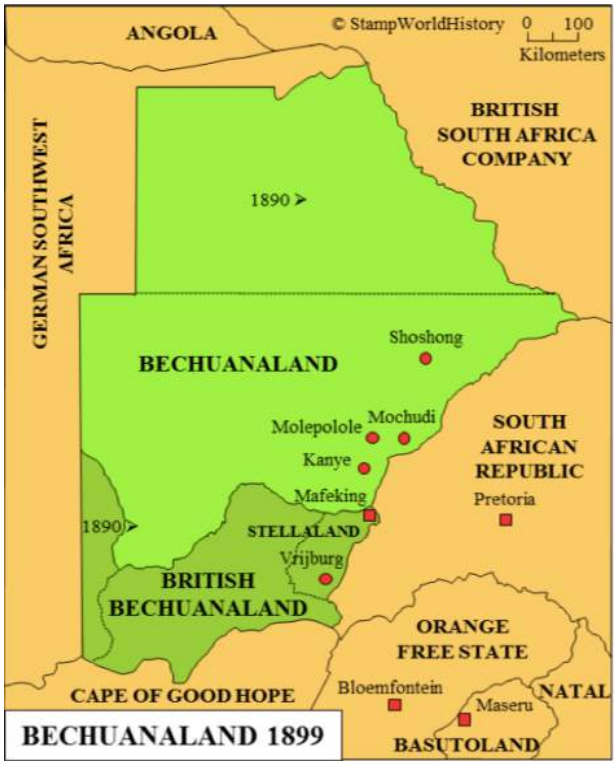


Figure 4: Boundaries of Bechuanaland and British Bechuanaland in 1899

British forces annexed the former Boer republics, Stellaland and Goosen on 30 September 1885. This territory, together with other areas to the south of the Molopo River, was declared as British Bechuanaland, while the section north of the Molopo River to the

Bechuanaland was declared as a protectorate. The area previously known as Bechuanaland, formerly belonging to the Tswanas, was also declared as a "protectorate" by Britain and administered as two separate parts. The territory known as British Bechuanaland extended over an area that included the town of Kuruman and consequently comprised a part of the current Northern Cape.[92] Under the influence of missionary John Mackenzie, the British cabinet decided to send a military expedition to South Africa and exert British power over the area. Sir Charles Warren led a force of 4 000 imperial troops and concluded treaties with several chiefs.[93] Warren put the protectorate into operation in March 1885. British Bechuanaland was incorporated in the Cape Colony in 1895, whereas the Bechuanaland Protectorate later became Botswana.[94]

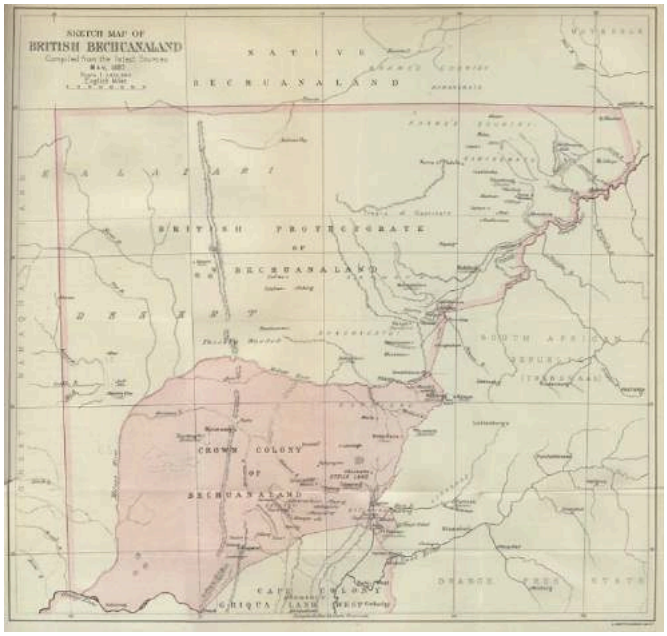


Figure 5: British Bechuanaland in die late 1800s

[92] British Bechuanaland was initially considered a crown colony. A crown colony was a dependent territory governed by the British government. Crown colonies were run by a governor appointed by the Crown. Residents in the territories could not elect members of the British parliament.

[93] Mackenzie, John (1887). Austral Africa: Losing it or Ruling It; Being Incidents and Experiences in Bechuanaland, Cape Colony, and England. London: Sampson Low, Marston, Searle & Rivington, via World Digital Library.

[94] Protectorates are areas in which the British Crown may exercise sovereign powers. Many areas that became protectorates already had local rulers who, through negotiation and treaties, recognised the position of leaders and had fallen under the "protection" of Britain at the same time. In exchange for the protection, Britain then controlled their taxes and international relations.

Summary

The history of the Northern Cape differs from the history of other inland provinces in various respects. No Big Trek companies moved to the area. The Commission Trekke moved into the area which is now Namibia, but returned with the feedback that the area was too dry for establishing a permanent settlement. However, there are two references to agreements for areas that fall within the current Northern Cape boundaries that were acquired by Boers.

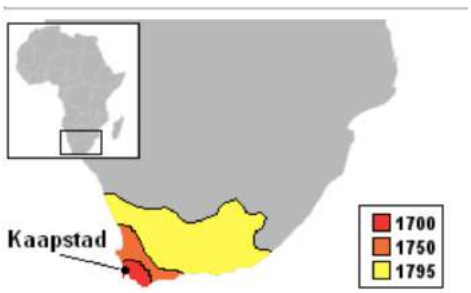
In December 1861 an agreement was signed between the Orange Free State and Henry Harvey (signed by Adam Kok III) for the Campbell territory. Furthermore, since the 1780s and 1790s larger numbers of Griquas started settling in the area which now forms part of the Northern Cape. Therefore it can be argued that the Griquas were among the first "colonists" in the area. It is widely accepted that the area was inhabited by, among others, the Khoi and the San and also the Tswana in certain parts. However, it can be assumed that settlements were small and sparsely spread, especially in view of the arid climate of the Northern Cape.

White settlers only started appearing in 1800 and their settlements were mainly in the form of missionary societies which went to the area upon invitation by Barend Barends. Settlements in the Northern Cape by various groups have therefore taken place relatively peacefully, as the area was sparsely inhabited, as is still the case. The first conflict arose upon Britain's interference in the area. However, the involvement of Britain in the area was in the first instance requested by Waterboer and led to increased British interests in what is now the Northern Cape. Within a short period after Waterboer's invitation, Britain annexed large parts of the area or declared it as protectorates or crown colonies. The British takeover of the territories was often sought by the inhabitants of the territories themselves and facilitated the spread of British power in the Northern Cape. The real establishment of power in the area was done by the Griquas and the Tswanas – both these groups called on Britain for annexation or protection. The consequence for South Africa was the incorporation of first the Griqua area and later British Bechuanaland.

Eastern Cape

Background

The Eastern Cape, as the province is known today, formerly formed part of the Cape Colony. After the establishment of a white settlement at the Cape of Good Hope, farmers who had settled in the Cape systematically expanded eastwards. In an attempt to keep any expansion by the farmers to the east under the control of the Dutch East India Company (DEIC), magistrates were appointed in command of colonial governance, first in Swellendam in 1745 and later in Graaff-Reinet in 1786. The DEIC authorities regarded the Gamtoos River as the eastern frontier of the settlement. However, the expansion eastward continued, and in 1780 the government agreed to declare the Great Fish River to be the official frontier of the colony. In the meantime there was a growing need for independence from the company, and in 1795 the farmers in the frontier districts decided to declare themselves to be independent of the DEIC. The decision was driven by heavy taxes, little protection against the Xhosa threat, and various other political factors.



The decision to declare their independence could not have come at a better time. It made the short-lived success of the Republic of Swellendam and the Republic of Graaff-Reinet possible. In 1795 the Napoleonic wars overthrew the existing power structures in Europe. In this year the Netherlands was conquered by the French army and England saw an opportunity to promote their own territorial expansion. This was done under the pretence of preventing France from occupying Dutch territory in Asia and protecting Africa from invasion by the French. England's claim to the territories was strengthened by the asylum granted to the Prince of Orange in England after he had fled from the Netherlands. Initially the governor at the Cape did not want to transfer the area to British control, but after brief skirmishes the government at the Cape was handed over to the British authorities and the Cape of Good Hope officially became a British protectorate. During the changeover in power structures, the republics of Swellendam and Graaff-Reinet enjoyed a brief period of independence.

The Xhosa tribe was also changed irrevocably by the effects of the Difaqane/Mfecane. Their ethnic composition changed totally when various immigrant groups from Zululand and Natal went to live in Transkei. Some of the groups, in particular the Bhele, Hlubi and Zizi, who had moved southwards in the direction of the Xhosa and Thembu territories, became known as the Mfengu – the homeless nomads. The Mfengu initially settled in Gcalekaland, while other immigrants like the Bhaca settled further to the north-east in Transkei. During this period, until 1847, the Xhosa groups living west of the Kei River were systematically overwhelmed by the expansion of British imperialism.

Wars and military conquests

The eastern frontier of the Cape was characterised by a series of conflicts with the neighbouring Xhosa tribes, sometimes also accompanied by the systematic expansion of territory. The conflict on the eastern frontier was aggravated by the Xhosa moving southwards, driven by the expansion of the Zulu empire. This movement was stopped by the frontiers of the Cape Colony. Conflict in the area was intensified by stock thefts by the Xhosa and drought. The following wars occurred:

Zuurveld is the old Dutch name for the District of Albany in the current Eastern Cape. Grahamstown has traditionally been the biggest town in the Albany district. Among other places the area includes the present Port Alfred, Kenton-on-sea, Alicedale, Riebeek-East and Alexandria.

The First Frontier War (1779–1781): This involved a series of clashes between farmers and Xhosa tribes because of stock theft. In 1779 stock theft by the Xhosa was so common that some farmers along the Bushmans River started abandoning their farms. Early in 1780 two burgher commandos were able to recapture the cattle, but were unable to drive the Xhosa form the farms. In October of that year Adriaan van Jaarsveld took command of the area and after several clashes succeeded in driving the Xhosa from the Zuurveld.

Second Frontier War (1793): During the First Frontier War the Xhosa retreated from the Zuurveld region. In spite of this, both the Xhosa and the farmers sometimes penetrated into the region. The frontier area was invaded in the north by the San and in the east by the Xhosa at the same time, and the local defence force was unable to fight on two fronts. The decision was made to fight on the north frontier, and rather follow a policy of reconciliation with the Xhosa. In 1790 the Xhosa once again invaded the Zuurveld and tension increased. In 1793 war broke out when Barend Lindeque and Coenraad Buys joined forces with Ndlambe and waged war on the Gunukwebe tribes who had moved into the Zuurveld. Government troops intervened, but were unable to secure the Zuurveld (which served as buffer zone). A ceasefire was reached in 1793.

Third Frontier War (1799–1803): By 1798 the frontier farmers had occupied the Zuurveld. Xhosa tribes were still living in some parts of the region. They had fled there because of the war between Ndlambe and Gaika. The Xhosa who had moved into the Zuurveld refused to return to the Xhosa area across the Great Fish River. In 1799 a second uprising occurred in Graaff-Reinet, which led to the outbreak of the Third Frontier War. British troops were sent to stop the uprising, but in April a small group of Khoi revolted, assisted by the Xhosa. Frontier farms were attacked, homesteads were burnt down and livestock was captured. The conflict extended as far as Oudtshoorn. After continued skrmishes, commandos in Swellendam and Graaff-Reinet were called up, and a series of armed clashes followed. The British government ruling at the Cape at the time concluded a peace with the Xhosa and allowed them to remain in the Zuurveld. In 1801 another uprising occurred in Graaff-Reinet, with Khoi groups carrying out widespread raids on farms. Various commandos were called up, but the conflict was not resolved. By the time the Cape was transferred to the Batavian government in February 1803 in terms of the Treaty of Amiens, a shaky peace reigned. Under the Batavian government no further progress was made with regard to the occupation of the Zuurveld.

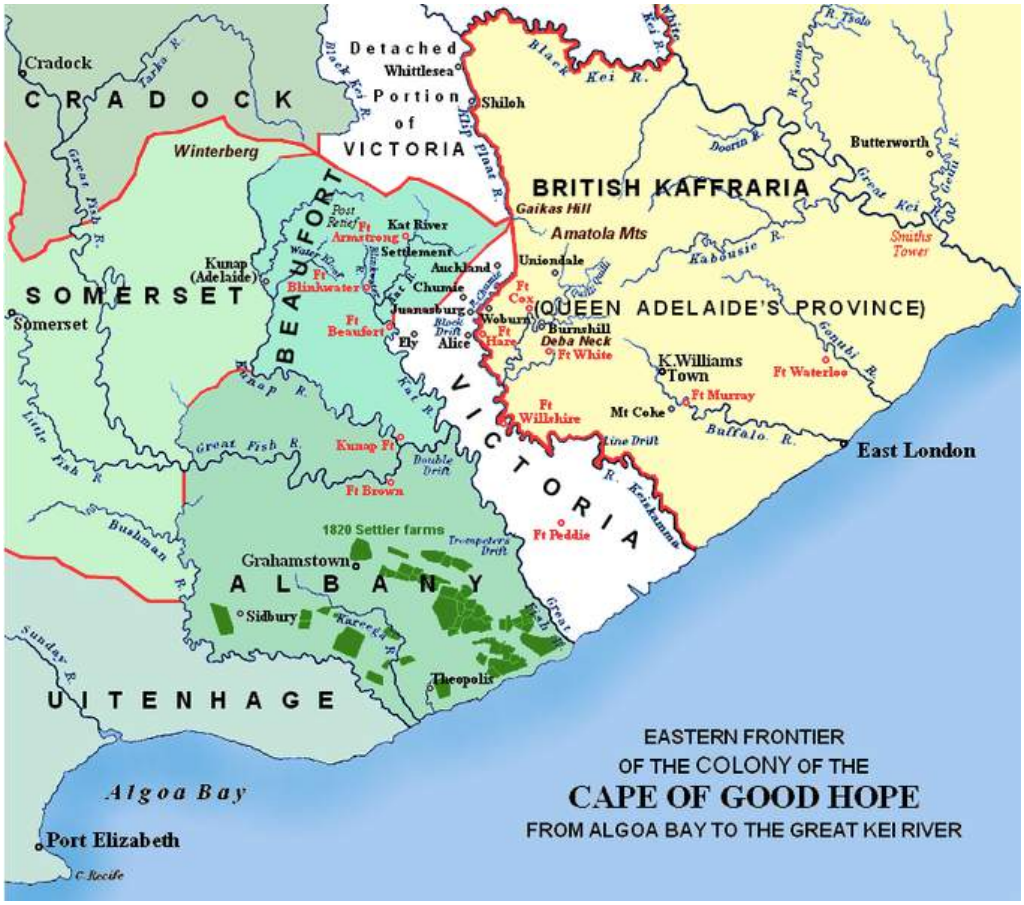
The **Keiskamma River** rises in the Amatola Mountains and runs into the Indian Ocean to the south of the current East London.

The **Great Fish River** originates east of Graaff-Reinet, runs through Cradock to Cookhouse, past the east of Grahamstown and into the Indian Ocean about 8 km north-east of Seafield.

Fourth Frontier War (1811–1812): Conflict broke out in Europe once more, and the Cape was taken over by a British force in January 1806. The Dutch garrison handed over control of the Cape to Sir David Baird, and the region once more fell under British rule, although it was only officially declared a British territory in 1814. In 1809 the British government sent Lieutenant Colonel Collins to investigate conditions on the eastern frontier and establish how the conflict in the area could be brought to an end. His recommendations were that the Xhosa be driven from the Zuurveld and that the frontier be secured by settling large groups of white settlers there. The area between the Great Fish River and the Keiskamma River should also be declared an uninhabited region to serve as a buffer zone. Early in 1812 approximately 20 000 Xhosa, mainly from the Gunukwebe and Ndlambe tribes, were driven across the Fish River by British troops. A series of frontier forts were built and Lord Charles Somerset, the new governor at the Cape, concluded a treaty with Gaika. The treaty led to renewed conflict between Gaika and Ndlambe, which resulted in the Fifth Frontier War.

Fifth Frontier War (1818–1819): In June 1818 conflict erupted between Gaika and Ndlambe, and Gaika was defeated at Debenek. He approached Lord Somerset for assistance. In December colonial forces invaded the Xhosa territory and defeated Ndlambe. Stolen livestock was recovered. With the withdrawal of the colonial forces from the region, Ndlambe's forces regrouped and they attacked several farms and towns. Homesteads were burnt down, stock was raided and farms pillaged. On 22 April 1819 10 000 warriors attacked Grahamstown, where a garrison of 350 men tried to defend the town. Thousands of Xhosa were wounded and many died. A force of 4 000 soldiers and burghers subsequently drove the Xhosa across the Great Kei River. Ndlambe's power was destroyed. The Xhosa were driven from the area between the Great Fish River and the Keiskamma River, and it became an uninhabited buffer zone separating the colony from the Xhosa territory. The Keiskamma River then became the practical eastern frontier of the Cape Colony. In this period the first wave of British immigrants also arrived. Approximately 4 000 British citizens, known as the 1820 Settlers, established the Albany settlement (now known as Port Elizabeth).

Sixth Frontier War (1834–1836): On 21 December 1834 15 000 Xhosa crossed the frontier of the Cape Colony and pillaged and destroyed the farms between the Winterberg Mountains and the sea. A hundred farmers were killed, hundreds of farms were destroyed and 7 000 people were left homeless. More than 115 000 head of cattle, 161 000 sheep and goats, 5 700 horses and 60 waggons were captured. In retaliation, 3 000 troops, Khoikhoi and burghers launched counterattacks. In April 1835 Sir Benjamin D'Urban, the governor of the Cape at that stage, and Harry Smith led a force to Hintsa's village east of the present town of Butterworth. Hintsa was captured, but tried to escape on 12 May near Nqabaraspruit and was shot and killed. As a result of the war the British government expanded its territory. The Province of Queen Adelaide was established, and the Fingo tribe became loyal British subjects.



War of the Axe/Seventh Frontier War (1846–1847): In 1846 war broke out with the Xhosa after a group of Xhosa had murdered two Khoikhoi men. They were taking a Xhosa suspect to Grahamstown for his hearing after he had been accused of stealing an axe. After the Xhosa had refused to turn over the murderers, war was declared. On 7 June 1846 General Somerset defeated the Xhosa a few kilometres from Fort Peddie. After 21 months of conflict the Xhosa were brought under control. The new governor, Sir Harry Smith, declared the Keiskamma River to be the new eastern frontier of the Cape Colony on 17 December 1847. At a meeting with the Xhosa chiefs on 23 December Sir Harry Smith announced the annexation of the land between the Keiskamma River and the Great Kei River. British Kaffraria and Victoria East were established. British Kaffraria was not incorporated into the Cape Colony, but was declared crown land. From 1866 the area was part of the Cape Colony.

Eighth Frontier War (1850–1853): Harry Smith became aware of the threat on the eastern frontier and departed there to meet the chiefs. Sandili refused to attend the meeting, after which Harry Smith stated at a meeting with the other chiefs that Sandili's chieftainship was terminated. He also declared a British magistrate to be the temporary head of the Ngqika. A small army was sent to arrest the chief, but was attacked in a gorge and forced to fall back. The Ngqika Xhosa attacked settlers along the frontier, burnt down their homes and killed many of them. Fort Cox, where Harry Smith was, was attacked and various attempts were made to kill him. However, Smith escaped. At the same time, about 900 Khoikhoi joined up with the Xhosa. Harry Smith and his troops carried out an attack on the Amatola Mountains, but Smith was later recalled and replaced by Lieutenant General Cathcart. The Xhosa were finally driven from the Amatolas. Shortly afterwards, British Kaffraria became a crown colony.

Ninth Frontier War (1877–1879): In 1858 the Galeka tribe under Kreli was driven out to Bomvanaland because of Kreli's role in the Xhosa national suicide (see below). In the meantime, the Fingo settled in the vicinity of the current Butterworth, and when Galeka returned to the area, conflict arose between the two groups, leading to the Ninth Frontier War. After Galeka had attacked the police post in the Gwandana Mountains and had murdered everybody, the Cape governor Sir Bartle Frere declared war against Galekaland. On 29 September 8 000 Galeka warriors attacked the police station at Ibeka. The attack was repelled by the Frontier Armed and Mounted Police, who then attacked Kreli's village and burnt it down. More police stations were attacked. The Galeka were driven across the M'bashe and Mthatha rivers. British troops marched on Galekaland. Conflict continued and later degenerated into a guerrilla war. The British changed their tactics and followed fleeing warriors, guarding the gorges in which they sheltered. With the death of the leaders the skirmishes ended and the remaining rebels received amnesty. However, as a result of the war, Fingoland, Griqualand East and the Idutywa district were incorporated into the Cape Colony. The frontier of the Cape Colony was also moved eastwards to the Mtamvuna River.

The series of wars on the eastern frontier led to the systematic eastwards expansion of the Cape Colony. With the last war (the Ninth Frontier War), the territory stretched as far as the Mtamvuna River. The river now forms the border between the current provinces of the Eastern Cape and KwaZulu-Natal, and runs into the sea south of Port Edward. The military conquest included the expansion of territory up to the borders of the modern Eastern Cape, and land can therefore be lawfully claimed on this basis. After several of the above wars had ended, agreements were signed with the Xhosa, and these confirmed the border of the Cape Colony. These borders were ignored on several occasions, which was the main reason for conflict on the eastern frontier.

Xhosa national suicide led to the depopulation of large areas of the Eastern Cape

In the years 1853–1856 Russia and Britain were at war. This gave rise to various rumours among the Xhosa, among other things (in 1855) that the Russians were also black people and were beating the British. The rumours were that they would free the Xhosa from British domination. Several Xhosa prophets emerged in this period and supported the prophecies. The prophecies had their origin in a vision by Nongqawuse. She was a 15- or 16-year-old Xhosa girl who had a vision at the mouth of the Nxara River more or less in March 1856.[95] In June 1856 Charles Brownlee wrote as follows to the government:

It is currently circulated and believed in Kreli's country, that last moon a girl, the daughter of Umhlakaza, a counsellor of Kreli, saw some strange people and cattle at the mouth of the Nzara river, that she informed her father of this, who went to see what they were, that he was directed by them to proceed to his kraal, there to purify himself for three days, and on the fourth day to offer an ox in sacrifice, when he was to return to the strange people.

[95] Giliomee, H. & Mbemga, B. 2007. *Nuwe Geskiedenis van Suid-Afrika*. Tafelberg Uitgewers, p. 176.

Umhlakaza, having complied with the directions of the strangers, returned on the fourth day, and saw a number of black people, among whom he recognised his brother some years dead. He was told by these people who had been fighting against the English, and against whom they would wage perpetual warfare, that they had now come to aid the Kafirs, but before anything could be done for them, they were to put away witchcraft, and as they would have an abundance of cattle, they were to kill those now in their possession.

Umhlakaza was then appointed as the only medium of communication with these people, and he has sent to the kafir chiefs to acquaint them with what he has seen. P.S. I forgot to mention that the men who have come across the water are reported as being invisible occasionally. They have plenty of guns, powder, blankets and karosses of wild animals and sheep skins.[96]

The Xhosa were also later asked to destroy all their grain and stop cultivating any new crops. If they obeyed, their dead would rise, their grain pits would be full and they would have large herds of cattle. The Xhosa who refused to obey the order would be blown into the sea by a whirlwind. The Russians would conquer and annihilate the British.[97] Over time the Russians were associated with the spirits of the Xhosa forefathers.

Despite attempts to convince the Xhosa that the visions would never come true, famine reigned from February 1857. The estimated population of British Kaffraria declined sharply from about 105 000 in January 1857 to only 37 700 in December that year. According to Brownlee's estimates, about 20 000 Xhosa died of starvation, while about 29 000 Xhosa were sent to the Cape Colony in 1857 to work as labourers, as they had no other livelihood. The national suicide of the Xhosa left large areas unpopulated and gave Governor George Grey the opportunity to zone the depopulated area into farms for colonists. By April 1866 British Kaffraria was incorporated into the Cape Colony under British rule.[98]

The Xhosa national suicide therefore in effect created vacant territories that, concomitant with the various frontier wars, made territorial expansion to the east possible.

The core arguments for land ownership in the current Eastern Cape are therefore based on two main points:

Military conquest: Over the period from 1779 to 1879 nine wars occurred between the Xhosa and the settlers. During this period the Cape was under the control of the DEIC until 1795, under British rule between 1795 and 1803, and was then handed over to the Batavian government. The Batavian government ruled for a brief period from 1803 to 1806 and accomplished little administrative or political change before the Cape was occupied by Britain for the second time. Most of the frontier wars were therefore fought under British command. The frontier wars ultimately led to the expansion of the Cape Colony up to the eastern border of the current Eastern Cape. The area involved occupied the biggest part of what is now the Eastern Cape. Most of the territory can therefore be claimed as a result of military conquest.

Vacant land: The Xhosa national suicide led to only about a third of the Xhosa population from the area known as British Kaffraria still living in the area in December 1857. The death from starvation (or migration to combat starvation) led to large parts of the land being left vacant.

[96] Bergh, J.S. 1984. *Tribes and Kingdoms*. Cape Town: Don Nelson Publishers, p. 51
[97] Bhebe, N. 1989. The British, Boers and Africans in South Africa, 1850–1880. In Ajayi, J.F.A. (ed.). *General History of Africa VI: Africa in the Nineteenth Century until the 1880s.* Unesco: Paris, p. 153.
[98] Bergh, J.S. 1984. *Tribes and Kingdoms*. Cape Town: Don Nelson Publishers, p. 53.

Western Cape

On 6 April 1652, Jan van Riebeeck set foot ashore at the Cape of Good Hope. Within a week he started building a fort to accommodate and protect the new settlement at the Cape. After only five years the first free burghers were allowed to leave the service of the Dutch East India Company (known as the VOC), with a view to reducing costs and increasing the production of the settlement. Nine men each received 11.5 ha of land along the Liesbeeck River for cultivation. This was the first mention of private land ownership in South Africa. The principle of private land ownership in the present Western Cape Province rests on three legs: Conquest, vacant land and negotiations.

Conquest

The right to conquest at the Cape is based on a series of wars known as the Khoikhoi-Dutch wars. The Khoikhoi-Dutch wars were a series of conflicts during the latter half of the 17th century in what was known as the Cape of Good Hope, in the vicinity of the present Cape Town. When the Dutch traded with the Khoikhoi, serious disputes regarding land ownership and livestock arose. This gave rise to attacks and counterattacks by both sides in what is known as the Khoikhoi-Dutch wars, which ended in victory over the Khoikhoi.

The First VOC-Koina War

In 1659 the first of a series of armed confrontations over land ownership between the Dutch settlers and a Khoikhoi group led by Doman took place. The war lasted about a year and had a low casualty figure. The conflict was started mainly by the Khoikhoi, who in groups of hundreds attacked burghers' farms and looted livestock. Van Riebeeck responded by acting defensively: the burghers were accommodated in the fort and slaves were armed. The Dutch then erected a series of reinforced fences along the Liesbeeck River and planted an almond hedge. After a while, the Khoikhoi indicated they were willing to cease fighting and peace was concluded. The Khoikhoi's movements were limited, and they were obliged to use designated ports of entry when they entered the enclosed and fortified areas.

Second Khoikhoi-Dutch War

Reconnaissance travels to the north of the colony in 1673 found that fertile land was to be found in this area. Khoikhoi groups in this area included the Chainoqua, the Hessequa, the Quana, the Cochoqua and the Gouriqua. These groups were willing to trade with the Dutch. In 1673 a hunting group of eight burghers were attacked and killed by Gonnema, the leader of the Cochoqua. In response to this, Hieronymous Cruse was dispatched to attack the Khoikhoi in July of the same year. He and his men tried to attack Gonnema's kraal, but they did not succeed in catching him, although they did loot his livestock.

Third Khoikhoi-Dutch War

In 1674 the VOC launched a second follow-up attack on Gonnema. Meanwhile, Gonnema's men attacked and looted the Company's fort at Saldanha. Gonnema also prevented the other Khoikhoi to trade with the Dutch by waging war against them. He attacked the Goringhaiquas and the Gorochouqaus and incited war among the various Khoikhoi groups. Early in 1675, the VOC killed 15 Cochoquas in a counterattack, but once again Gonnema managed to escape. Another commando was sent against the Cochoqua in 1676 but it was unsuccessful. In 1677 Gonnema wanted peace. Peace was concluded during the term of Governor Bax and in effect meant that the Cochoqua accepted subservience to the VOC, because the tribe had to pay 30 head of cattle to the VOC every year. The VOC therefore was viewed as the supreme power in the area.

Vacant land

On Sunday 12 February 1713, nine sailing vessels of the VOC dropped anchor in Table Bay on their way from Batavia. On arrival in the bay, every new ship first had to be examined, but this time it was not done, and dirty laundry infected with the smallpox virus was brought ashore where it was washed by slaves of the Company. A smallpox epidemic broke out that affected virtually every household at the Cape. About a quarter of the burgher population was killed during the 1713 epidemic. The following was recorded: "Where young people used to be seen enjoying themselves in the streets, it now has become dead and almost all houses had their doors closed because of death or disease." The Khoikhoi "died by the hundreds and were lying everywhere along the road as if they were mowed down, while they fled into the interior with their huts and livestock".

George McCall Theal wrote as follows about the incident:

Whole kraals disappeared, leaving not an individual alive. The very names of the best known tribes were blotted out by the feil disease. They no longer appear in the records as organised communities, with feuds and rivalries and internecine wars, but as the broken-spirited remnant of a race, all whose feelings of nationality and clanship had been crushed by the great calamity. The farmers who had been accustomed to employ many hundred of them in harvest time complained that none were now to be had. Strangers who had visited the colony before 1713 and who saw it afterwards, noticed that the Hottentot population had almost disappeared. From this date until the Bantu were reached by the expansion of the settlement, the only difficulty with the coloured inhabitants was occasioned by Bushmen. Owing to the isolation of these people, they escaped the disaster which overtook the higher races.[99]

Early in 1714 some Khoikhoi from Piketberg arrived at the Cape and requested the Commander at the Castle to appoint new chiefs because all four chiefs in their area had died of smallpox. "Barely one in ten of their people survived."

The three epidemics were one of the main reasons why the Khoikhoi as a population group eventually was reduced to such an extent. It is estimated that up to 90% of the Khoikhoi died during the smallpox epidemic, considerably reducing the estimated 100 000 who had been living at the Cape.[100] By 1726 no Khoikhoi kraals were left within 300 km of Cape Town. In addition, this disaster was followed by two years of drought and seven years of a serious cattle disease. The result was that several tribes were broken up while others were annihilated.

The homebound fleet from Sri-Lanka in 1755 sold infected clothing to the Capetonians, resulting in another smallpox epidemic at the Cape. Within six months, 2 000 people died at the Cape because of this outbreak. Slaves who had survived the earlier epidemic were now immune and helped looking after the sick people. Once again the Khoikhoi communities suffered heavily, especially in the Swellendam area. Their socio-cultural system broke down completely.

Negotiations

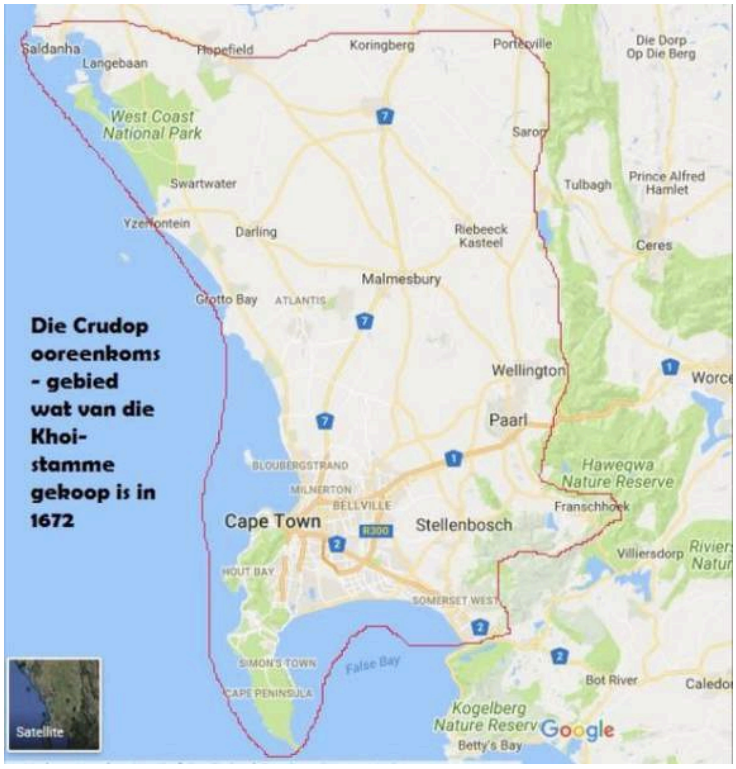
In the late 17th century, the Company changed its trading strategy, bringing it in direct competition with French and British traders. To scare off any intruders, the VOC reconfirmed its claim to the Cape by buying land. The 'Cape district and its dependencies' were

[99] McCall Theal, G. 1909. *History and Ethnography of South Africa before 1795, Volumes 1–3*, third edition. London: Swan Sonneschein.

[100] Ross, R. 1977. *Smallpox at the Cape of Good Hope in the Eighteenth Century.* African Historical Demography, pp 412–418; Viljoen, R. 2010. *Medicine Health and Medical Practice in Precolonial Khoikhoi Society – An Antrophological-historical Perspective*. History and Anthropology 11(4), pp 515–536; Viljoen, R.S. 1995. *Disease and Society – VOC Cape Town, Its People and the Smallpox Epidemics of 1713, 1755 and 1767*. Kleio 27, pp 22–45.

bought from Schagger (Osingkhimma), chief of the Goringghaiqua. Because the land was legally sold and ceded, the Company averred that its right of ownership was firmly established. It was not a conventional 'treaty' between nations, but it shows that the allegation of private ownership at that stage was fundamental to claims of ownership and that the idea of private property was endemic to the colonial conquest of the Cape.

The Khoikhoi-Dutch war was in full swing at that stage and the Cape was suffering heavily from stock theft. Farmhouses were burned down and burgher families were killed by the Khoikhoi. Consequently, Hendrik Crudop sent a representative to the "Kaapmans" – the nearest tribe, known as the Goringhaiqua. The group was headed by Chief Schacher, son of Paramount Chief Gogosoa, with whom Van Riebeeck had already negotiated. From there a further message was sent to the biggest and most powerful Khoikhoi tribe, the Chainouqua. When Van Riebeeck arrived, their paramount chief was Sousoa – the man with the title of "Khoeque – the paramount chief of all kings and landowners". The other Khoikhoi chiefs were subservient to him. Sousoa had been dead by then, and his throne had been transferred to his son Goeboe, who also had died shortly before and left his throne to his minor son Dhouw – "the hereditary prince and heir of the Hottentots Holland Land". His uncle, Cuiper, was acting as regent. Crudop invited Cuiper and Schacher to the Castle for peace negotiations, following which an agreement was concluded. The conflict mainly was about free burghers erecting houses on Khoikhoi grazing and about Khoikhoi herdsmen allowing their herds to graze on free burghers' cultivated fields. Crudop and the delegates of the Cape Khoikhoi negotiated about a border, and it was agreed that the Khoikhoi would sell all land and all claims to such land to the Company. They were paid an agreed amount and an agreement was signed. Henceforth, all land of the Hottentots-Holland (the area extending from the present Stellenbosch, Franschhoek, Paarl, Gordon's Bay via Stellenbosch, Franschhoek, Paarl and Wellington up to Saldanha Bay) would belong to the



Company. The land bought was used to establish free burghers on loan farms. With the arrival of the French Huguenots in 1688, they too were established on farms from this land that had been bought. Letters of ownership were issued in respect of this land. By 1714 there were more than 400 such farms. The Crudop agreement was the first land transaction between European settlers and indigenous tribes, and it provided that the descendants of the free burghers would be entitled to lay claim to the area.

Summary

Land in what is now known as the Western Cape was obtained by means of three internationally accepted methods in the early 17th and 18th centuries. Based on wars with the local Khoikhoi tribes in the Western Cape, the Dutch settlement at the Cape was officially accepted by the signing of the peace agreement following the Third Khoikhoi-Dutch War. For this area, and even further afield, an agreement was also signed in 1672 between the Dutch representatives at the Cape and the paramount king of the Khoikhoi, who sold the area from Cape Point northwards up to Saldanha, eastwards up to Porterville and south-eastwards as far as Stellenbosch to the VOC. Lastly, territorial expansion of the Cape became possible after the Cape had been struck by several smallpox epidemics, the most severe one being in 1713. After this unfortunate event, it was said that no Khoikhoi kraals were to be found within 300 km from Cape Town. The vacant land outside the immediate vicinity of the Dutch settlement offered an opportunity for further territorial expansion.

LAND IN SOUTH AFRICA:

A GEOSPATIAL PERSPECTIVE

Report date

23 April 2018

A REPORT PREPARED ON REQUEST OF AFRIFORUM

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Land in South Africa – a geospatial perspective

1. Introduction

a. Background

Since the carrying of the motion on land expropriation in Parliament on Tuesday, 27 February 2018, many opinion pieces, perspectives, facts and figures set social media and the press alight. Deep-routed ideological and moral arguments are evoking emotionally-charged responses of all kinds. At the root of any argument, however, should be credible and verifiable facts working towards informed decision-making based on a common understanding of any given issue.

b. The purpose and limitation of this report

1994 land restitution announcements specifically targeted white-owned farms.[101] The purpose of this report is therefore to unpack the land issue with the emphasis on farmland in South Africa. Although the focus is on farmland, factors contributing to a spatially-differentiated land demand also receive attention.

The aim is to contribute to the factual basis for the current discourses on land, landownership and land restitution. This report will specifically focus on the spatial aspects of land and will highlight factors affecting land and the demand for land in South Africa. The report deals with the following topics:

1. The challenges regarding data and information on land
2. A general overview of land in South Africa, which focuses on –
    a. Land under control of the state;
    b. Agricultural land;
    c. Urban land; and
    d. Factors contributing to a differential demand for land.
3. Is a racially-based perspective on landownership possible?

This report does not claim to be comprehensive in any way. The data and spatial perspectives in this report use only sources that are currently in the public domain. The data sources are thus accessible to anybody who wants to scrutinise or interrogate them. Data resides in a very fragmented way with different government departments, organs of state or parastatals as data custodians in South Africa.[102] The data used in this report all exist in a database with MapAble (Pty) Ltd (www.mapable.co.za). MapAble's system contains about 1 700 national datasets.[103]

c. The challenges regarding data and the use thereof

Credible data contributes to better decisions. Access to data creates opportunities, but there are pitfalls with data and the use (or abuse) of data. There are ever-increasing challenges to distinguish between data sources, to assess the value of data and to

[101] B. Phakathi. 7 August 2017. *Land reform set to reach 30% black-owned target, study shows*. https://www.businesslive.co.za/bd/national/2017-08-07-land-reform-set-to-reach-30-black-owned-target--study-shows/

[102] The Spatial Data Infrastructure Act, 2003 (Act No 54 of 2004) regulates and prescribes the responsibilities of data custodians in South Africa. The purpose of the Act is, inter alia, to facilitate the sharing of spatial information. In terms of the Act, a "data custodian" means an organ of state or an independent contractor or person engaged in the exercise of a public power or performance of a public function.

[103] MapAble is not a data vendor, but their system makes it possible to access and view data in an integrated environment. Data in the system exist on an "as is" basis. Although MapAble prepares and renders data for use, it doesn't change data or fix obvious data errors. Metadata is maintained and queries regarding data are usually referred to respective data custodians.

integrate data to inform decision-making at various levels and in different environments. The mere rate at which data and information grow illustrates the difficulties to remain relevant and up to date.

Spatial analysis technology also makes measuring and quantification more accurate. For example, a simple question about the size of South Africa has many answers, depending on the data source. The following table provides examples.

Table 1: The size of South Africa

Data source	Size of South Africa (ha)
CSIR Built Environment: Mesoframe boundaries	122 823 953
Statistics South Africa: Census 1996 Provinces	122 782 933
Statistics South Africa: Census 1996 Place names	122 801 644
Statistics South Africa: Census 2001 Main Places	122 812 342
Statistics South Africa: Census 2011: Main Places	122 832 022
Municipal Demarcation Board: Provincial demarcations 1996	122 782 933
Municipal Demarcation Board: Provincial demarcations 2001	122 812 452
Municipal Demarcation Board: Provincial Demarcations 2006	122 933 311
Municipal Demarcation Board: Provincial Demarcations 2016	122 934 149
Department of Rural Development and Land Reform: Land audit 2013 Booklet	121 973 200
Statistics South Africa: Stats in brief 2017	122 933 800

These differences bring us to two important considerations. Firstly, in statistical terms, all these datasets vary by less than 0,8%. This is small. Secondly, however, the actual size of area differences, in the context of the area of the country, becomes significant.. The biggest difference is 960 949 ha between the Department of Rural Development and Land Reform's (the DRDLR's) 2013 *Land Audit Booklet* (121 973 200ha) and the Municipal Demarcation Board's provincial demarcations of 2016 (122 934 149ha). At a modest density of 20 units per hectare (500m^2 stands) and an average of three persons per stands, it implies 19 218 981 stands that can potentially accommodate more than 57 million people, more than the 2016 population estimated at 56 million people. Small differences are indeed important.

The next consideration is that data always relates to context and time. Data serves a specific purpose at a specific point in time. Change is continuous, and the environment is very dynamic. One should always consider the age of data sets. The period from which data dates can have a significant impact on outcomes. What the objective was when compiling a data set and for what purpose remains an important consideration. Date and context lead to a further consideration which is not to use data what it was not intended for. Crude assumptions are also made by using proxies to generate information, for example using surnames as a proxy for race.

Further consideration may be a technical one, but is very important. Spatial analysis technology is advancing very rapidly and makes data accessible. However, we have only recently moved from analogy systems (mostly paper maps) to digital mapping. By capturing data errors do occur. For example, a digital version of magisterial district boundaries does have many obvious errors. However, it remains very useful, but one should always consider inherent challenges before criticising, rejecting and, importantly, using data and data sets.

The last, but one of the most important considerations, is the fact that data contains errors. The benefit of putting data in the public domain is the fact that it can be analysed and scrutinised. The next three examples help to explain the issue. Firstly, the 2013 *Land Audit Booklet*[104] quotes the total area of ex-homelands as 16 035 593 ha, when in fact there is an error in adding up the figures. According to the data in the table, the area is 18 434 124 ha – a difference of 2 398 531 ha. Also, Statistics South Africa's *Stats in Brief 2017* quotes the area of South Africa as 1 220 813 ha, but when the data in the table is added up, it should, in fact, be 122 933 800 ha.[105] These simple and very basic errors do occur. It does not nullify the data, however, but require checking and not simply accepting figures because it comes from a reputable source. Secondly, errors happen and then become institutionalised, for example when the municipal boundaries for the northern coastal municipalities in KwaZulu-Natal are

[104] DRDLR. *Land Audit Booklet.* 2013 (p. 8). http://www.ruraldevelopment.gov.za/phocadownload/Cadastral-Survey-management/Booklet/land%20audit%20booklet.pdf.

[105] The area provided in the publication is 1 220 813 ha, but this is a casting error when adding the provincial areas together as provided in the document.

compared in subsequent demarcations. Since 2006, the boundaries of these municipalities have extended about 5,5km into the sea, which was not previously the case. These boundaries have now become part of the system, and all calculations on spatial attributes of municipalities now include these additional areas. The last and maybe most important example for this report is an article published by under the title *State-controlled land in four maps*[106] by the author of this report. The particular blog concluded that 42,7% of all land in South Africa was under state control. It is simply wrong. A basic error in the calculations used cumulative figures rather that incremental amounts and double counting occurred. Although the maps depicted the correct situation, the accompanied figures were wrong. It was only through public scrutiny that these errors were detected. It underlines the importance of dealing with data in the public domain.

4. A general overview of land in South Africa

According to Onyekachi Wambu, Director of the African Foundation for Development, Africans are obsessed with land "since land is at the heart of the liberation struggle". Africans understand the importance of land in the spiritual, political and economic sense. In Africa land equals freedom.[107] However, in narrower economic terms, land is simply one of the four production factors in any economic system. This view brings land into the realm of economy and politics, and thus ideology. Where a single object is simultaneously afforded spiritual value and commodity status, it is obviously a breeding ground for deep-rooted differences and even conflict on who and how decisions on land are made.

The United States Agency for International Development (USAID)[108] states that around the world, millions of people, communities and businesses lack secure rights to one of their most important economic assets: land. Up to 70% of land in developing countries is unregistered[109]. Unregistered land, in many countries, leads to weak or ineffective systems that govern land access and property rights. For women, who have less access, control and ownership of land than men, this insecurity impacts them disproportionately.

They continue that "weak property rights and poor land management represent fundamental barriers to our top priority at USAID — advancing free and prosperous societies that progress beyond the need for foreign assistance". USAID concludes by stating that evidence is clear that strong property rights are an essential foundation for economic growth and responsive democratic governance. They write that experience has shown that resolving land disputes and clarifying property rights can help reduce tension, create lasting stability, and set the stage for productive investments and economic growth.

As can be expected, the land question in South Africa has many dimensions, for example the ideological dimension oscillating between full-scale land nationalisation versus private ownership; or the socio-political dimension focusing on the land restitution, the legal perspective dealing with forms of ownership or the economic perspective regarding land as a production factor and creator of opportunities for entrepreneurs and workers alike. There are indeed many more ways to approach land, of which all contribute to defining the complexity of land and the role of land in society and the economic development of South Africa. In the end, it all comes down to who controls land and who makes the decisions regarding land and the use of land.

The land situation in South Africa was described as "combustible" due to the inability of the ANC government to redistribute land to the extent that it promised in 1994. Government planned to redistribute 30% of white-owned farms to blacks within 20 years. Transfers are behind schedule, and more than half have failed.[110]

a. South Africa's land and land registration system

Debates about land and landownership in South Africa is only possible because of a land surveying and land registration system existing for more than three centuries. The Land Survey Act, 1927 (Act No 9 of 1927) put cadastral surveying in South Africa in the position it is today; according to the Surveyor General of South Africa, it is one of the best and most reliable systems of defining the boundaries of properties, and the positions of rights affecting those properties anywhere in the world. The individual land

[106] http://www.mapable.co.za/single-post/2018/03/06/State-controlled-land-in-four-maps
[107] O. Wambu. 13 September 2014. *Land equals freedom*. http://newafricanmagazine.com/land-equals-freedom/
[108] USAID, *7 Ways USAID is Strengthening Land Rights*. https://medium.com/usaid-2030/7-ways-usaid-is-strengthening-land-rights-ba1165a668b0
[109] Also see D. Burmanjee, CEO of Dutch Kadaster as quoted by M Choudhary. 6 April 2018. *70% of the World Do Not have Land Registration*. https://www.geospatialworld.net/videos/70-of-the-world-do-not-have-land-registration/
[110] J. Moore. 30 January 2010. *Land disputes at the root of African wars.* The Christian Science Monitor. https://www.csmonitor.com/World/Africa/2010/0130/Land-disputes-at-the-root-of-African-wars

surveyor's field and office records were examined and, after approval, were preserved in the Surveyor-General's office as evidence for any future boundary relocation. All surveys are also connected to the national control survey system, as this was extended across the country. This Act was used with only minor amendments for 60 years until it was replaced by a new, but the substantially similar Land Survey Act in 1997 (Act No 8 of 1997).[111]

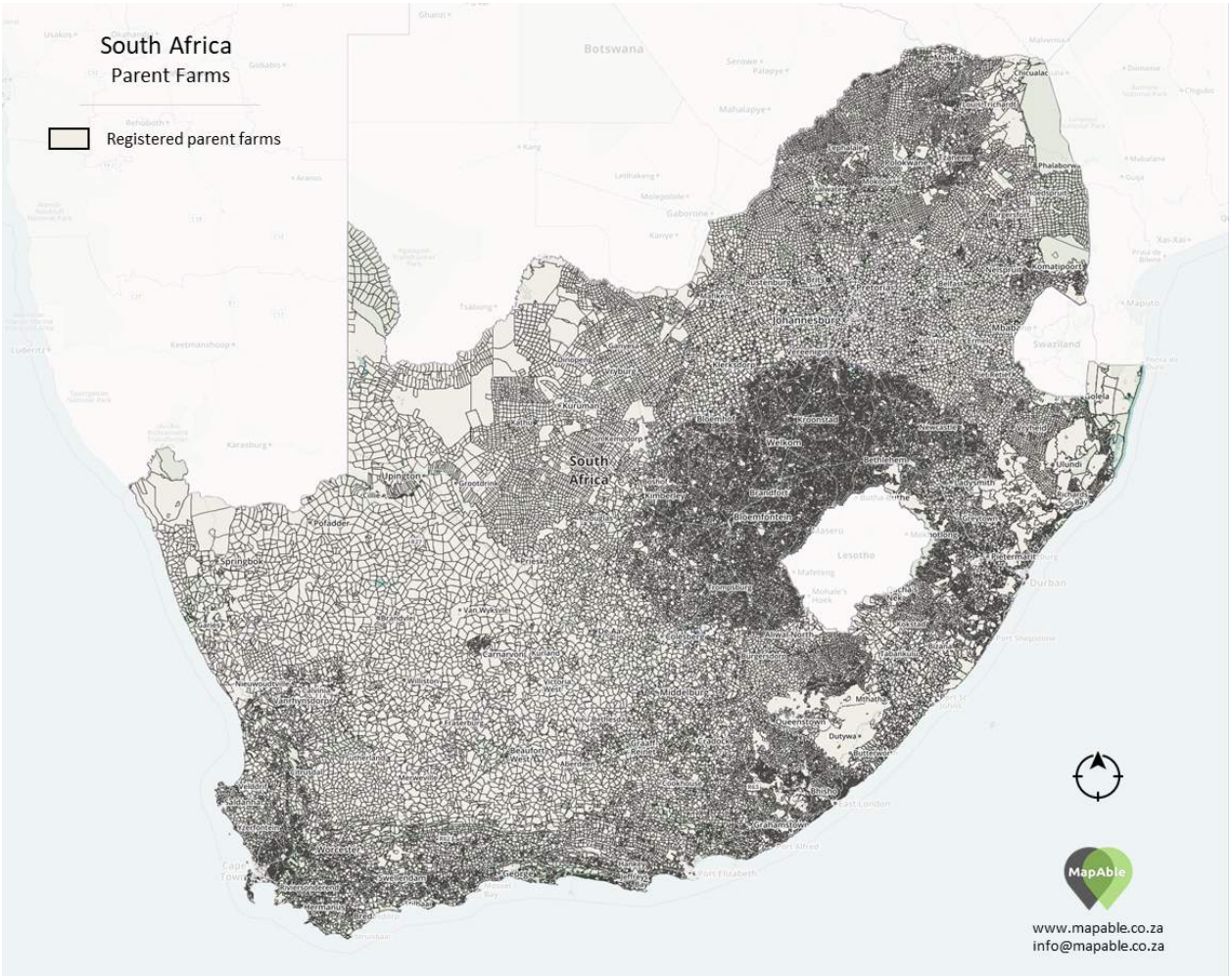
Given the apparent link between economic prosperity and property rights, South Africa's land surveying and land registration system is undoubtedly the cornerstone of development and may be the single most underrated factor that distinguishes South Africa from the rest of Africa in economic terms.

Land in South Africa consists of a hierarchy of land and land portions which exist within a legal framework. The basic unit is parent farms (Afrikaans: *oerplase*) which cover 120,3 million ha and implies that about 2,7 million ha of South Africa's surface is not included. It is notable how the size of parent farms also reflects the underlying land potential, and how different approaches to farm sizes also existed in the previous provinces and even in the Boer Republics and colonies which preceded the Union of South Africa in 1910.

The next cadastral layer in South Africa is farm portions that resulted from the subdivision of parent farms. The division of farmland may have many different reasons. Many subdivisions take place for inheritance purposes or simply as a result of the buying and selling of farms for business purposes. A third reason is the expropriation of farmland by Government for many different reasons, for example establishing road reserves or building our large dams, or, more in the framework of the debate, to consolidate land regarding the old homeland policy.

[111] Chief Surveyor General. *Cadastral Surveying: What is it and why do we need it?* http://csg.dla.gov.za/cadsurv1.htm

Map 1: Parent farms in South Africa



Source: Surveyor General of South Africa

It is, however, at this point where the process starts to get complicated. Legally, farmland can only be used for agricultural purposes. If not, then different legal processes apply. Mining does take place on farmland, but then mining permits are required. The same applies where business and industries need to be established on farmland. This usually relates to agro-processing or agriculture-related uses. Farm portions exist at two levels: firstly, as a land portion duly surveyed and registered with the Office of the Survey General; secondly, its ownership is determined through a title deed in the Office of the Registrar of Deeds.

Farm portions and hence farmland cannot be used for residential settlement. Therefore, legislative processes in terms of the Spatial Planning and Land Use Management Act of 2013 (Act No 16 of 2013) requires a layout plan indicating the erven or stands with their proposed land use rights. After meeting all legal requirements, the land is surveyed, and a General Plan is approved in and filed in the Offices of the Surveyor General. A township[112] register is opened, and after proclamation in a Provincial Gazette, title deeds can now be registered with the Registrar of Deeds and the transfer of land with the rights vested in it through township establishment can now be transferred to private owners.

The process described above applied to the areas outside ex-homelands. Townships established for black settlement, tribal areas and ex-homeland areas were subject to different processes. For example, most townships were planned and surveyed to ensure orderly settlement of people. However, General Plans were never approved. It was only with the advent of Black Local Authorities

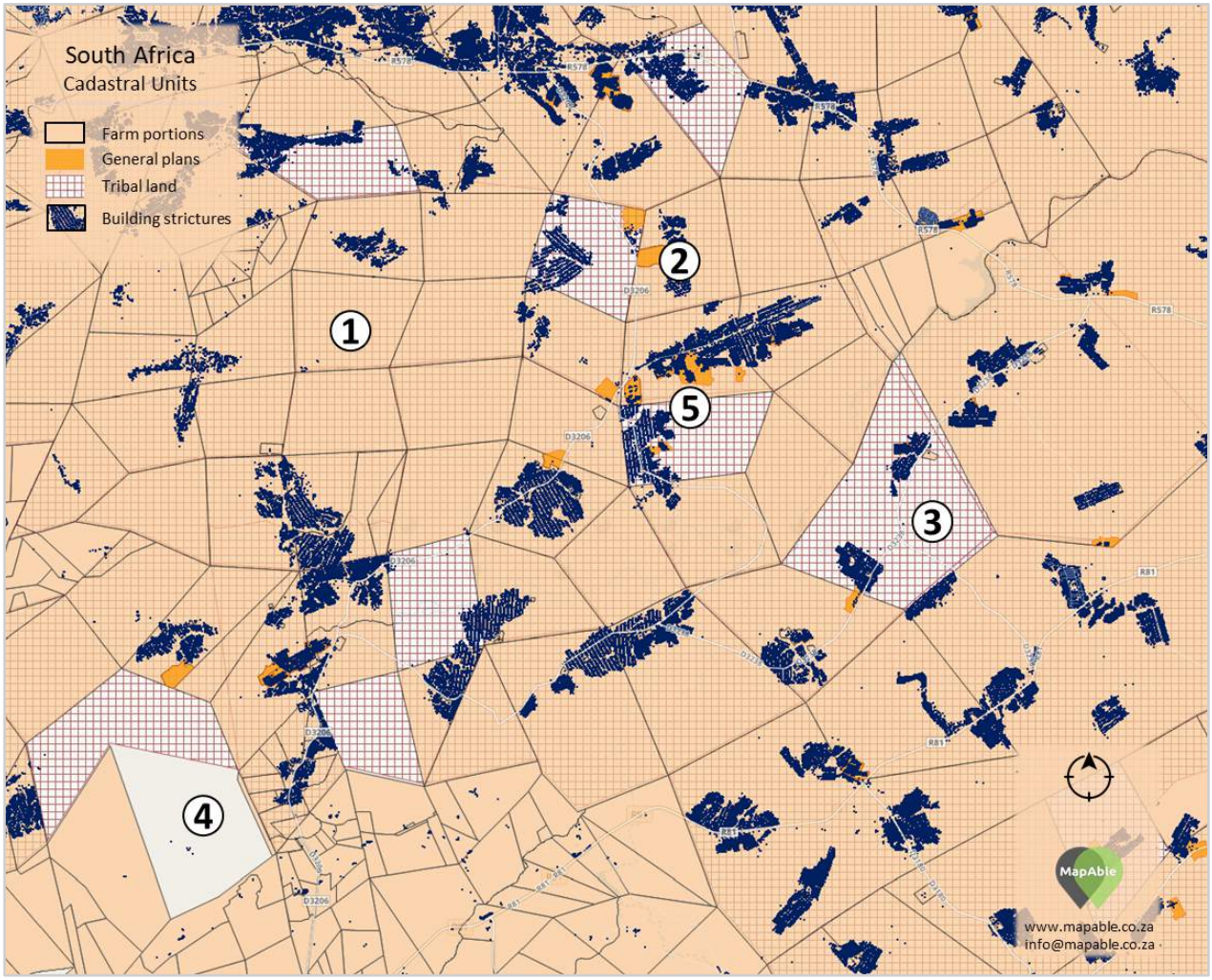
[112] The term "township" in this context refers to the legal process creating erven or stands. It does not refer to the general term for settlements where black people resided under the pre-1994 dispensation.

in 1982 (Black Local Authorities, 1982 (Act No 102 of 1982)) that many townships were surveyed and general plans registered. However, these townships were never formally proclaimed and hence the difficulties to transfer title deeds to current occupants.

In "non-white" areas, the Regulations for the Administration and Control of Towns in Black Areas (Proclamation 293 of 1962) was used to establish townships in former homeland areas. This proclamation was still in use until recently, pending the finalisation of the necessary regulations under of the Spatial Planning and Land Use Management Act, 2013 (Act No 16 of 2013).

The more difficult situation arose from tribal land. Tribal chiefs issue permission to occupy (PTO's) in their discretion and many settlements were established in this way. These settlements, often referred to as "rural villages" are mostly unplanned and simply exists as a conglomeration of households. This form of settlement created substantial pressure for infrastructure and social services with the consequence that in Government's drive to provide access to basic services, these settlements were literally cast in concreate and will remain a feature of the South African landscape for centuries to come. The following map describes some of the issues.

Map 2: Farm portions, general plans and actual settlement (area west of Giyani in Limpopo)



Source: StatsSA, cadastre from the Surveyor General and Dwelling Frame (2015)

① A typical farm portion as depicted by the data on farm portions maintained by the Surveyor General.

② The Government of Limpopo had a program to "demarcate sites" in the tribal areas of the province. Local municipalities and or tribal authorities determined these areas. The selected areas were planned, taken through the township establishment process to the point that General Plans were registered in the office of the Surveyor General. These townships were never proclaimed. Transfer of land cannot take place.

③ Farm portions also exist in tribal areas. Settlement on this land is at the discretion of the local tribal authority. It creates challenges for local municipalities, who have the legal responsibility to manage land uses but cannot exercise control over tribal authorities' land allocation decisions.

④ This is a farm portion outside the tribal area. However, all the "lighter" shaded farm portions on the map represent gaps in the farm portion data of the Surveyor General. It is unclear why these gaps exist. These gaps represent about 3,25 million ha in total.

⑤ The maps show that there is no link between cadastral boundaries, efforts to manage settlement and where actual settlement takes place. The aim to transfer land in tribal areas to the current occupants may be the objective, but the practical and legal road to achieving this will be very long and difficult.

When summarised from the data of the Office of the Surveyor General, it shows that stands or erven constitute a relatively small portion of land in South Africa. They are however very important regarding numbers and eventually the activities, and people they accommodate.

b. Land data reflected in the records of the Surveyor General

The next two tables show a summary of data from the Surveyor General's data. In assessing the data, it should be noted that the data is based on 2015 records and that cadastral data is dynamic in the sense that farm portions are continuously being subdivided and consolidated and also that township establishment is a process that changes the data on a daily basis.

The table below shows a summary of land covered by parent farms, farm portions and erven/stands in South Africa. The next table also shows more detail on erven. The fact of the matter is that there are gaps in the data and any discourse on land, from a spatial perspective, deals with incomplete data.

Table 2: Summary of land parcels 2015

	Parent farms	Farm portions	Erven
Total land parcels	98 439	450 231	7 315 845
Average size (ha)	1 221.75	265.81	0.40
Total area (ha)	120 267 886	119 674 308	2 959 507
Total South Africa (ha)	122 934 144	122 934 144	122 934 144
Not covered	2 666 258	3 259 836	119 974 637
% not covered	2,17%	2,65%	97,59%

Source: Summarised by MapAble from the Surveyor General's spatial data (2015)

Linking the data on erven to the example detailed in the previous section, one can safely conclude that there is not necessarily a link between the location and availability of erven and the settlement of people. Also, the existence of surveyed erven also do not necessarily allow for the transfer of ownership to occupants. These matters are dealt with in more detail later in this report.

Table 3: The extent of surveyed erven in South Africa

	Number of erven	Average size (m2)	Total area (ha)	Area of Province (ha)	Erven as % of the total area
Eastern Cape	933 480	8 689	811 069	16 930 984	4,8%
Free State	670 445	967	64 847	13 001 148	0,5%
Gauteng	1 916 522	1 105	211 836	1 818 249	11,7%
KwaZulu-Natal	822 155	2 878	236 585	9 445 102	2,5%
Limpopo	478 487	1 276	61 060	12 580 603	0,5%
Mpumalanga	564 598	1 284	72 492	7 654 431	0,9%
Northern Cape	258 324	39 730	1 026 328	37 827 661	2,7%
North West	488 684	1 278	62 432	10 523 812	0,6%
Western Cape	1 183 150	3 489	412 857	13 152 154	3,1%
Totals	7 315 845	4 045	2 959 507	122 934 144	2,4%

Source: Summarised by MapAble from the Surveyor General's spatial data (2015)

5. State-controlled land versus land to the disposal of the private sector

Irrespective of ideological perspectives, it is a fact that the State and the many parastatals associated with the state play an important role in land ownership and access to land. With a view regarding land as one of the four economic production factors, it stands to reason that Government cannot play its role, good or bad, in the economy without access to and ownership of land. However, when Government accumulates land for any other purpose, then questions may rightly be asked. It all comes down to the motives of Government and in the current debate on Government and land is not about its role in the economy but rather, through social engineering, to achieve political and ideological objectives.

This report does not concern itself with Government's objectives, but rather with the facts about land. As this report will show, a lot is known about land in South Africa, but often our knowledge and the sources we do depend on is incomplete, outdated or not intended to inform a land debate. Terrence Corrigan writes: "The first principle of good public policy is that it must be based on good evidence: correctly identifying issues, understanding the actual state of play, and envisioning solutions that are possible within the real-world capacities of the interest groups involved. In the absence of evidence, government actions are likely to be arranged around an alt-reality of untested assumptions of fact and ideology. And when that happens, it's hardly surprising when policy outcomes don't match expectations, or even prove downright counterproductive."[113]

This section deals with state land, or rather land that the state controls, and which is currently not at the disposal of the private sector. It is done in four steps that build a picture by:

1. Mapping and tabulating land used for the 2013 land audit by the Department of Land Rural Development and Land Reform.[114]
2. The 2013 data excludes some tribal land which is also under the custodianship of Government. In this step, the balance of the tribal land found but excluded from the 2013 land audit was added.
3. As a third step, the extent of the ex-homelands was overlaid with the results of the previous two steps, and it was found that there are portions that were part of the homeland but were excluded from the results of the land audit and which is neither part of tribal land. Private ownership did not exist in the homelands, and after land was expropriated in the previous dispensation, it was either transferred to the governments of the "independent" homelands (TBVC countries) or the South African Development Trust in the case of self-governing territories (Lebowa, Gazankulu, KaNgwane, KwaNdebele and QwaQwa).
4. It the last step it was argued that terrestrial national parks and provincial parks should be excluded from any land debate but included as land, de facto being under Government control.

[113] T. Corrigan. 13 March 2018. *The land audit – incomplete information and bad policy.* https://www.dailymaverick.co.za/
[114] A land data set was prepared for the 2017 DRDLR land audit, but at the time of drafting this report it could not be accessed.

a. Land audit 2013

Land audits are very popular projects in Government. There is a continuous stream of land audit projects out on tender to address landownership in municipalities. The basis for the current debate is the land audits done by the Department of Rural Development and Land Reform (DRDLR).

The DRDLR describes a land audit as gathering information relating to the –

1. Owner;
2. Occupant/user;
3. Rights to the land;
4. Current usage of the land; and
5. Buildings and improvements that exist on it.[115]

The process is aimed at compiling an accurate land register (of state land) that provides detailed information on the –

1. Rights that exist over the land;
2. Buildings that exist on the land;
3. Current usage of the land and buildings/improvement situated on it;
4. State division/Department that is the holder of the title deed of the land; and
5. The occupant/user of the land.

According to the report, state land is defined as land that is owned by the State (national, provincial and local municipalities, as well as parastatals). The report specifically focuses on land registered in the name of the State in the Deeds Registrar's Office.

According to the report, the audit was conducted for all nine provinces of South Africa and comprised two phases:

- Phase 1: A study of the Deeds Offices' records was conducted in 2010, to identify all pieces of land registered in the name of the State.
- Phase 2: Every piece of identified state land was then confirmed by a site visit where all information relating to occupant/user and contact details, existing buildings and services, whether it was, in fact, state or private land, occupation agreements, etc. were determined.

The report states that the first phase of the audit was performed by the Office of the Surveyor General and the second phase was concluded by state officials with the assistance of contract workers employed by the DRDLR.

The results of the land audit are available as a list of tables. The table in the booklet showing the national overview is relevant.

Table 4: Land audit 2013 – Private versus state land

	Extent (ha)	State-owned	Privately owned	State-owned land (%)	Privately owned land %	Total extent (ha)	Unaccounted extent (ha)	Unaccounted extent (%)
Eastern Cape	16 891 700	1 510 553	11 370 084	8,9%	67,3%	12 880 637	4 011 063	23,7%
Free State	12 982 600	845 084	11 857 160	6,5%	91,3%	12 702 244	280 356	2,2%
Gauteng	1 817 800	304 137	1 181 518	16,7%	65,0%	1 485 655	332 145	18,3%
KwaZulu-Natal	9 332 800	4 695 245	4 297 235	50,3%	46,0%	8 992 480	340 320	3,6%
Limpopo	12 575 600	2 551 790	8 844 083	20,3%	70,3%	11 395 873	1 179 727	9,4%
Mpumalanga	7 649 500	1 875 146	4 805 344	24,5%	62,8%	6 680 490	969 010	12,7%
North West	10 488 100	2 409 778	7 481 942	23,0%	71,3%	9 891 720	596 380	5,7%
Northern Cape	37 288 800	1 829 347	35 210 998	4,9%	94,4%	37 040 345	248 455	0,7%
Western Cape	12 946 300	1 040 801	11 502 427	8,0%	88,8%	12 543 228	403 072	3,1%
Total	121 973 200	17 061 881	96 550 791	14,0%	79,2%	113612672	8 360 528	6,9%

[115] DRDLR. 2013. *Land Audit Booklet,* p. 7. http://www.ruraldevelopment.gov.za/phocadownload/Cadastral-Survey-management/Booklet/land%20audit%20booklet.pdf

Source: DRDLR, Land Audit Booklet, p. 9 (2013)

The data in the table raises several issues. Firstly, the size of South Africa as indicated in the table is about 960 949 ha smaller than 13 other official and unofficial sources report (see section 3.c for more background on this matter). The difference is less than 1%, but regarding average farm portion size of 210 ha, according to the 2013 *Land Audit Booklet*, it represents more than 4 500 farm portions or, at 4 000 m^2 per erf more than 2,4 million erven.[116] These figures are significant in any land debate. Secondly, one must assume that the 17,06 million ha shown as state-owned land includes proclaimed stands in townships. Data on erven or stand in proclaimed townships and the ownership thereof was not available for detailed assessment. Figures quoted in this report as land under control of the State should thus be lower than figures quoted by the DRDLR. Thirdly, the "unaccounted extent" in the table able proved to be mostly unregistered trust land to be added to the total state land component.[117] The 2017 Land Audit Report states regarding its own reconciliation of total land that "the outstanding 7 701 605 ha or 6% is unregistered trust state land in the Eastern Cape and Limpopo at 5 545 156 ha." The 7,7 million ha corresponds more or less with the unaccounted extent in the table above. It is, however, not clear what the 5,5 million ha in Limpopo refers too.

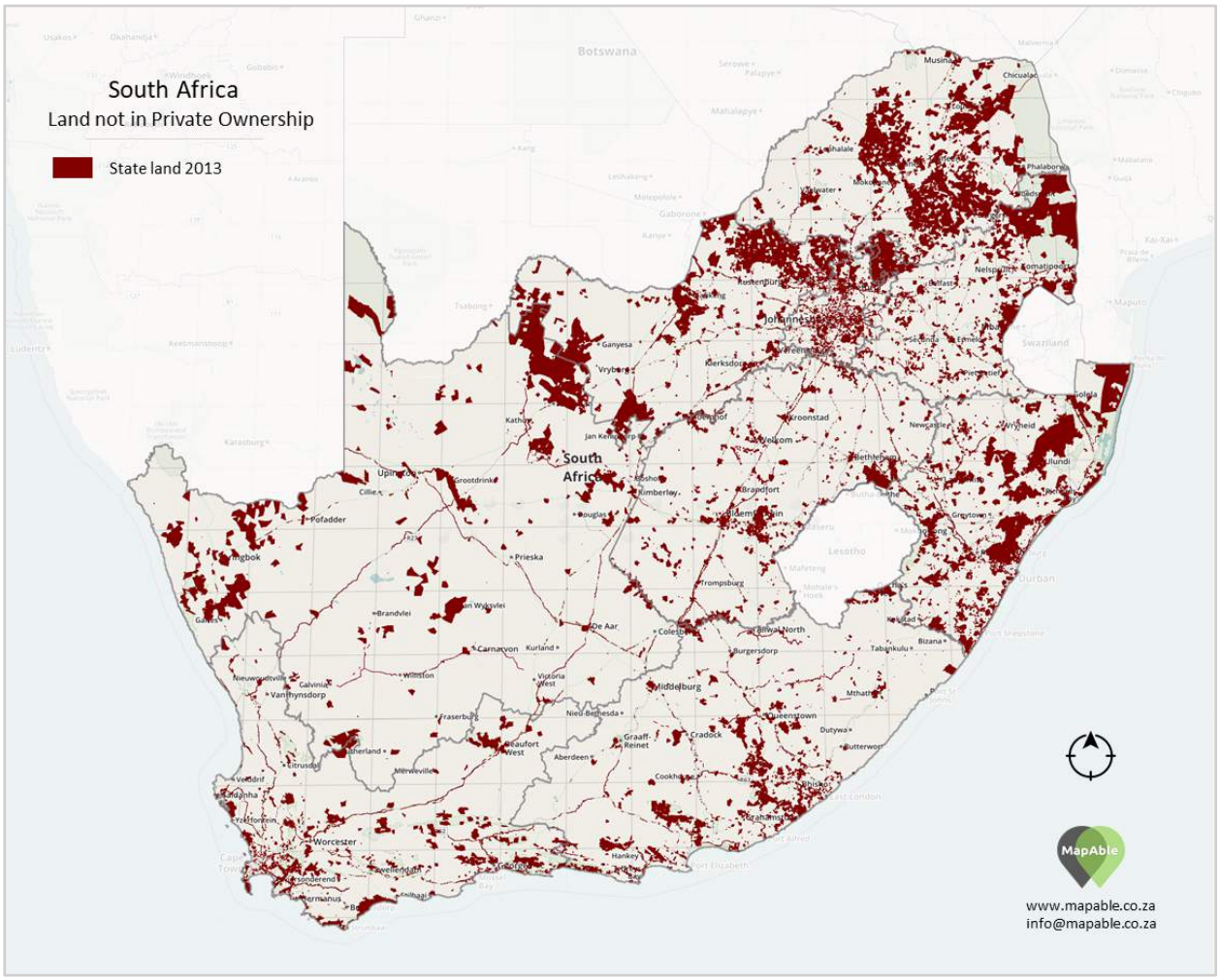
b. Registered farm portions under state control 2013

The figures and maps shown in the steps below were calculated directly from the spatial data provided by the DRDLR. It is however impossible to reconcile the details of the subsequent calculations with summary values presented in the land audit documentation released by DRDLR.

The map below shows the farm portions mapped from the DRDLR spatial data on state land compiled in 2013.

[116] DRDLR. November 2017. *Land audit report, Version 2*, p. 7.
[117] DRDLR. November 2017. *Land audit report, Version 2*, p. 2.

Map 3: State land 2013 – farm portions only



Source: Department of Rural Development and Land reform, Spatial data on State land – Farm portions 2013[118]

Table 5: Summary of state land (farm portions) per province, 2013

Province	State land	% distribution of state land across provinces
Eastern Cape	998 809	7,5%
Free State	740 605	5,5%
Gauteng	320 528	2,4%
KwaZulu-Natal	1 946 935	14,6%
Limpopo	2 573 799	19,3%
Mpumalanga	1 481 959	11,1%
Northern Cape	2 519 899	18,9%
Northwest	1 983 061	14,8%
Western Cape	791 641	5,9%
Total (ha)	13 357 235	100,0%

[118] The spatial analysis and mapping was done by MapAble from spatial data provided by the DRDLR. Based on an informal request by the DRDLR , MapAble undertook not to make the details of the data public.

Source: Tabulated by MapAble from the DRDLR's 2013 land audit data.

The maps show how diverse the land interests of the state are. It reflects on many different land uses and land held for various purposes. The table below summarises the use of state land. Land use is embedded as a variable in the dataset.

Table 6: The use of state land 2013

Land use	Area in ha	%	Cumulative %
Agriculture and fisheries	4 031 971	30,2%	30,2%
Residential	2 273 248	17,0%	47,2%
Conservation	1 830 536	13,7%	60,9%
Recreation and leisure	1 560 313	11,7%	72,6%
Forestry	1 299 431	9,7%	82,3%
Undeveloped land	1 048 550	7,9%	90,2%
Transport	376 273	2,8%	93,0%
Utilities and infrastructure	279 117	2,1%	95,1%
Protection services	207 364	1,6%	96,6%
Community services	186 295	1,4%	98,0%
Water	84 628	0,6%	98,7%
Commercial	77 148	0,6%	99,2%
Relay out	44 322	0,3%	99,6%
Mining	38 947	0,3%	99,9%
Industrial and storage	16 503	0,1%	100,0%
Fully sub-divided	2 351	0,0%	100,0%
Consolidated	241	0,0%	100,0%
	13 357 235	100,0%	

Source: Spatial summary from the DRDLR's 2013 land audit data

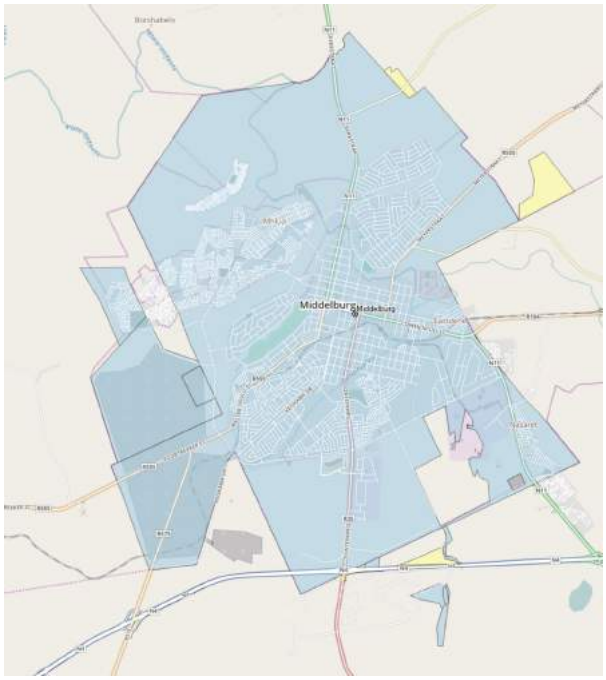
The data presents serious challenges. The following are a few examples. No detailed assessment was done, but examples were noted during the analysis of the data. The problem is that, in terms of the methodology, it was stated that "every piece of identified State land was then confirmed by a site visit where all information relating to occupant/user and contact details, existing buildings and services, whether it was in fact State or private land, occupation agreements, etc. were determined".[119] However, it seems to be riddled with inconsistencies in land uses. It is for example clear that some SANDF land is not included or in some cases only partially included. The fact of the matter is that the 13,4 million ha indicated as state land can be substantially less or substantially more. As presented, the 13,4 million ha state land represents 10,9% of South Africa.

Figure 1: Examples of inconsistencies in land data

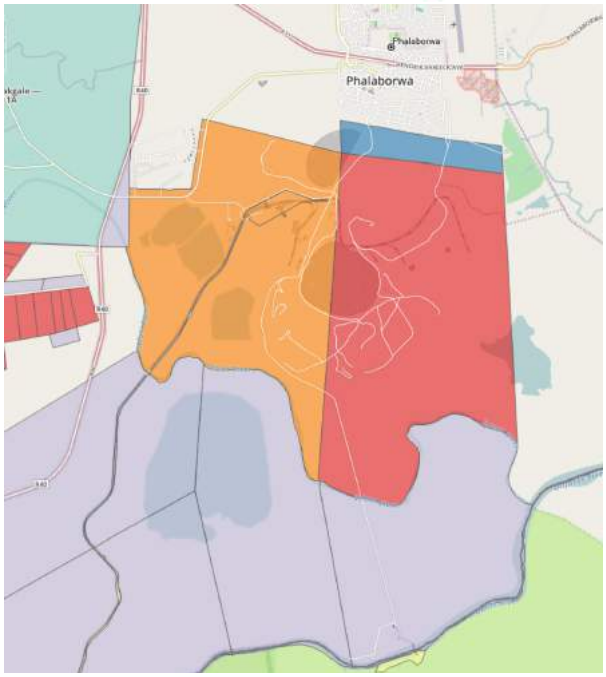
Middelburg (Steve Tshwete, Mpumalanga)

Phalaborwa Mining Complex

[119] DRDLR. 2013. *Land Audit Booklet*, p. 7. http://www.ruraldevelopment.gov.za/phocadownload/Cadastral-Survey-management/Booklet/land%20audit%20booklet.pdf

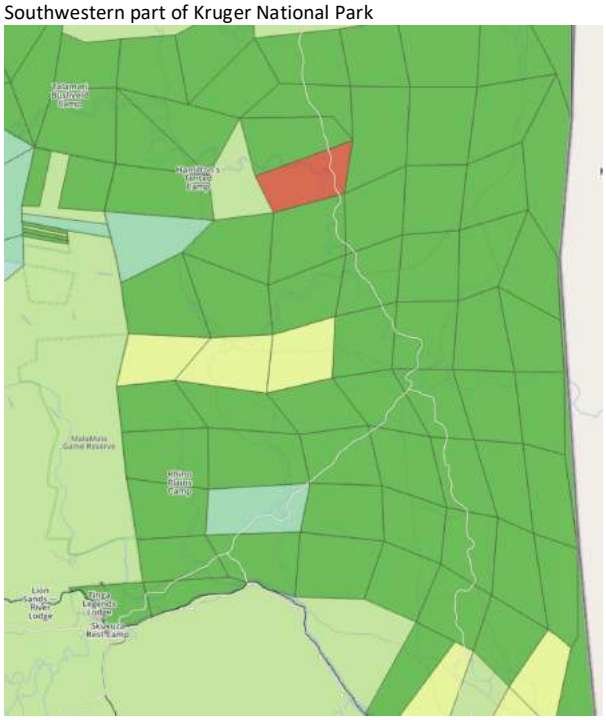


Middelburg (Steve Tshwete, Mpumalanga) is shown in its entirety as state land with “agriculture and fisheries” as the assigned land use. This is not correct, and the areas shown must have been the original farm portions that constituted the Middleburg Townlands



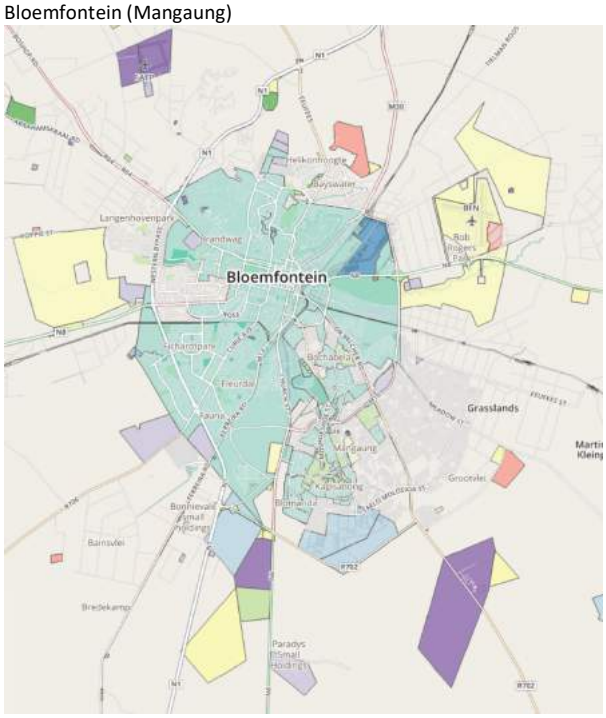
The map shows the areas occupied by the Phalaborwa Mining Company, Foskor and Bosveld Phosphates. It is shown as state land (which it may well be) but with the peculiar uses of forestry (red), undeveloped (grey) and industrial and storage (orange)

Southwestern part of Kruger National Park



The classifications of land use seem to be very inconsistent. Some parts of the Kruger Nation Park are shown as forestry (red) while others as residential (light blue)

Bloemfontein (Mangaung)

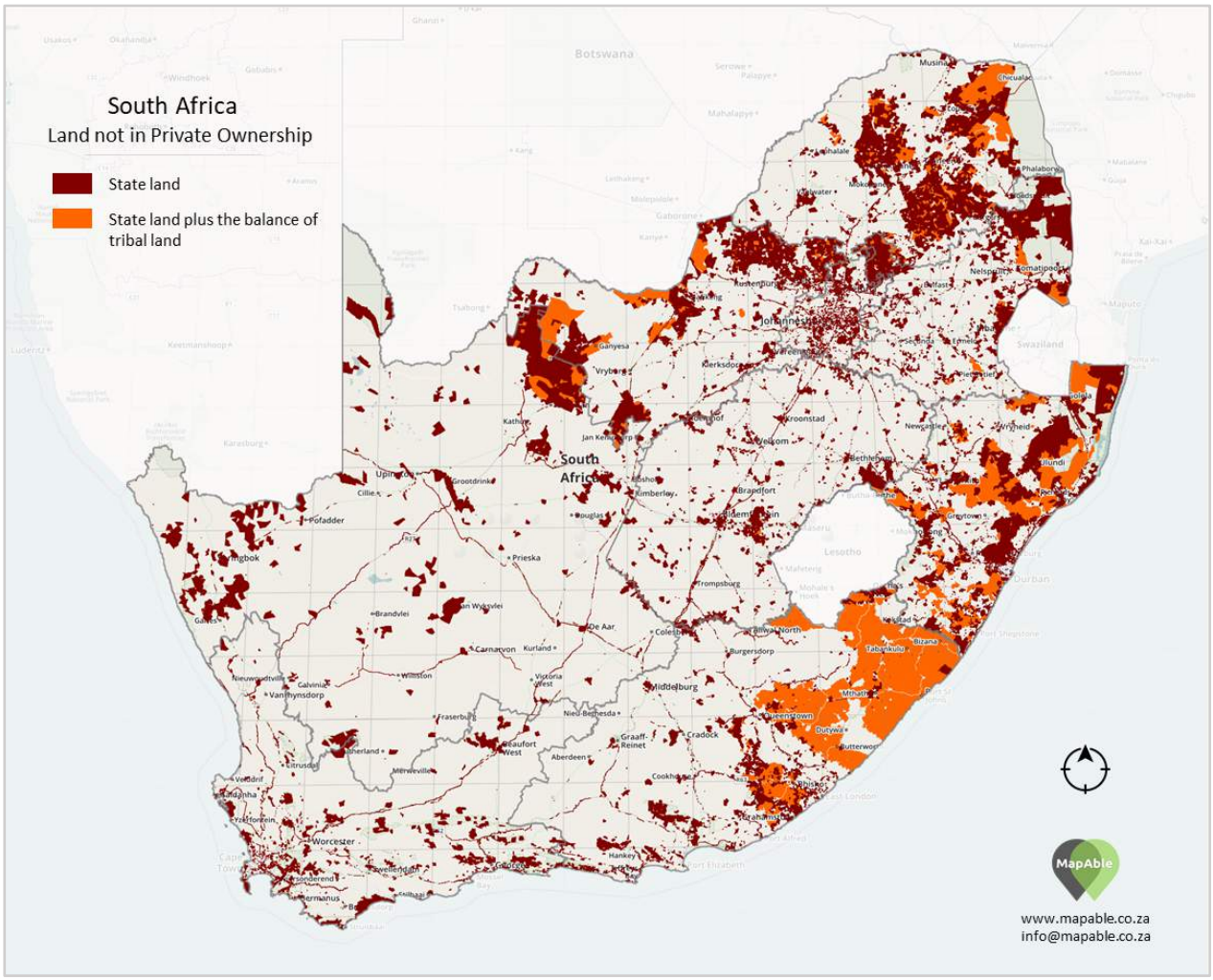


As in the case with the example of Middleburg (Mpumalanga), practically the whole of Bloemfontein is shown as state land with residential use.

c. Tribal land not shown as state land

Given the doubt about the accuracy of the reported state land data, the next step was to start filling in the gaps. The first step in filling in these gaps was to add the areas of tribal land not covered by the data on state land. The next map shows the areas that were added.

Map 4: State land plus tribal land not included in the previous map



Source: Chief Directorate: National Geo-Spatial Information (tribal land component)

There is a total of 14 million ha of tribal land in South Africa distributed across the nine provinces as shown in the table below. This added another 8,5 million ha of land controlled by the State to the equation. This is 6,9% of South Africa and brings the total of state and tribal land to 17,8% of the total land area of the country.

Table 7: Extent of tribal land per province

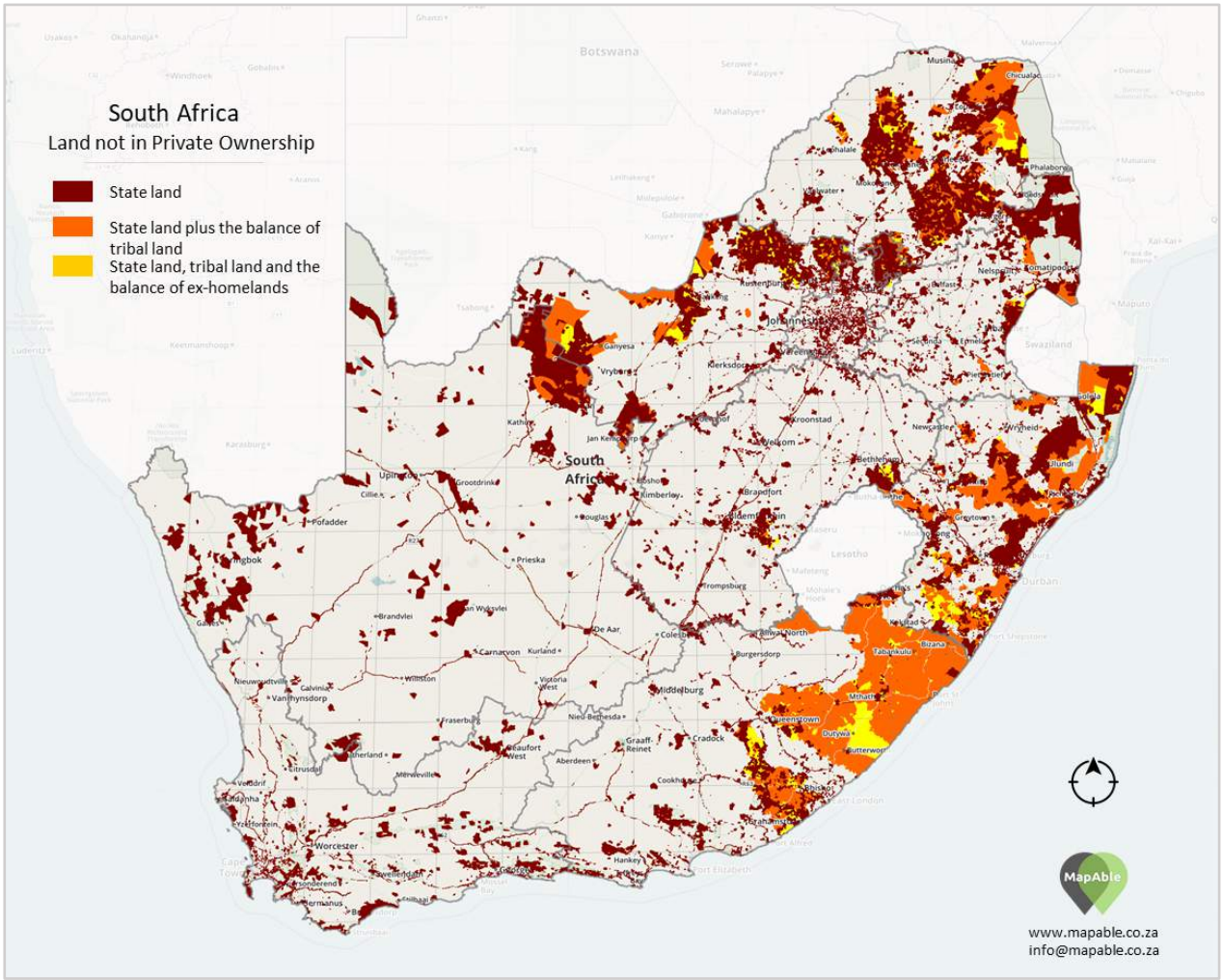
Province	Area (ha)	% of total
Eastern Cape	3 888 638	27,8%
Free state	132 033	0,9%
Gauteng	7 053	0,1%
KwaZulu-Natal	3 253 921	23,2%
Limpopo	3 181 512	22,7%
Mpumalanga	654 963	4,7%
Northern Cape	976 068	7,0%
Northwest	1 916 212	13,7%
Western Cape	0	0,0%
Total	14 010 400	100,0%

Source: MapAble spatial summary from National Geo-Spatial Information, DRDLR

d. Ex-homelands not included in state and tribal land

After discounting state-owned land and the remainder of tribal land, there are still portions that were part of the previous homeland dispensation which were not included in any of the previous two categories.

Map 5: State and tribal land plus ex-homelands not included in previous maps



Source: Municipal Demarcation Board - http://www.demarcation.org.za (ex-homelands)

Again, there are discrepancies in data with substantial differences between DRDLR data (arithmetic errors excluded) and Municipal Demarcation Board data. The differences are shown in the table below.

Table 8: Extent of ex-homelands

Homeland area	DRDLR Land Audit 2013[120]		Summary from MDB data		Difference (ha) between DRDLR and MDB
	Area (ha)	% of total	Area (ha)	% of total	
Boputhatswana	3 991 519	21,7%	3 884 072	22,7%	107 447
Ciskei	947 960	5,1%	799 952	4,7%	148 008
Gazankulu	746 925	4,1%	740 515	4,3%	6 410
KaNgwane	366 314	2,0%	351 509	2,1%	14 805
KwaNdebele	337 332	1,8%	327 060	1,9%	10 272
KwaZulu	3 938 362	21,4%	3 584 464	21,0%	353 898
Lebowa	2 249 748	12,2%	2 215 298	13,0%	34 450
QwaQwa	114 525	0,6%	104 690	0,6%	9 835
Transkei	5 094 446	27,6%	4 426 856	25,9%	667 590
Venda	646 993	3,5%	649 068	3,8%	-2 075
Total	18 434 124	100,0%	17 083 484	100,0%	-1 047 891

Source 1: DRDLR. (2013). Land Audit Booklet, p. 8.

Source 2: MapAble spatial summary from Municipal Demarcation Board Data

For this report, the Demarcation Board data was used due to its availability. The additional area then added to land under control of the state was 2 429 171 ha which is another 2% of the area of South Africa. This bring the cumulative amount to 19,8%.

e. Protected areas

South Africa has an extensive system of protected and conservation areas owned by the State and private concerns. For this report, only protected areas under control of SANPARKS or provincial governments were used. The table below gives the overall picture of the extent of protected areas.

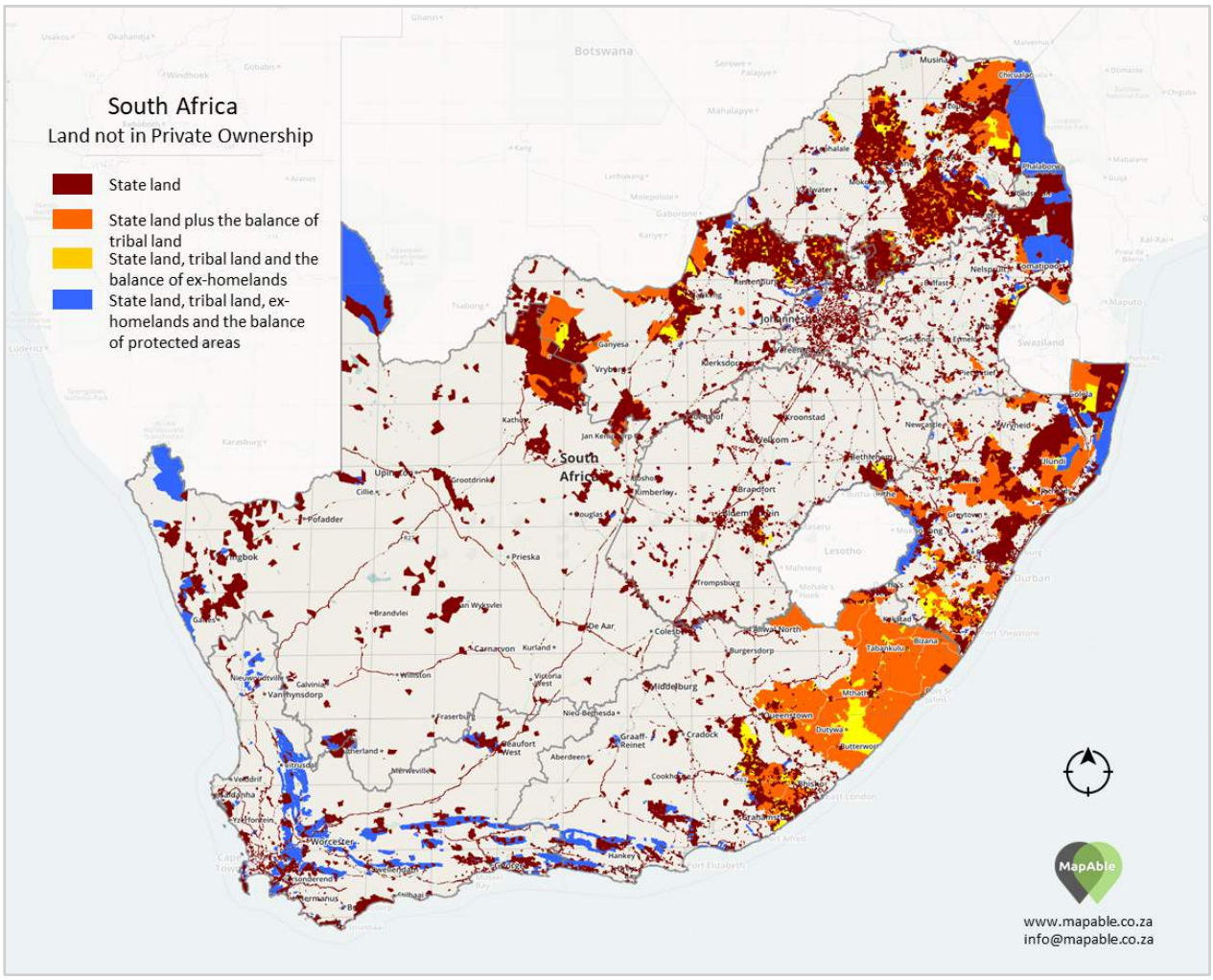
Table 9: The extent of protected areas

Protected area type	Area (ha)	% of area	Notes
National park	4 017 022	50,8%	
Nature reserve	3 887 306	49,2%	Protected areas under provincial control
Sub-total	7 904 328	100,0%	Area included in state land calculations
Marine protected area	18 820 590	83,3%	Offshore areas
World Heritage Sites	2 054 088	9,1%	These areas were not included in the calculation since private landownership can and do exist in these areas. These areas also include private nature reserves and conservation areas.
Protected environment	590 098	2,6%	
Forest nature reserve	173 608	0,8%	
Forest wilderness area	276 734	1,2%	
Mountain catchment area	635 579	2,8%	
Special nature reserve	33 973	0,2%	
Total	22 584 670	100,0%	

[120] The DRDLR's *Land Audit Booklet* shows an error in the table on p. 8 in adding up the total area for ex-homelands. The booklet shows a total of 16 035 593 ha when, in fact, it should be 18 434 124 ha. This is a difference of 2 398 531 ha. Errors in data were dealt with as part of the introductory part of this report.

Source: MapAble summary from spatial data provided by the Department of Environmental Affairs

Map 6: State, tribal land, ex-homelands plus protected areas not included in previous maps



Source: Department of Environmental Affairs (protected areas portion)

The map above shows the extent of the protected areas included in the equation. It represents another 5,3 million ha, or 4,3% of the area of South Africa. It brings the total land under control of the state to 24,1% or 29,5 million ha.

f. Summary of state-controlled land by province

The table below summarises the state land position per province. As explained in the subsequent sections, the economic value of land (production value) plays a determining role, as well as population settlement and distribution.

Table 10: Summary of state-controlled land per province in South Africa

Province	State land	The remainder of tribal land not included in the column B	The remainder of ex-homelands not included in columns B and C	The remainder of protected areas not included in columns B, C and D	Total land under state control	The total area of the province	State land as % of the total land area
A	B	C	D	E	F	G	H
Eastern Cape	931 660	3 753 072	833 792	348 392	5 866 916	16 930 984	34,65%
Free State	729 484	29 394	69 468	22 386	850 733	13 001 148	6,54%
Gauteng	270 383	3 415	30 484	57 634	361 916	1 818 249	19,90%
KwaZulu-Natal	1 957 858	1 891 568	505 390	586 090	4 940 907	9 445 102	52,31%
Limpopo	2 429 635	1 303 988	496 218	1 136 637	5 366 478	12 580 603	42,66%
Mpumalanga	1 613 060	266 666	75 830	48 675	2 504 231	7 654 431	32,72%
Northern Cape	2 674 459	250 131	5 176	1 305 958	4 235 724	37 827 661	11,20%
Northwest	1 906 380	985 937	395 204	79 428	3 366 949	10 523 812	31,99%
Western Cape	843 066	0	0	1 207 426	2 050 492	13 152 154	15,59%
Total (ha)	13 355 984	8 484 170	2 411 563	5 292 628	29 544 346	122 934 144	24,03%
Total	10,86%	6,90%	1,96%	4,31%	24,03%	100,00%	24,03%

6. Agriculture and land

Agriculture uses more than 80% of available land and around 60% of available water. In reality, the sector represented less than 10% of the economy in 1960, while this figure is currently below 2,5%. South Africa is no exception, since the US agricultural sector currently represents around 1% of GDP.[121] From a development perspective access to agricultural land can either be the holy grail for development of a poverty death trap. However, in an increasingly globalised but complex agro-food system, land availability per se is only but one consideration driving investment decisions. Also of importance are the land governance systems per country, and specifically tenure security considerations, as well as infrastructure provision, market considerations, access to and cost of finance, political arrangements and stability, local skills availability and others.[122]

a. Land capability

Land capability is the total suitability for use, in an ecologically sustainable way, for crops, grazing, woodland and wildlife. A land capability class is an interpretive grouping of land units with similar potentials and continuing limitations or hazards. It is a more general term than land suitability and is more conservation oriented. It involves consideration of (i) the risks of land damage from erosion and other causes and (ii) the difficulties in land use owing to physical land characteristics, including climate. The overall agricultural potential is a combination of many factors. It gives an indication of the type of activity that is most suited to an area and the capability of the land. Land capability is determined mainly by the collective effects of soil, terrain features and climate. In the process of assessing the potential of the use, the current limitations of the land are considered. However, it may be possible to overcome some of the limitations through fertilisation or liming, for example.[123]

The capability classification system was applied to rain-fed agriculture and excludes any form of irrigation. Economic considerations such as proximity to markets and the farmer's capital resources are not included as criteria for land capability. The land suitability is presented in a hierarchy ranging from land with few limitations on its use, starting with crop production through

[121] J. Greyling. March 2015. *A look at the contribution of the agricultural sector to the South African economy.* http://www.grainsa.co.za/a-look-at-the-contribution-of-the-agricultural-sector-to-the-south-african-economy

[122] W. Sihlobi. Not dated. *Land dynamics in Africa: What is the potential for agricultural expansion?* https://wandilesihlobo.com/2018/04/01/land-dynamics-in-africa-what-is-the-potential-for-agricultural-expansion/amp/

[123] J.L. Schoeman et al. April 2002. Development and application of a land capability classification system for South Africa, GW/A/2000/57. National Department of Agriculture.

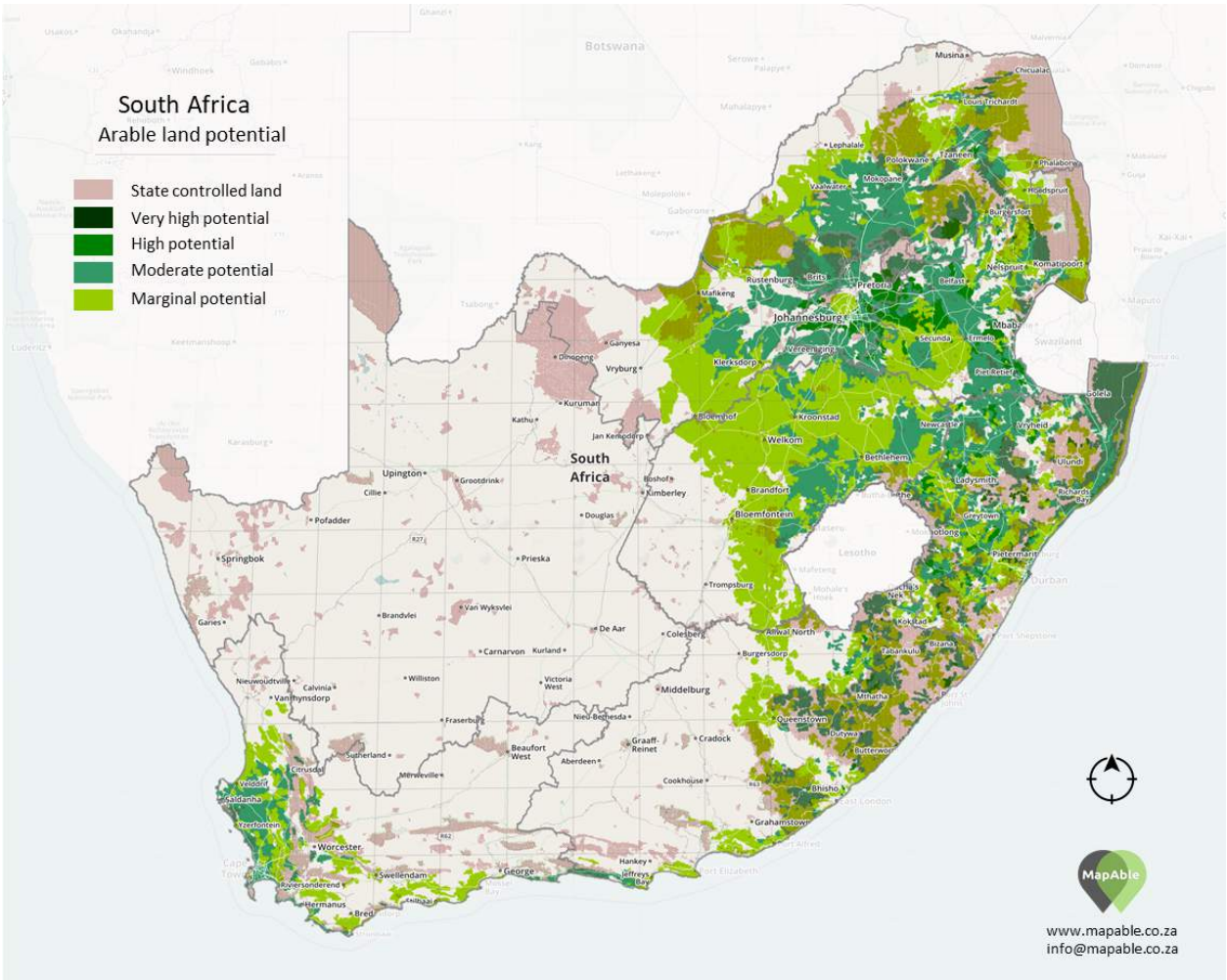
a range of other less intensive uses such as pasture, natural grazing, forestry and wildlife. Land suitability is linked to good farm management practices.

i. Arable and non-arable land

South African land can be divided into two main groups, namely arable and non-arable land. This report focuses in this section only on arable land that consists of four subclasses, as depicted on the next map. Arable land is concentrated in the central Highveld and extends into parts of the Lowveld, KwaZulu-Natal and the Eastern Cape. In the southern parts of South Africa, it is limited to the very narrow coastal belt. It constitutes 32,4 million ha or 26,4% of the area of South Africa.

The next map and the three tables below show the distribution of land capability across the nine provinces

Map 7: Arable land potential



Source: ARC-ISCW. 2005. Overview of the agricultural natural resources of South Africa. ARC-ISCW Report No GW/A/2004/13, ARC-Institute for Soil, Climate and Water, Pretoria. http://www.agis.agric.za/

Table 11: Land capability per province ('000 ha)

	EC	FS	GT	KZN	LIM	MP	NC	NW	WC	Total
1 Very high-potential arable land	2,7	0,0	0,0	0,0	0,0	0,0	0,0	0,0	0,0	2,7
2 High-potential arable land	78,8	12,7	389,3	407,1	96,9	872,2	0,0	22,0	0,0	1 879,1
3 Moderate-potential arable land	1 192,4	2 243,0	704,5	2 694,6	2 437,2	2 086,6	0,0	1 758,1	915,9	14 032,3
4 Marginal-potential arable land	1 832,5	5 350,9	123,3	1 156,4	2 741,7	1 597,0	0,0	2 811,2	867,9	16 480,9
Total arable land	3 106,4	7 606,6	1 217,1	4 258,1	5 275,8	4 555,9	0,0	4 591,3	1 783,8	32 395,0
5 Moderate-potential grazing land	1 732,5	3 534,7	80,1	269,3	3 379,0	383,9	1 411,0	2 327,8	536,5	13 654,8
6 Low- to moderate-potential grazing land	4 622,7	822,8	345,6	2 947,3	2 028,5	1 978,3	1 496,8	1 654,2	2 283,2	18 179,3
7 Low-potential grazing land	4 776,4	583,5	0,0	1 305,0	562,8	340,5	31 277,3	1 621,6	5 440,2	45 907,4
Total grazing land	11 131,6	4 941,0	425,7	4 521,6	5 970,3	2 702,7	34 185,2	5 603,5	8 260,0	77 741,5
8 Wilderness	2 641,3	378,2	172,3	482,9	1 327,1	387,2	3 626,1	310,3	3 076,0	12 401,4
9 Water	37,2	73,7	3,2	69,6	5,8	5,8	10,8	17,0	23,9	246,9
Total water and wilderness	2 678,5	451,8	175,5	552,5	1 332,8	393,0	3 636,9	327,3	3 099,9	12 648,4
Grand Total	16 916,6	12 999,5	1 818,2	9 332,2	12 578,9	7 651,6	37 822,0	10 522,2	13 143,7	122 784,8

Source: MapAble spatial summary from ARC-ISCW. 2005. Overview of the agricultural natural resources of South Africa. ARC-ISCW Report No GW/A/2004/13, ARC-Institute for Soil, Climate and Water, Pretoria. http://www.agis.agric.za/agisweb/agis.html

South Africa is not well-endowed with arable land. Arable land covers only 26,4% (32,4 million ha) of the total areas of South Africa. This shows potential and not actual cultivated land (see paragraph c for more detail). More important is that half of this is classified as marginal-potential arable land (13,4%). The very high-potential land is negligibly small (only 0,.027 million ha), as only 1,9 million ha is regarded as high-potential arable land.

Table 12: Distribution of land capability relative to the rest of South Africa

	EC	FS	GT	KZN	LIM	MP	NC	NW	WC	Total
1 Very high-potential arable land	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%	0,0%
2 High-potential arable land	0,1%	0,0%	0,3%	0,3%	0,1%	0,7%	0,0%	0,0%	0,0%	1,5%
3 Moderate-potential arable land	1,0%	1,8%	0,6%	2,2%	2,0%	1,7%	0,0%	1,4%	0,7%	11,4%
4 Marginal-potential arable land	1,5%	4,4%	0,1%	0,9%	2,2%	1,3%	0,0%	2,3%	0,7%	13,4%
Total arable land	2,5%	6,2%	1,0%	3,5%	4,3%	3,7%	0,0%	3,7%	1,5%	26,4%
5 Non-arable, moderate-potential grazing land	1,4%	2,9%	0,1%	0,2%	2,8%	0,3%	1,1%	1,9%	0,4%	11,1%
6 Non-arable, low- to moderate-potential grazing land	3,8%	0,7%	0,3%	2,4%	1,7%	1,6%	1,2%	1,3%	1,9%	14,8%
7 Non-arable, low-potential grazing land	3,9%	0,5%	0,0%	1,1%	0,5%	0,3%	25,5%	1,3%	4,4%	37,4%
Total grazing land	9,1%	4,0%	0,3%	3,7%	4,9%	2,2%	27,8%	4,6%	6,7%	63,3%
8 Wilderness	2,2%	0,3%	0,1%	0,4%	1,1%	0,3%	3,0%	0,3%	2,5%	10,1%
9 Water	0,0%	0,1%	0,0%	0,1%	0,0%	0,0%	0,0%	0,0%	0,0%	0,2%
Total water and wilderness	2,2%	0,4%	0,1%	0,4%	1,1%	0,3%	3,0%	0,3%	2,5%	10,3%
Grand Total	13,8%	10,6%	1,5%	7,6%	10,2%	6,2%	30,8%	8,6%	10,7%	100,0%

Source: MapAble spatial summary from ARC-ISCW. 2005. Overview of the agricultural natural resources of South Africa. ARC-ISCW Report No GW/A/2004/13, ARC-Institute for Soil, Climate and Water, Pretoria. http://www.agis.agric.za/agisweb/agis.html

The Free State has the largest area of arable land in South Africa (7,6 million ha) or 6,2%, followed by Limpopo with 4,3%, Mpumalanga with 3,7% ha and KwaZulu-Natal with 3,5% measured as percentage of the total arable are in South Africa. The Northern Cape has no arable land, Gauteng only 1,0% and the Western Cape only 1,5% (0,87 million ha). The whole Western Cape has moderate to low arable capabilities.

Table 13: Land capability and state control+

	State control		Non-state		Total SA	
1. Very high-potential arable land	2 733	100,0%	0	0,0%	2 733	100,0%
2. High-potential arable land	430 672	22,9%	1 448 504	77,1%	1 879 176	100,0%
3. Moderate-potential arable land	4 411 683	31,4%	9 622 954	68,6%	14 034 637	100,0%
4. Marginal-potential arable land	4 990 434	30,3%	11 492 850	69,7%	16 483 284	100,0%
Total arable land	9 835 522	30,4%	22 564 308	69,6%	32 399 830	100,0%
5. Non-arable, moderate-potential grazing land	2 911 965	21,3%	10 748 791	78,7%	13 660 756	100,0%
6. Non-arable, low- to moderate-potential grazing land	5 995 243	33,0%	12 188 116	67,0%	18 183 359	100,0%
7. Non-arable, low-potential grazing land	6 446 088	14,0%	39 478 696	86,0%	45 924 784	100,0%
8. Wilderness	4 012 891	32,4%	8 391 631	67,6%	12 404 522	100,0%
9. Water	221 535	89,7%	25 411	10,3%	246 946	100,0%
	19 587 722	21,7%	70 832 645	78,3%	90 420 367	100,0%
	29 423 244	24,0%	93 396 953	76,0%	122 820 197	100,0%

Source: MapAble spatial summary from ARC-ISCW. 2005. Overview of the agricultural natural resources of South Africa. ARC-ISCW Report No GW/A/2004/13, ARC-Institute for Soil, Climate and Water, Pretoria. http://www.agis.agric.za/agisweb/agis.html

There are not many inferences that can be drawn from a state versus non-state division of arable land. There is proportionally more arable land under state control (30,4%) than the extent of general land under state control (24,1%). At a national scale it is not much but given the geographical distribution of state land and land capability, one should expect the state to control substantial portions of Limpopo. Mpumalanga and KwaZulu-Natal.[124]

ii. Irrigated land

Irrigation in southern Africa plays a disproportionately important role because it is two or three times more productive than rain-fed agriculture, and because irrigation also constitutes roughly 70% of the region's water demand.[125]The map below shows the extent of irrigated land in South Africa. There are 1,8 million ha under irrigation. Irrigation is not limited to any specific area, and its presence is a function of water availability. Irrigation lends itself to farming at virtually any scale ranging from small-scale farmers in the Limpopo valley to mega farmers along the major river systems in South Africa.

Table 14: The extent of irrigated land

Irrigation status	Area (ha)	% of total
Cultivated: permanent - commercial irrigated	423 357	21,49%
Cultivated: permanent - commercial Sugar cane	459 896	23,34%
Cultivated: temporary - commercial irrigated	1 087 083	55,17%
Totals	1 970 336	100,00%

ARC-ISCW, 2005. Overview of the agricultural natural resources of South Africa. ARC-ISCW Report No GW/A/2004/13, ARC-Institute for Soil, Climate and Water, Pretoria. http://www.agis.agric.za/agisweb/agis.html

The commercially cultivated land has declined by 8,6% in the area under cultivation between 1990 and 2014. However, in the same period cultivation through pivot irrigation has increased by 221,2%. Although land under irrigation still only covers 0,6% of South Africa's area, it is increasing in significance. The impact of access to sufficient water resources is well-illustrated in the extent of irrigation in the Northern Cape and specifically in the Boland with its vines and orchards cultivated on land unsuitable for any dryland cultivation. This highlights the vulnerability of agriculture to water shortages.

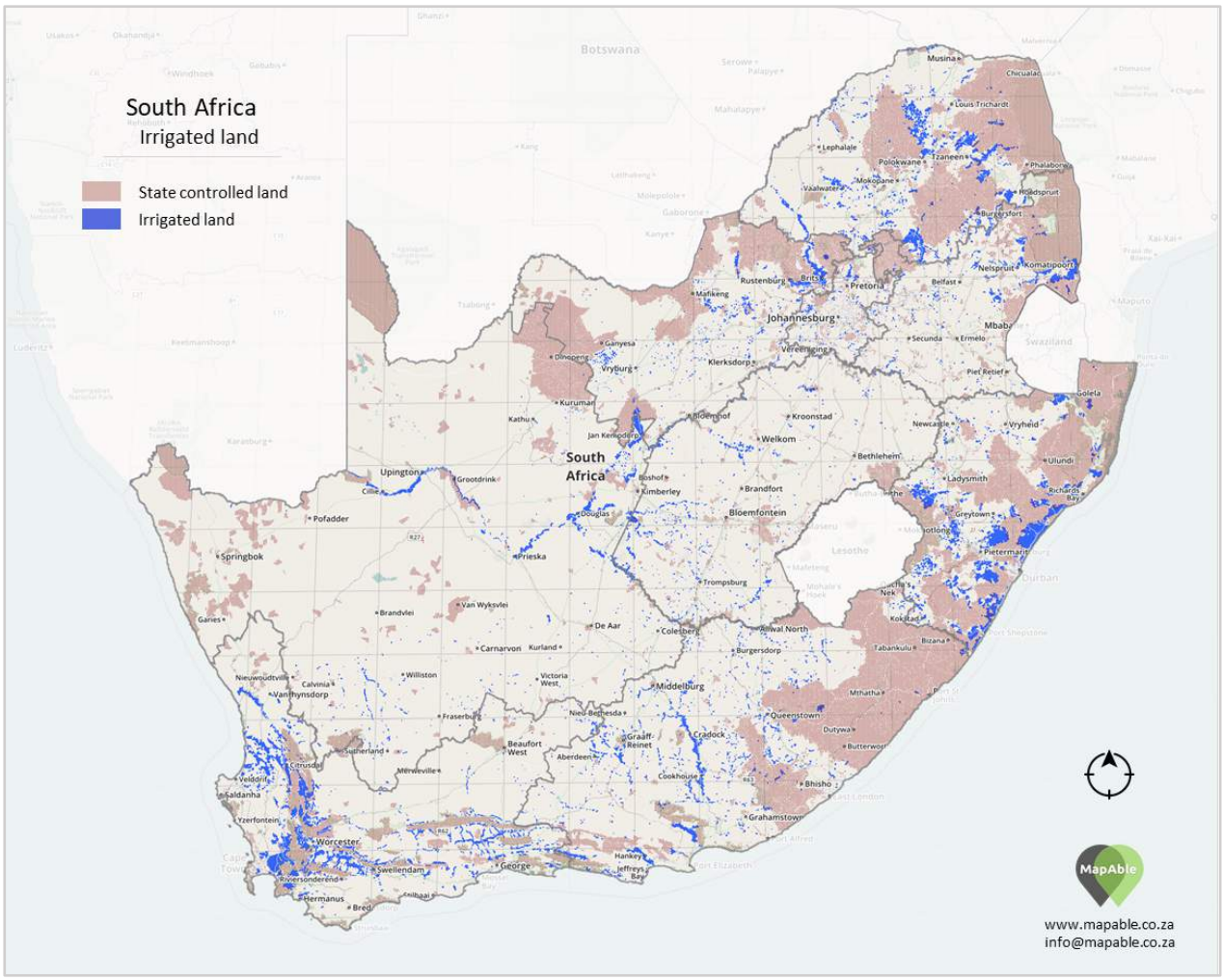
Table 15: The extent of cultivation under pivot irrigation

	1990	2014	% change	% of SA

[124] Distributions per province were not calculated due to time constraints.
[125] J.B. Steven. 2006. Adoption of irrigation scheduling methods in South Africa (p. 2). University of Pretoria.

Cultivated pivot	238 483	765 991	221,2%	0,6%

Map 8: Irrigated land



Source: ARC-ISCW. 2005. Overview of the agricultural natural resources of South Africa. ARC-ISCW Report No GW/A/2004/13, ARC-Institute for Soil, Climate and Water, Pretoria. http://www.agis.agric.za/agisweb/agis.html

b. The grazing capacity

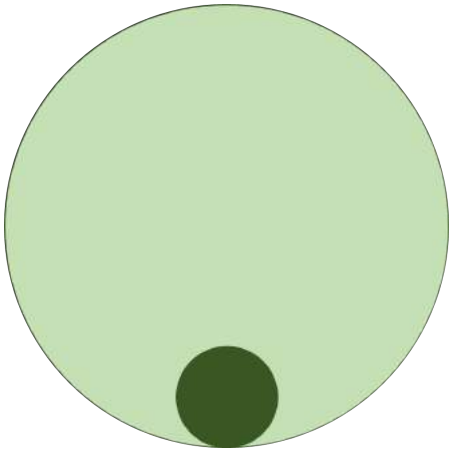
Gugile Nkwinti, the former Minister of Rural Development and Land Reform, told Reuters that Government was planning to set a range of limits on farmland ownership – from a 1 000 ha (2 470 acre) "small-scale" farm, up to at 12 000 hectares, the largest allowed.[126] This was part of the municipal pre-election campaign in 2016. However, the size of farms has been an issue for many decades. Where the Minister is implying downsizing farmland, the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 1970) regulated the subdivision of land, and no agricultural land could be subdivided without the consent of the Minister. The aim was to protect farmland against subdivision into "sub-economical units", amongst other objectives.

Nothing describes the large variations in agricultural potential better than a map of the grazing capacity in South Africa. Grazing capacity is measured in animal units (AU).[127] Grazing capacity varies between less than 4 ha/AU to more than 100 ha/AU. The map

[126] E. Stoddard. 21 May 2016. South Africa to limit farm sizes to speed land redistribution. Reuters World News.
[127] The animal unit (AU) is a standard unit used in calculating the relative grazing impact of different kinds and classes of livestock. One animal unit is defined as a 450 kg beef cow with or without a nursing calf, with a daily dry matter forage requirement of 12 kg.

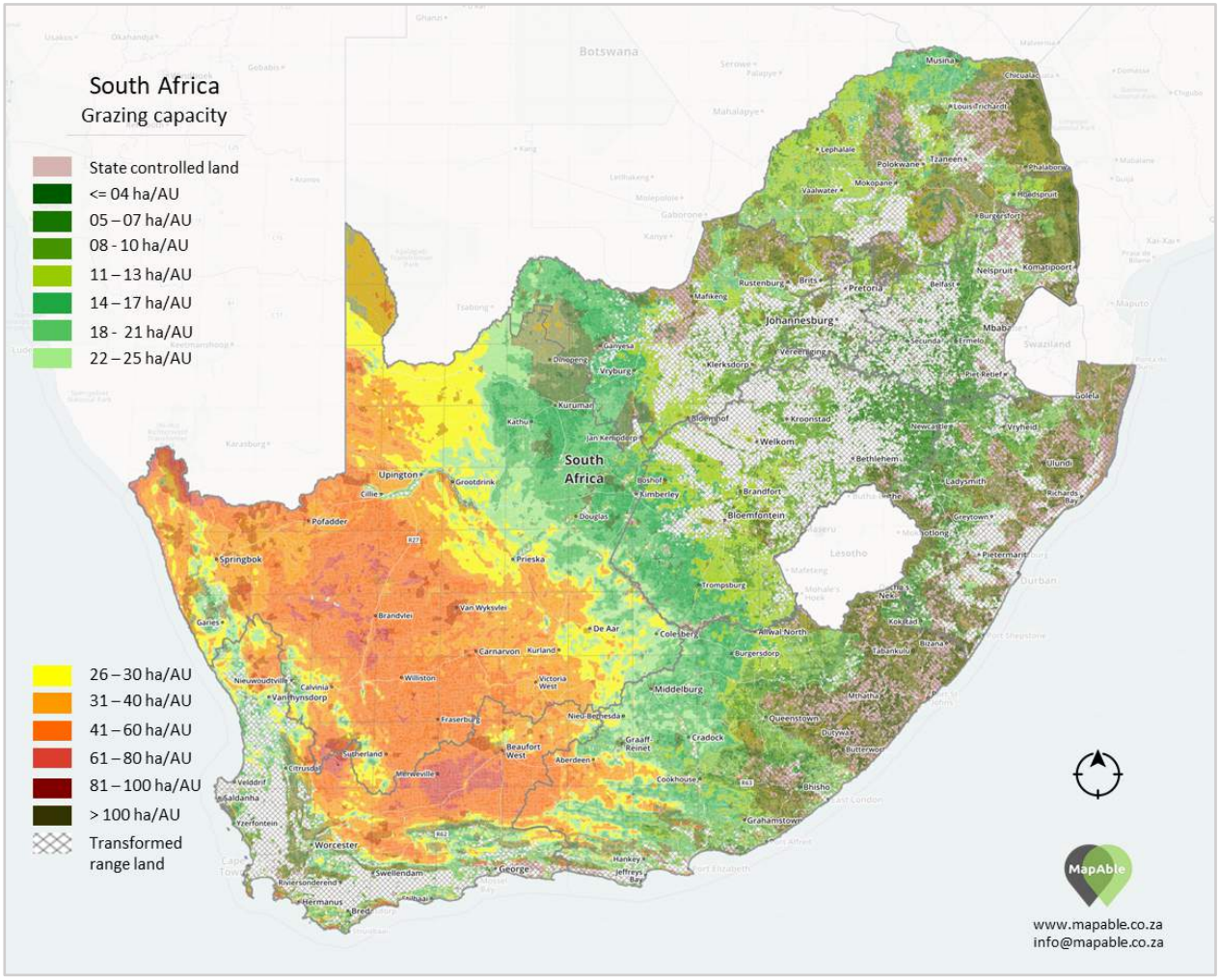
shows clearly how climate impacts on grazing capacity. In the previous section, reference was made to non-arable land used for grazing purposes. The arable land and urban footprint are shown on the next map as “transformed rangeland”.

Figure 2: The implications of grazing capacity



The figure illustrates how grazing capacity affects land requirements. The small circle shows the land required at a grazing capacity of 4 ha/AU. This is typically the capacity in some areas of the eastern Highveld of Mpumalanga and KwaZulu-Natal. The bigger circle shows the land that will be required to farm the equivalent animal units at 100 ha/AU. This is typical of the area around Merweville between Beaufort West and Laingsburg.

Map 9: Grazing capacity



Source: ARChttp://www.agis.agric.za

Again, as is the case with arable land, land with significant grazing capacity is limited. The table below shows that less than 20% of South Africa has a grazing capacity better that 10 ha/AU. This implies 2 000 ha to farm 200 cattle. 53% of South Africa has a grazing capacity of less than 25 ha/AU, which implies a farm of 5 000 ha as in our example. From any perspective, farms of 2 000 ha and 5 000 ha are not small pieces of land.

Table 16: Distribution of grazing land capacity per province (ha)

Row Labels	EC	FS	GT	KZN	LIM	MP	NC	NW	WC	Total
≤ 4 ha/AU	117,3	60,3	1,5	223,6	4,5	71,2	6,2	2,4	13,4	500,3
5–7 ha/AU	2 264,7	1 220,7	265,8	2 510,4	298,7	2 153,9	25,6	140,6	104,7	8 985,0
8–10 ha/AU	2 744,2	2 150,5	482,9	1 904,6	2 809,3	1 574,8	80,4	1 693,9	264,1	13 704,7
11–13 ha/AU	2 128,6	2 483,0	108,1	787,2	4 638,2	629,6	218,8	2 146,3	440,4	13 580,3
14–17 ha/AU	2 465,0	1 704,0	8,3	463,4	2 218,9	248,1	2 059,5	2 128,3	767,7	12 063,2
18–21 ha/AU	1 986,5	549,5	2,2	220,2	282,2	81,6	3 606,3	1 289,6	938,4	8 956,6
22–25 ha/AU	1 082,4	133,8	0,5	108,4	41,9	29,4	4 378,4	402,9	1 055,0	7 232,7
26–30 ha/AU	694,1	35,9	0,1	60,6	11,8	15,1	6 913,9	35,3	1 189,5	8 956,3
31–40 ha/AU	822,3	9,3	0,0	49,4	6,8	10,8	9 034,2	0,1	2 114,6	12 047,5
41–60 ha/AU	457,4	1,7	0,0	36,1	4,2	8,4	10 182,3	0,0	2 514,6	13 204,6
61–80 ha/AU	14,7	0,0	0,0	11,9	3,0	4,8	964,6	0,0	807,9	1 806,9
81–100 ha/AU	6,1	0,0	0,0	3,6	0,9	6,2	1,1	0,0	4,0	21,8
More than 100 ha/AU	0,3	0,0	0,0	0,1	0,0	0,3	0,0	0,0	0,1	0,8
Transformed rangeland	2 133,9	4 650,0	949,0	2 956,3	2 244,4	2 816,1	313,9	2 676,6	2 922,4	21 662,7
Grand Total	16 917,5	12 998,6	1 818,2	9 335,9	12 564,8	7 650,2	37 785,3	10 516,0	13 136,7	122 723,3

Source: Cross-tabulated by MapAble from ARC. http://www.agis.agric.za

c. The extent of cultivated land

Up to now, the report concerned itself with agricultural potential. The report dealt with land capability regarding arable and non-arable land and then with grazing capacity. The question, however, is to what extent is the potential utilised. Although land capability discounts typography, for example, it is clear in its calculations, however, that physical features such as topography and drainage systems (river, pans wetlands, etc.) do have a direct bearing on the extent to which land is cultivated. It is significant that land capability data indicates that 32 399 830 ha (26,4% of South Africa) are arable, but land cover data (2014) shows that only 14 million ha (11,4%) is under cultivation. Whether this is good or bad is not possible to say, and one needs to assess the situation in much more detail to come to any more specific conclusions.

This section deals with the land cover in the following categories:

1. Commercially cultivated land;
2. Subsistence farming; and
3. Orchards, vines and sugar cane.

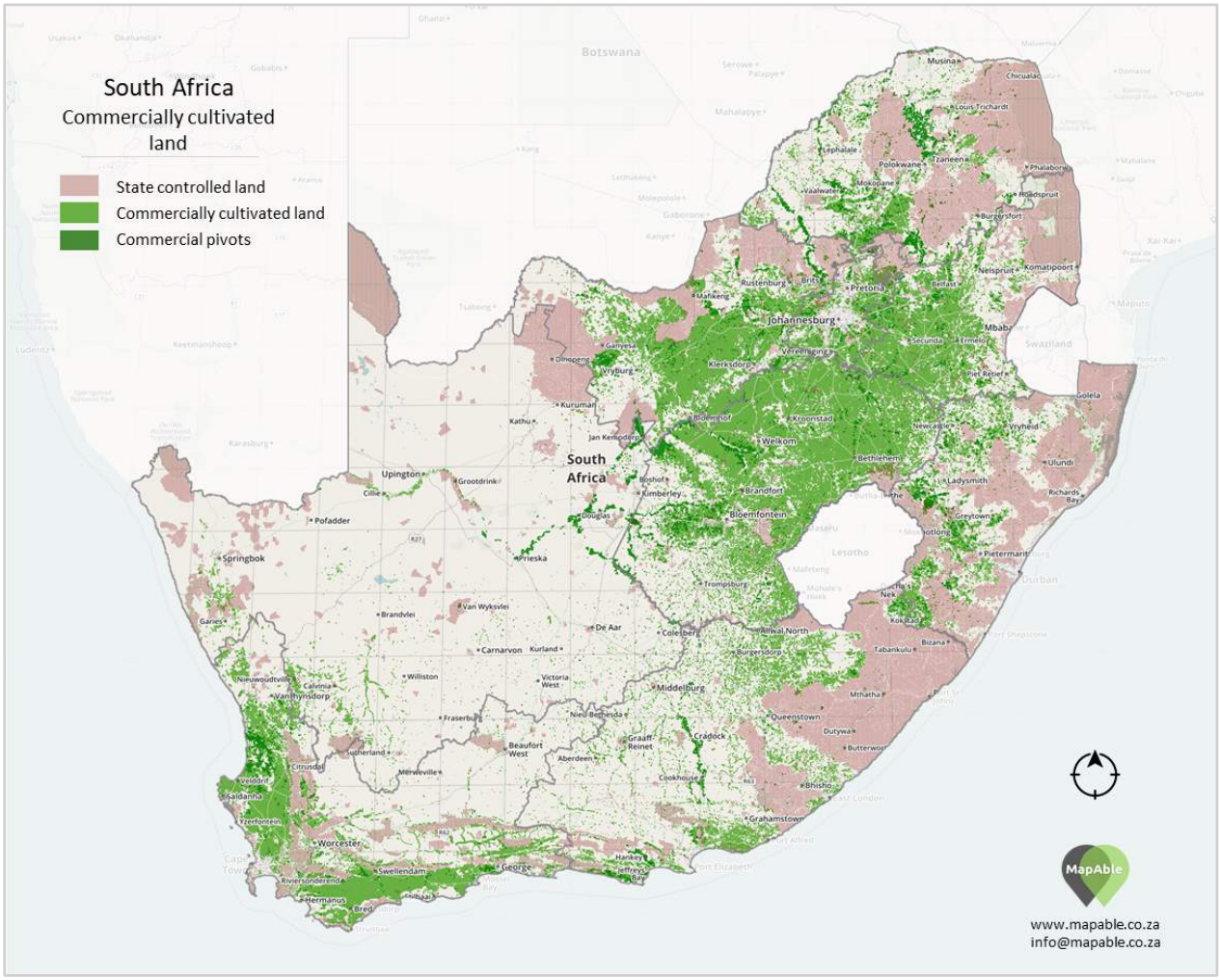
The following datasets supplement the next three maps.

Table 17: The extent of cultivated land in South Africa (ha)

	EC	FS	GT	KZN	LIM	MP	NC	NW	WC	Total
Cultivated commercial fields	488 522	3 603 802	380 337	401 769	570 040	1 089 597	138 141	1 865 519	1 647 013	10 184 742
Cultivated commercial pivot	52 203	163 103	21 521	61 596	167 734	46 586	93 459	85 214	74 305	765 719
Cultivated orchard and vines	47 758	3 438	1 687	24 767	109 118	42 890	40 073	5 328	262 850	537 910
Sugar cane	0	0	0	408 250	0	61 779	0	0	0	470 028
Subsistence farming	767 939	30 328	1 200	533 677	404 765	66 849	3 951	233 358	726	2 042 794
Total	1 356 422	3 800 671	404 744	1 430 059	1 251 657	1 307 702	275 625	2 189 419	1 984 895	14 001 193

The Free State has the most cultivated land, followed by North West. The Eastern Cape, Limpopo and KwaZulu-Natal have the most subsistence farms and substantially less commercially cultivated fields. Northern Cape has the least, mainly due to climatic conditions, followed by Gauteng, where almost 20% of its area is covered by its urban footprint.

Map 10: Commercially-cultivated land



Source: Land-cover dataset generated in-house by Geo Terra Image (Pretoria) in January 2015, based on primarily multi-date Landsat 8 imagery acquired between April 2013 and March 2014. Released by the Department of Environmental Affairs.
https://egis.environment.gov.za/gis_data_downloads

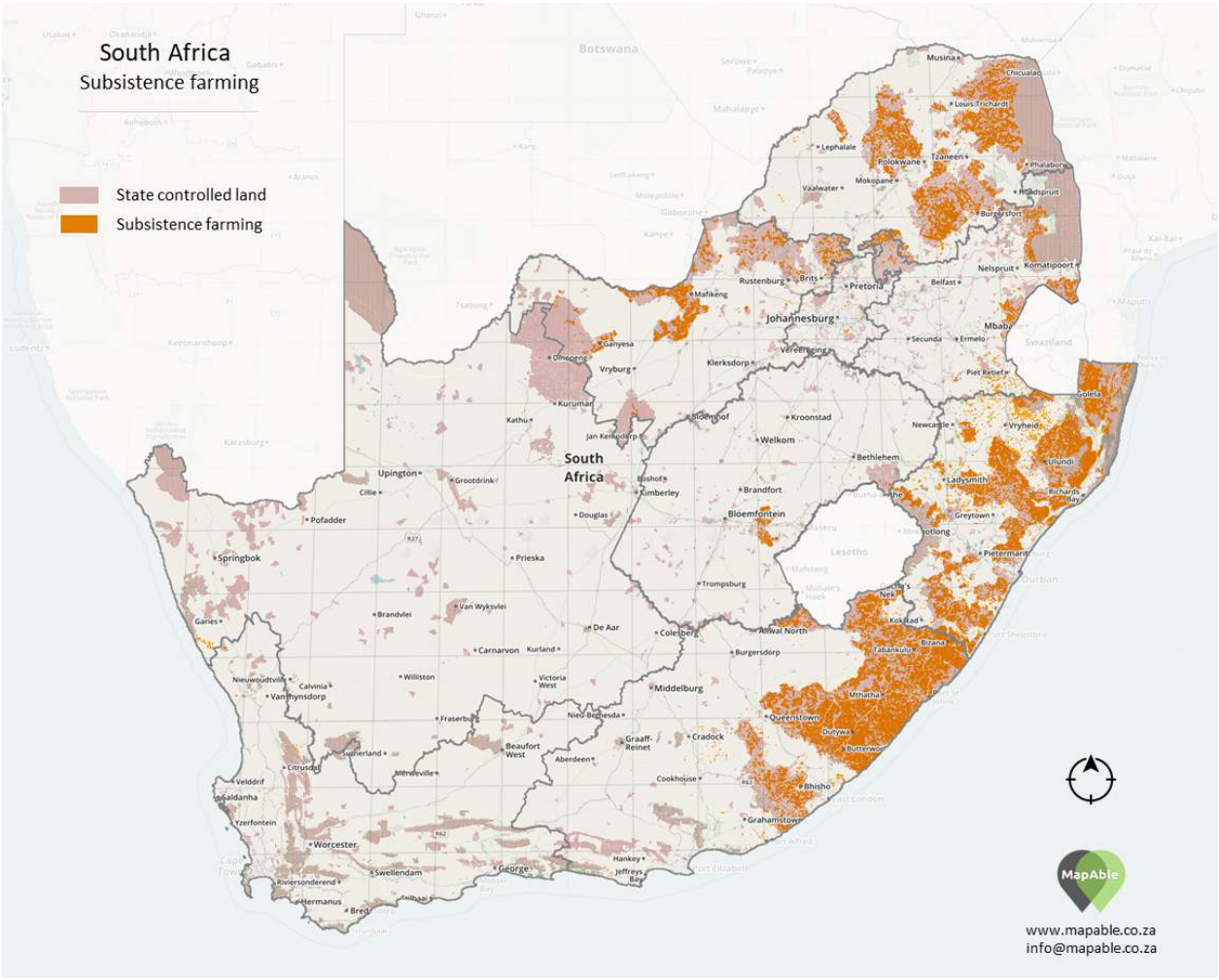
How intensively a province is cultivated is shown in the next table, which indicates the percentage of a province under the different types of land cultivations. The figures indicate the percentage of the total area of a province.

Table 18: Extent of a province under cultivation (%)

	EC	FS	GT	KZN	LIM	MP	NC	NW	WC	Total
Cultivated commercial fields	2,89%	27,7%	20,92%	4,25%	4,53%	14,23%	0,37%	17,73%	12,52%	8,29%
Cultivated commercial pivot	0,31%	1,3%	1,18%	0,65%	1,33%	0,61%	0,25%	0,81%	0,56%	0,62%
Cultivated orchard and vines	0,28%	0,0%	0,09%	0,26%	0,87%	0,56%	0,11%	0,05%	2,00%	0,44%
Sugar cane	0,00%	0,0%	0,00%	4,32%	0,00%	0,81%	0,00%	0,00%	0,00%	0,38%
Subsistence farming	4,54%	0,2%	0,07%	5,65%	3,22%	0,87%	0,01%	2,22%	0,01%	1,67%
Total	8,01%	29,2%	22,26%	15,14%	9,95%	17,08%	0,73%	20,80%	15,09%	11,40%

Tables 17 and 18 show that subsistence farming is important and accounts for the bulk of the cultivated land in KwaZulu-Natal and Eastern Cape, with substantial cover in Limpopo and Mpumalanga. It is worth noting that subsistence farming occurs predominantly on state-controlled land. The next map shows the distribution of subsistence farming in South Africa.

Map 11: Subsistence farming



Source: Land-cover dataset generated in-house by Geo Terra Image January 2015. Released by the Department of Environmental Affairs. https://egis.environment.gov.za/gis_data_downloads

Orchards, vines and sugar cane rely on irrigation. Regarding total land cover, these activities are small, but by their very nature tend to be very intensive forms of cultivation with strong links to technology, as well as labour intensive. These types of cultivation require less land due to its intensive nature. The ability to use less favourable land often opens areas of low general potential for cultivation. The Western Cape is a good example of where arable land is generally of very low quality but access to water and the ability to utilise land with, for example, steep slopes and shallow soils make orchards and vines a good prospect. Much the same applies to sugar cane and the cultivation along the lower Orange River. It is interesting to note that land under orchards and vines exceeds land used for sugar cane cultivation. Map12 below shows the spatial extent of orchards, vines and sugar cane.

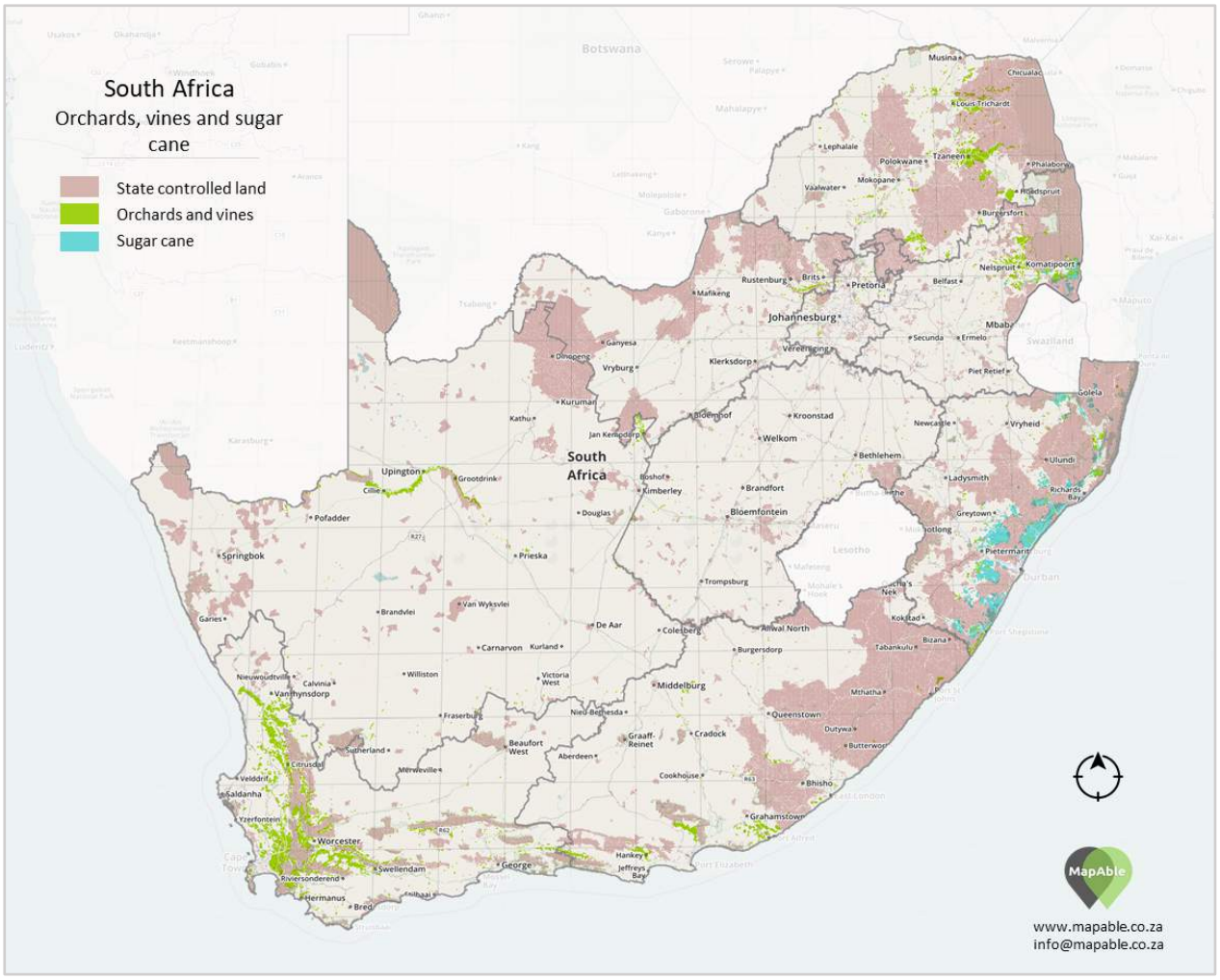
Very clear trends emerge when comparing changes in land cultivation. The next table shows changes between 1990 and 2014 in land cover.

Table 19: Changes in the agricultural footprint of South Africa 1990 to 2014

	EC	FS	GT	KZN	LIM	MP	NC	NW	WC	Total
Cultivated commercial fields	-10,3%	-5,0%	-5,1%	4,2%	-20,0%	-14,4%	-18,8%	-13,7%	-3,3%	-8,6%
Cultivated commercial pivot	414,6%	490,7%	213,8%	281,0%	114,5%	280,0%	112,0%	254,5%	291,6%	221,2%
Cultivated orchard and vines	-18,2%	47,7%	58,4%	1,8%	40,2%	35,6%	13,4%	1,0%	8,9%	12,6%
Sugar cane	0,0%	0,0%	0,0%	22,9%	0,0%	73,0%	0,0%	0,0%	0,0%	28,1%
Subsistence farming	6,5%	60,8%	-55,4%	30,4%	-13,1%	-27,2%	-10,1%	-13,2%	-29,9%	3,1%
Total	1,6%	-1,1%	-1,6%	22,5%	-6,2%	-9,4%	8,5%	-11,0%	1,0%	-1,5%

Overall, less land was used for land cultivation in 2014 than in 1990. However, agricultural output continued to grow. Agricultural output increased by 28,9% between 1994 and 2016.[128] There can be any number of reasons for the contraction in the land cultivation footprint, for example, improved technology, switching from cultivation to more extensive forms of agriculture, such as stock or game farming. There were substantial declines across all provinces in commercially-cultivated fields, with the highest percentage recorded in Limpopo. The positive aspect was exceptional growth in pivot irrigation in all provinces. The growth in orchards, vines and sugar cane is consistent with the growth in pivot irrigation that points to a more intensified, specialised type of farming. All the growth sectors are linked and dependent on the availability of water. Subsistence farming declined in most provinces except KwaZulu-Natal, where it shows exceptional growth. The highest growth was, however, in the Free State but from a small base.

Map 12: Orchards, vines and sugar cane



Source: Land-cover dataset generated in-house by Geo Terra Image (Pretoria) in January 2015, based on primarily multi-date Landsat 8 imagery acquired between April 2013 and March 2014. Released by the Department of Environmental Affairs.
https://egis.environment.gov.za/gis_data_downloads

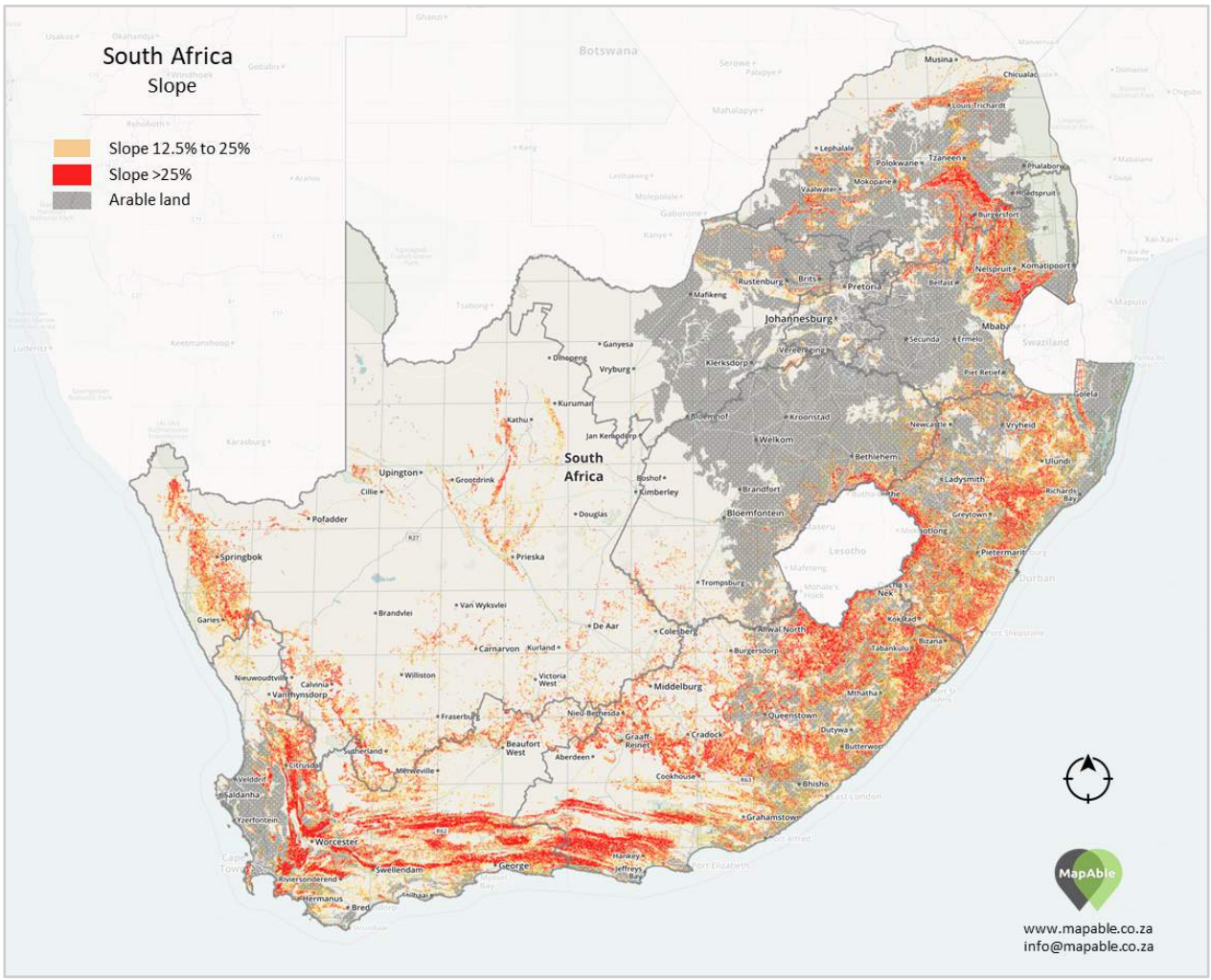
The actual coverage of land cultivation was mentioned in the introductory paragraph to this section. To conclude this section, it is necessary to put this statement in context. Firstly, land capability is a high-level indication of agricultural potential. The main feature impacting on the ability to maximise land cultivation is the land features. The two most important elements are topography and drainage systems. Topography and drainage also relate to soil conditions and the underlying geological features

[128] Quantec. 1993-2016. Regional indicators Regional Output and GVA at basic prices by industry and 2011 local municipal/ward-based metro region level. www.quantec.co.za

of an area. To these constraints that are caused by land features one must also add competing land uses, for example mining, settlement, infrastructure networks and conservation.

The next map shows the topographical structure of South Africa in relation to arable land. The plateaux of the interior constitute the biggest part, but the availability of arable land is at this level interrupted by Magaliesberg, the Witwatersrand and the Vredefort Dome. Also, as one approaches the escarpment in Mpumalanga and the Free State, a more broken landscape starts to impact on the usability of arable potential. These patterns repeat on the Polokwane plateau, the Lowveld and the KwaZulu-Natal Midlands. The rest of the arable land exists as a narrow band of coastal plains between the escarpment and the sea.

Map 13: Slope as a constraint on land cultivation and development



Source: MapAble

Figure 3 below shows areas with relatively good arable potential. The first extract (Free State and North West), has fewer natural constraints, but other uses are competing for the same land area. The second extract (Eastern Cape) shows how severe topography can restrict land cultivation. Apart from physical constraints, access to available land also becomes an issue.

Table 20: Cultivated land density for randomly selected areas

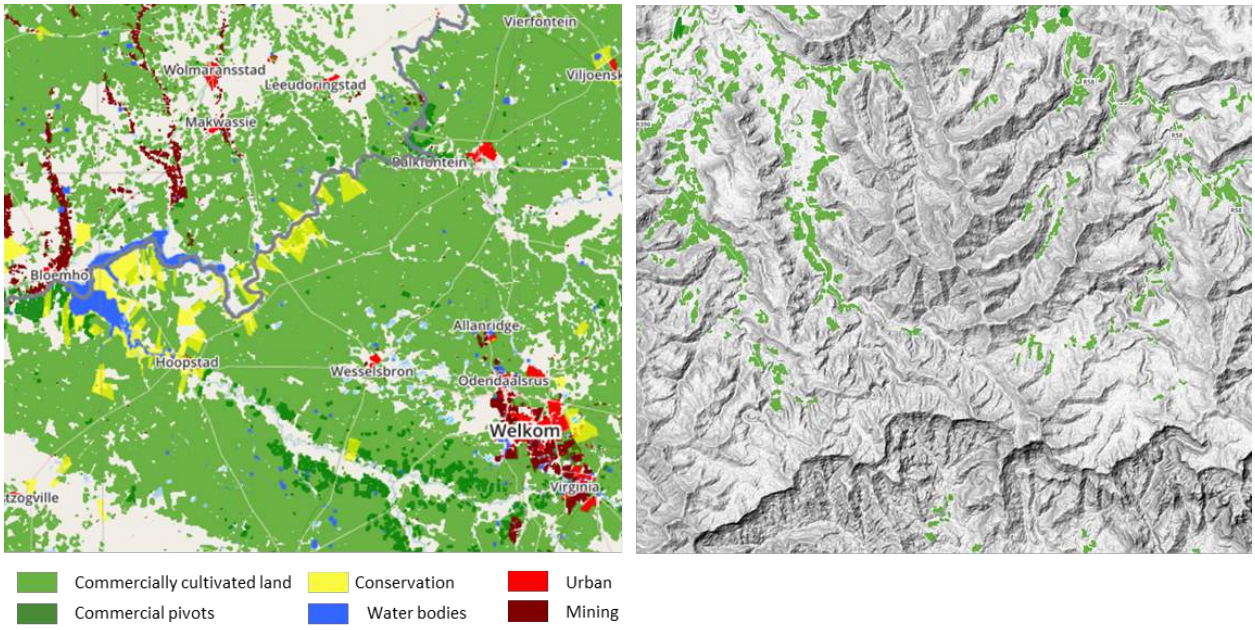
Area selected	Gross area	Cultivated area	Coverage
Welkom, Bothaville, Klerksdorp (Free State and North West)	2 776 014	1 292 161	46,5%
Barkley East, Dordrecht (Eastern Cape)	136 262	8 642	6,3%
Lindley, Senekal (Eastern Free State)	1 018 652	417627	41,0%
Cultivated land density Springbok flats	121 720	57012	46,8%
Vryheid (KwaZulu-Natal)	80 796	11128	13,8%
Bethal, Morgenzon (Mpumalanga)	232 411	74718	32,1%

Delareyville, Schweizer-Reneke, Wolmaransstad (Northwest)	242 706	160 090	66,0%

Source: Calculated by MapAble from land cover data.

The table shows through randomly-selected examples how the extent of land cultivation can differ, although land capability is relatively the same for all these areas. Although the focus is on the extent of land cultivation, it does not imply that land not cultivated is not used. High-potential arable land also correlates with better grazing capacity, and constraints for cultivation becomes opportunities for intensive stock farming.

Figure 3: Impact of competing factors and natural features on cultivated land



Source: Extracts from land-cover dataset Geo Terra Image. Released by the Department of Environmental Affairs.
https://egis.environment.gov.za/gis_data_downloads

7. Factors contributing to a differential land demand

The demand for land is affected by many factors. The natural consequence of the development process is that people move out of primary production (agriculture, forestry, fishery and mining) into secondary- and tertiary-sector employment. The result is urbanisation, which explains the statement about where land claims do occur. Professor Ben Cousins of the Institute for Poverty, Land and Agrarian Studies at the University of the Western Cape wrote that "around 87% of land claims lodged by the cut-off date in 1998 were to urban properties, and in most cases, claimants were offered (and accepted) a standard cash settlement, because restoration was clearly impracticable. But the great majority of rural claims, involving a great many more people since most are group claims, have opted for restoration."[129]

The demand for land in the urban environment is understandable. Land in the urban context is subject to the forces of land economics. Land as scare resource is expensive and competition for land, land goes the use that can extract the highest value per square meter. This causes smaller land parcels, and results in new arrivals in the urban environment either living in high densities to maximise the value of land or moving further away to more affordable land. This explains to an extent the high levels of overcrowding in inner-cities or the growth of low-income settlements on the urban periphery. All things being equal, it makes economic sense.

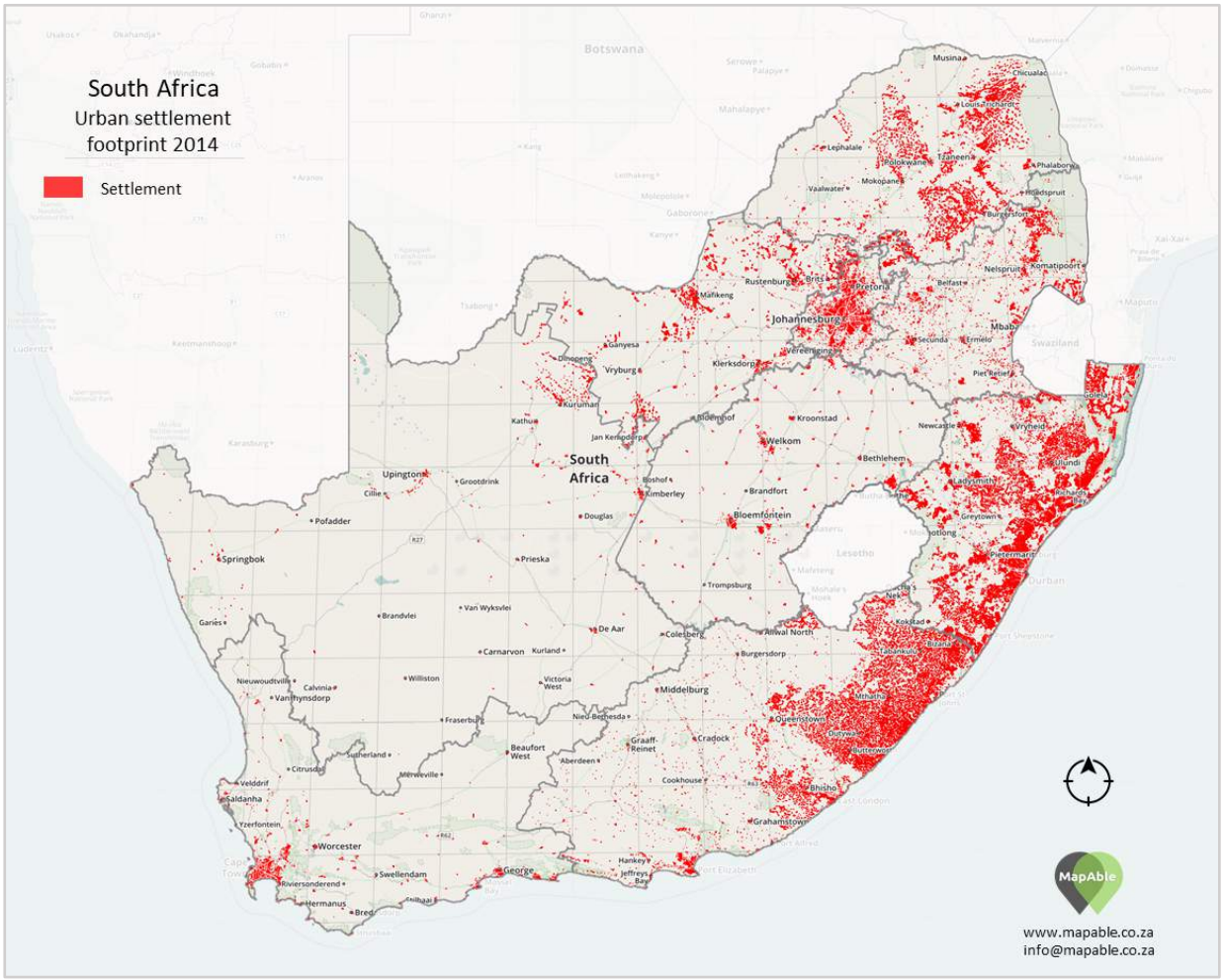
[129] B. Cousins. 9 March 2018. *Land debate is clouded by misrepresentation and lack of data.* News24 https://www.news24.com/Analysis/land-debate-is-clouded-by-misrepresentation-and-lack-of-data-20180309

South Africa's definition of urban is rather narrow and excludes tribal settlements (or settlement on tribal land from the urban category). Notwithstanding this narrower definition, South Africa is already more than 65% urbanised.[130] Based on the concepts of urban and rural (always debatable), South African perceptions of urbanisation bring pictures of people streaming into the major cities to mind. This is particularly true of our metropolitan areas. However, there is evidence that population shifts are geographically much wider. This section will explore settlement and movement (migration) from a spatial perspective.

a. Settlement patterns

As indicated above, the distinction between urban and rural is not always clear cut. The map below shows where people live in South Africa.

Map 14: Settlement footprint 2014



Source: Land-cover dataset generated in-house by Geo Terra Image (Pretoria) in January 2015, based on primarily multi-date Landsat 8 imagery acquired between April 2013 and March 2014 – Released by the Department of Environmental Affairs
https://egis.environment.gov.za/gis_data_downloads

The CSIR developed a settlement typology based on a functional classification of settlements and activities in South Africa. This moves away from a narrower binary urban-rural approach. The following areas were identified:

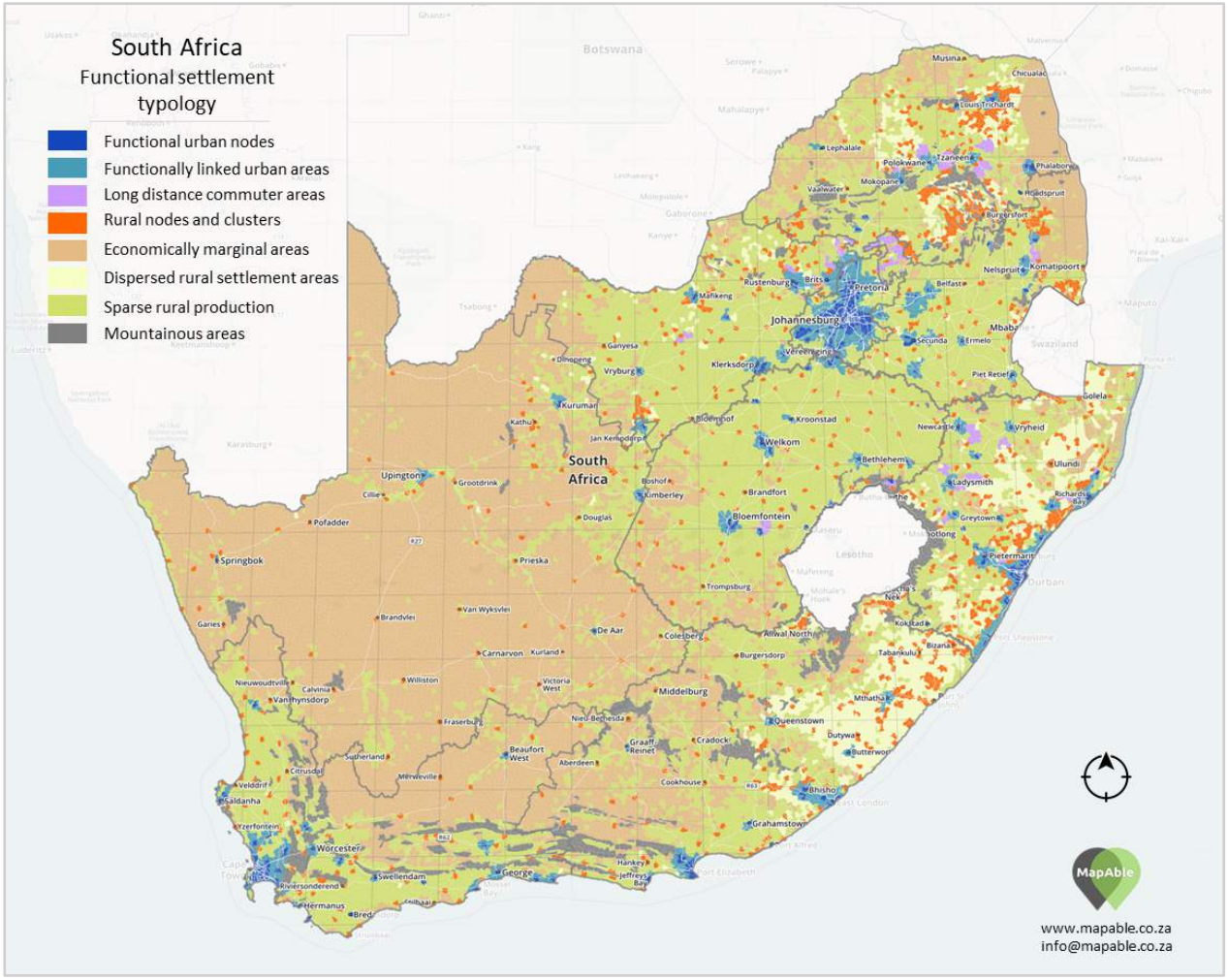
1. Functional urban nodes which are areas regarded as fully urban and meet the general criteria for urban areas.

[130] https://www.statista.com/statistics/455931/urbanization-in-south-africa/

2. Functionally-linked urban areas are areas on the periphery of the functional urban areas and are in terms of activities and character depended on the adjacent functional urban area.
3. Long-distance commuter areas are displaced areas, removed from the urban functional areas, but still maintain strong economic ties with the functional urban areas. Although rural, they depend economically on the urban areas.
4. Rural nodes and clusters are concentrations that are taking on an urban character, and one must assume that inhabitants are depended on the secondary and tertiary sectors for their livelihoods, rather than primary sector employment. These areas are either small service towns or larger and denser population in traditional areas.
5. Sparse rural production largely coincides with areas under cultivation (commercial farming areas).
6. Dispersed rural settlement areas are the areas between tribal villages in the ex-homeland areas.
7. Economically-marginal and protected areas are either part of the larger national parks or the extensive grazing areas.
8. Mountainous areas are uninhabitable.

The next map shows the distribution of these areas.

Map 15: Functional settlement typology



Source: CSIR. 2010. Built Environment. Rural Typology.

The next table shows the population per province for these areas.

Table 21: Population per functional area 2011

	EC	FS	GT	KZN	LIM	MP	NC	NW	WC	Total
Dispersed rural settlement areas	2 052 191	3 060	4 639	1 718 830	920 339	79 129	277 237	41 162	18 828	5 115 415
Economically-marginal and protected area	35 518	15 007	109	52 809	28 842	11 034	15 191	60 391	31 418	250 319

Functional urban nodes	1 732 183	1 453 502	10 654 079	3 868 303	602 302	1 066 151	687 216	356 512	4 599 161	25 019 409
Functionally-linked urban areas	742 509	193 050	1 417 468	1 544 787	465 068	302 824	977 744	137 103	399 672	6 180 225
Long-distance commuter areas	0	212 844	59 977	777 208	682 362	851 790	149 775	6 374	0	2 740 330
Mountainous areas	16 848	4 232	0	6 138	24 598	6 533	12 791	1 355	50 347	122 842
Rural nodes and clusters	1 644 818	729 664	43 740	1 806 220	2 334 200	1 411 624	978 694	412 370	435 230	9 796 560
Sparse rural production	332 970	166 234	46 565	479 132	342 061	306 070	408 211	125 993	277 333	2 484 569
Grand Total	6 557 037	2 777 593	12 226 577	10 253 427	5 399 772	4 035 155	3 506 859	1 141 260	5 811 989	51 709 669

When the data in the functional typology is summarised, a picture emerges that shows that a level of functional urbanisation may be substantially higher than in the narrower definition of Statistics South Africa. In the table below, functional urban areas and rural nodes and clusters were added together. The functionally-linked urban areas and long-distance commuter areas were grouped together due to the strong links with functional areas, and the rest were grouped as areas with a predominantly rural focus.

Table 22: Population distribution in an urban-rural focus based on settlement typologies

Urban vs non-urban	EC	FS	GT	KZN	LIM	MP	NC	NW	WC	Total
Urban focus	51,5%	78,6%	87,5%	55,3%	54,4%	61,4%	47,5%	67,4%	86,6%	67,3%
Functional urban linked and commuter areas	11,3%	14,6%	12,1%	22,6%	21,2%	28,6%	32,2%	12,6%	6,9%	17,3%
Rural focus	37,2%	6,8%	0,4%	22,0%	24,4%	10,0%	20,3%	20,1%	6,5%	15,4%
	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%	100,0%

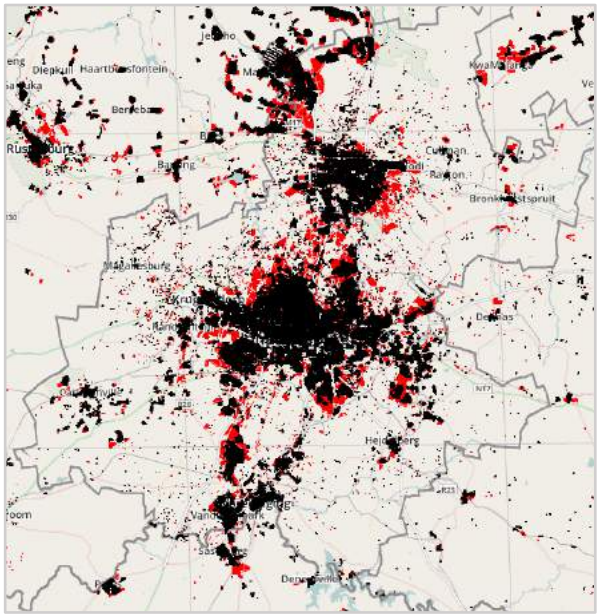
The tables show that the urban focus category corresponds closely with current perceptions and data on urbanisation. It is the second category that emerges as areas that show rapidly-developing urban characteristics. It may be an emerging area that warrants specific attention. However, viewing urban and functional urban areas together shows that levels of urban association are substantially higher than generally accepted. This has a direct impact on land, landownership and the availability of land for development.

The next few maps illustrate the change in the settlement footprint in selected areas. The examples include all eight metropolitan areas, as well as Thohoyandou and Mthatha as examples of major rural centres. The main point illustrated by these maps is that settlement growth is not exclusive to the larger urban centres.

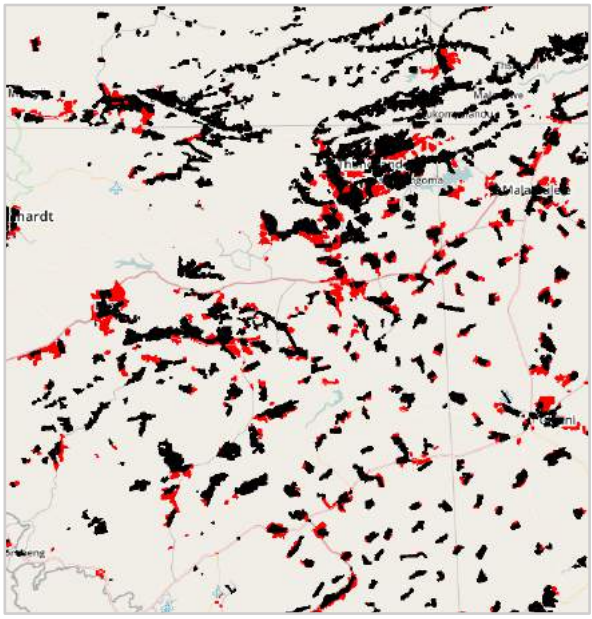
The map of the Gauteng areas shows rapid settlement development of the urban cores, but also in the outlining functionally-linked and even the long-distance commuter area KwaMahlanga in Mpumalanga. In the same way, the Thohoyandou area also shows very rapid growth in its settlement footprint. However, it is not as concentrated as in Gauteng. This, however, brings different challenges than growth large urban areas. The key is that it is rapidly growing.

Map 16a: Comparative settlement footprints for selected areas 1990 and 2014

Gauteng

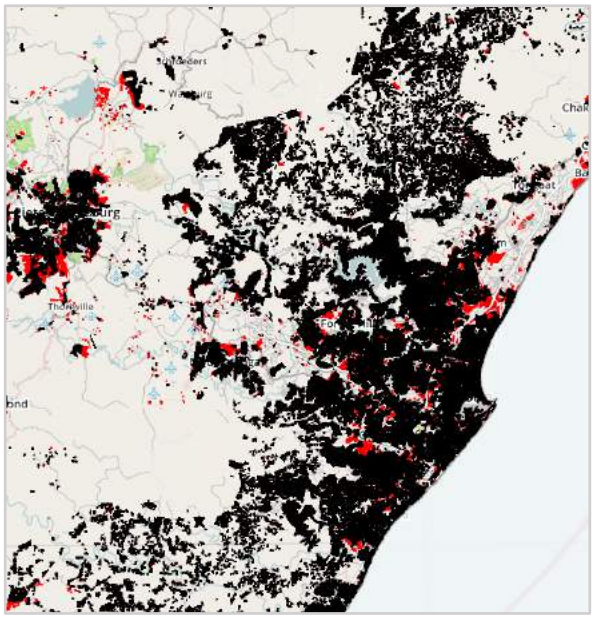


Thohoyandou area Limpopo

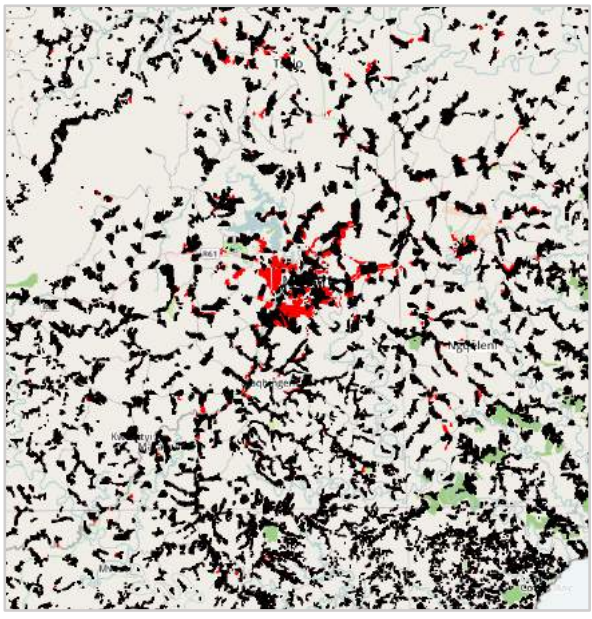


The two maps below show how growth in eThekwini was more focused on the core urban areas. The growth in Mthatha was very focused on the existing urban core, more so than was the case in Thohoyandou, notwithstanding the fact that both are nodal points in a traditional ex-homeland environment. The difference may be that Mthatha is formally better defined as Thohoyandou and has a much longer urban tradition.

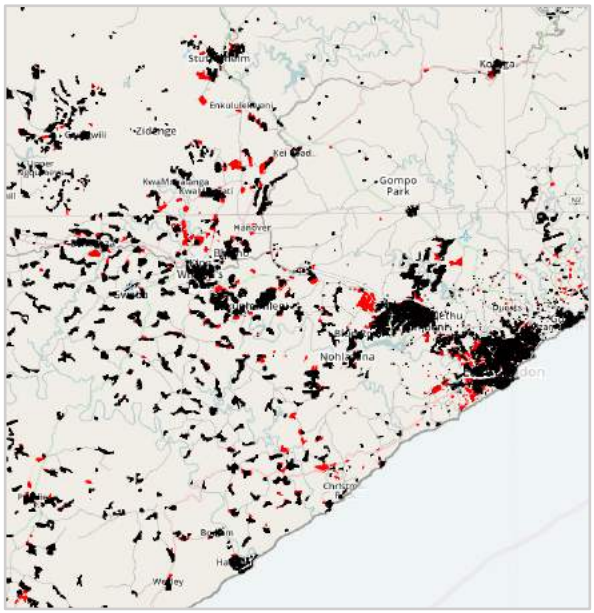
eThekwini region in KZN



Mthatha area in the Eastern Cape

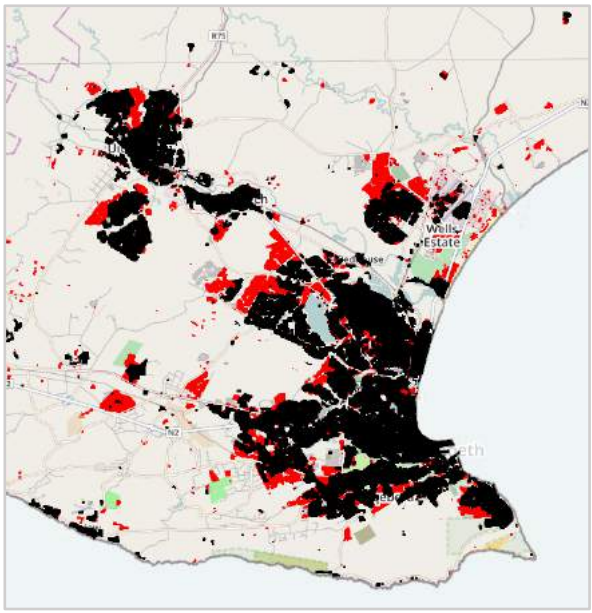


Buffalo City and its region



Settlement footprint 1990 Growth 1990 to 2104

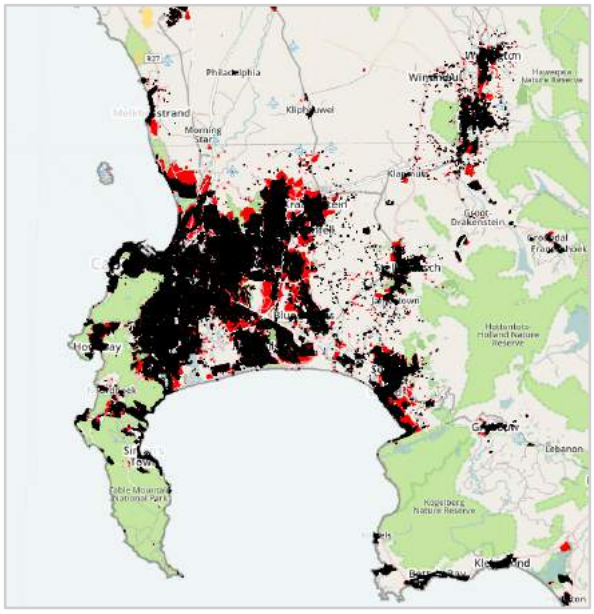
Nelson Mandela Bay



Settlement footprint 1990 Growth 1990 to 2104

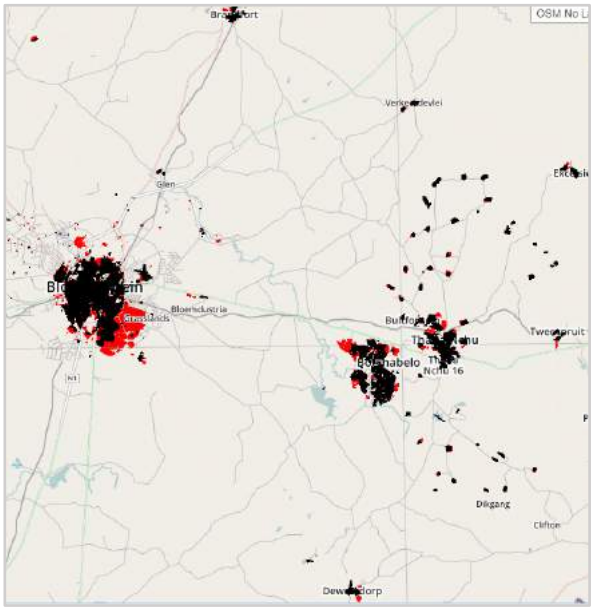
Buffalo City (East London) has strong functional links with Bisho in former Ciskei, and both centres show expansions in settlement footprints. The four maps above and the two below show very specific growth directions. Table 23 below shows the extent of these growth patterns for the different elements of land cover.

Cape Town Metropolitan Area



Settlement footprint 1990 Growth 1990 to 2104

Mangaung region



Settlement footprint 1990 Growth 1990 to 2104

The major growth areas in all the examples are growth in informal urban areas and built-up areas. Informal settlements were not general phenomena in 1990 and growth took place from a small base. Urban townships grew across the board. All areas show strong growth with very similar patterns, irrespective of location or urban tradition.

Table 23: Changes in land cover between 1990 and 2014

Land cover category	Gauteng	Thohoyandou	eThekwini	Mthatha	Mangaung	Buffalo City	Nelson Mandela	Cape Town
School and sports grounds	3,0%	-6,9%	-14,3%	-17,7%	3,0%	-19,9%	-16,7%	-8,0%
Urban sports and golf	8,6%	4,0%	15,2%	-24,5%	8,6%	-12,5%	15,4%	5,6%
Urban built-up[131]	278,6%	19,8%	757,6%	741,2%	278,6%	8,3%	131,2%	682,1%
Urban commercial	20,3%	7,7%	26,7%	-2,7%	20,3%	18,2%	42,5%	29,9%
Urban industrial	-24,5%	-8,6%	-5,1%	-16,4%	-24,5%	-13,8%	-14,7%	-6,9%
Urban residential	0,1%	25,6%	-4,3%	-2,1%	0,1%	-7,4%	7,4%	6,4%
Urban small holdings	-1,8%	0,0%	-14,0%	-19,3%	-1,8%	-4,4%	-9,8%	4,6%
Urban townships	40,3%	84,0%	6,9%	121,8%	40,3%	39,0%	90,1%	9,9%
Urban informal	947,7%	0,0%	14,6%	883,7%	947,7%	83,1%	3922,1%	256,3%
Rural villages	10,1%	21,5%	-8,7%	-5,6%	10,1%	8,3%	126,1%	0,0%

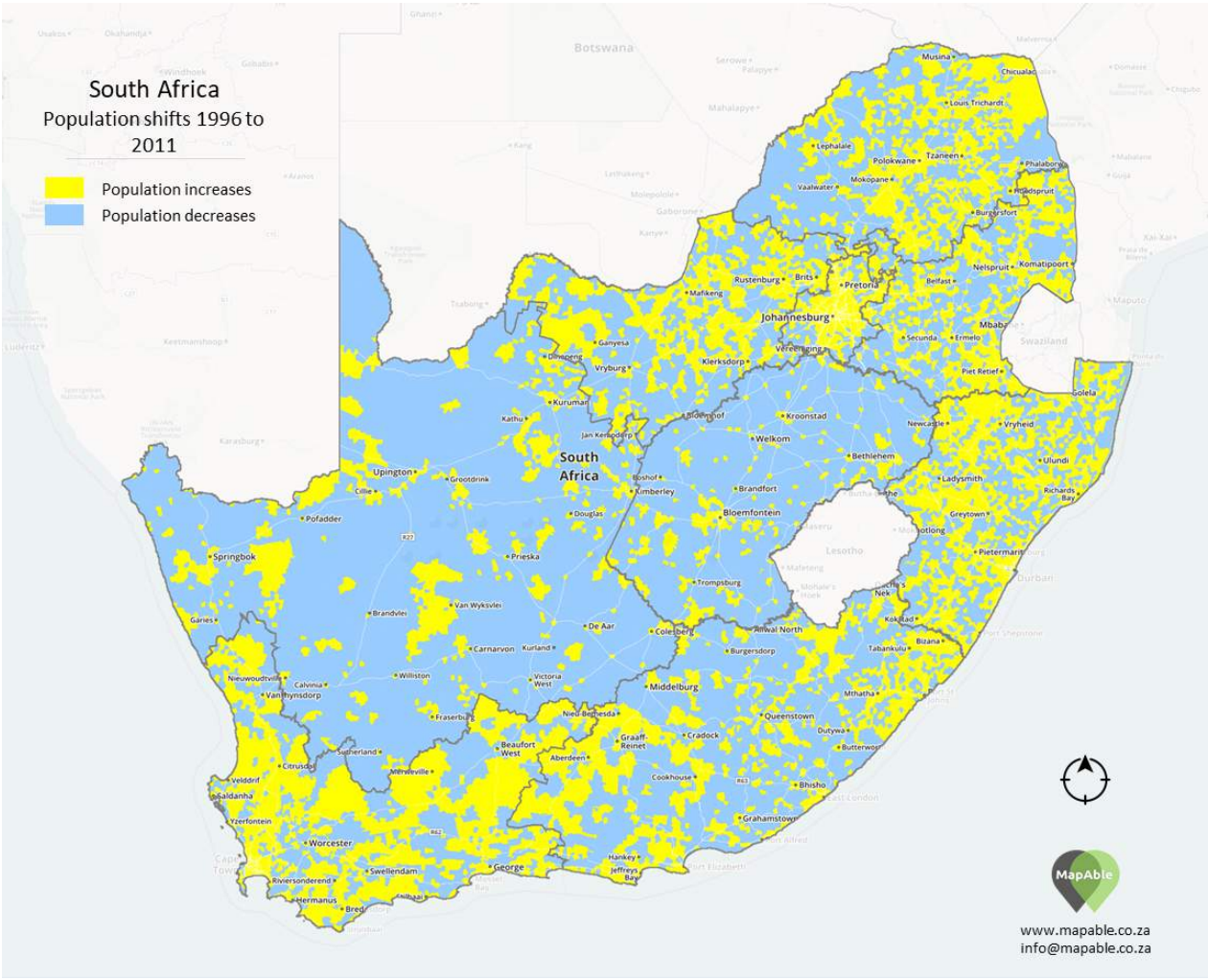
Indications are that the demand for land is not exclusively urban. The difference, however, lies in different land tenure systems between the areas and within some of the areas.

b. Population shifts and growth

The previous section deals with settlement patterns. This section addresses the spatial dynamics of population settlement. The first map below simply shows areas where the population grew and areas where it declined between 1996 and 2011.

[131] Areas containing variable densities of buildings, other built-up structures, or no structures at all, are not clearly identifiable as one of the other built-up classes. These may include runways, major infrastructure development sites, holiday chalets, roads, car parks, cemeteries, etc.

Map 17: Population shifts from 1996 to 2011 – increases and decreases



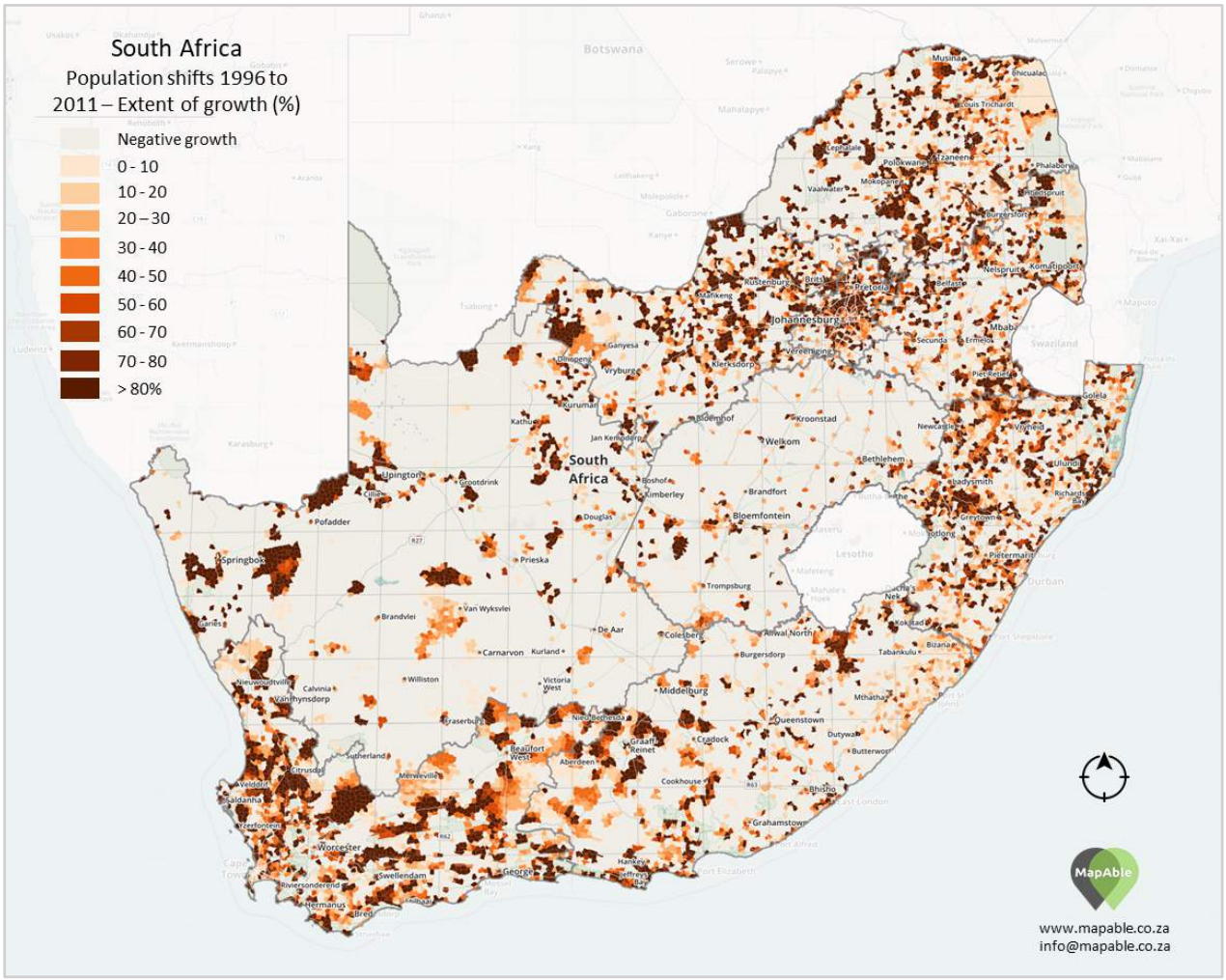
Source: Calculated by MapAble using Census 1996 and Census 2011 data (Statistics South Africa), linked to the South African Mesoframe development by the CSIR

The map indicates that:

1. The rural areas of the Northern Cape, Free State, the southern parts the Eastern Cape and areas south of Lephalale and north of the North West border with Limpopo declined in respect of population. There are many other areas where the population declined, but dispersed between growing areas.
2. There are areas of growth associated with ex-homelands and, as expected, with the metropolitan areas.
3. There are two areas of interest. The first is the extent of growth in the rural parts of the Western Cape and even in core areas of the Karoo extending into the neighbouring farming areas of the Eastern Cape. The second is the depopulation of the Free State farming areas notwithstanding good agricultural potential. The Free State towns all grew. This can only be indicative of a shift from farms to neighbouring towns.

The next map shows the extent to which these changes took place. The patterns described above are accentuated. The intensity and extent of growth differ. For example, the rural areas of tribal Eastern Cape did grow, but at a very low rate. The same applies to the smaller towns in the Free State and Northern Cape. The map also shows how strong growth was across the Western Cape, in particular in the deep rural areas of this province. It seems that nodal points are growing as a rule, albeit at different rates, contrary to general perceptions that growth is limited to major urban areas.

Map 18: Population shifts from 1996 to 2011 – the extent of growth (%)



Source: Calculated by MapAble using Census 1996 and Census 2011 data (Statistics South Africa) link to the South African Mesoframe. Development by the CSIR.

c. The spatial distribution of the economic value of agricultural production

Clear patterns emerge throughout previous sections, which implicate topography, climate and soil as determinants for settlement patterns and agricultural activities both in terms of potential and the actual distribution thereof.

i. The value of economic production in agriculture

The value of economic production measured in term of gross value added (GVA)[132] confirms the spatial patterns identified for agricultural potential and settlement in the preceding sections of this report. As indicated on Map 19, the value of agricultural production correlates closely with patterns of potential of available arable land. The following must be noted:

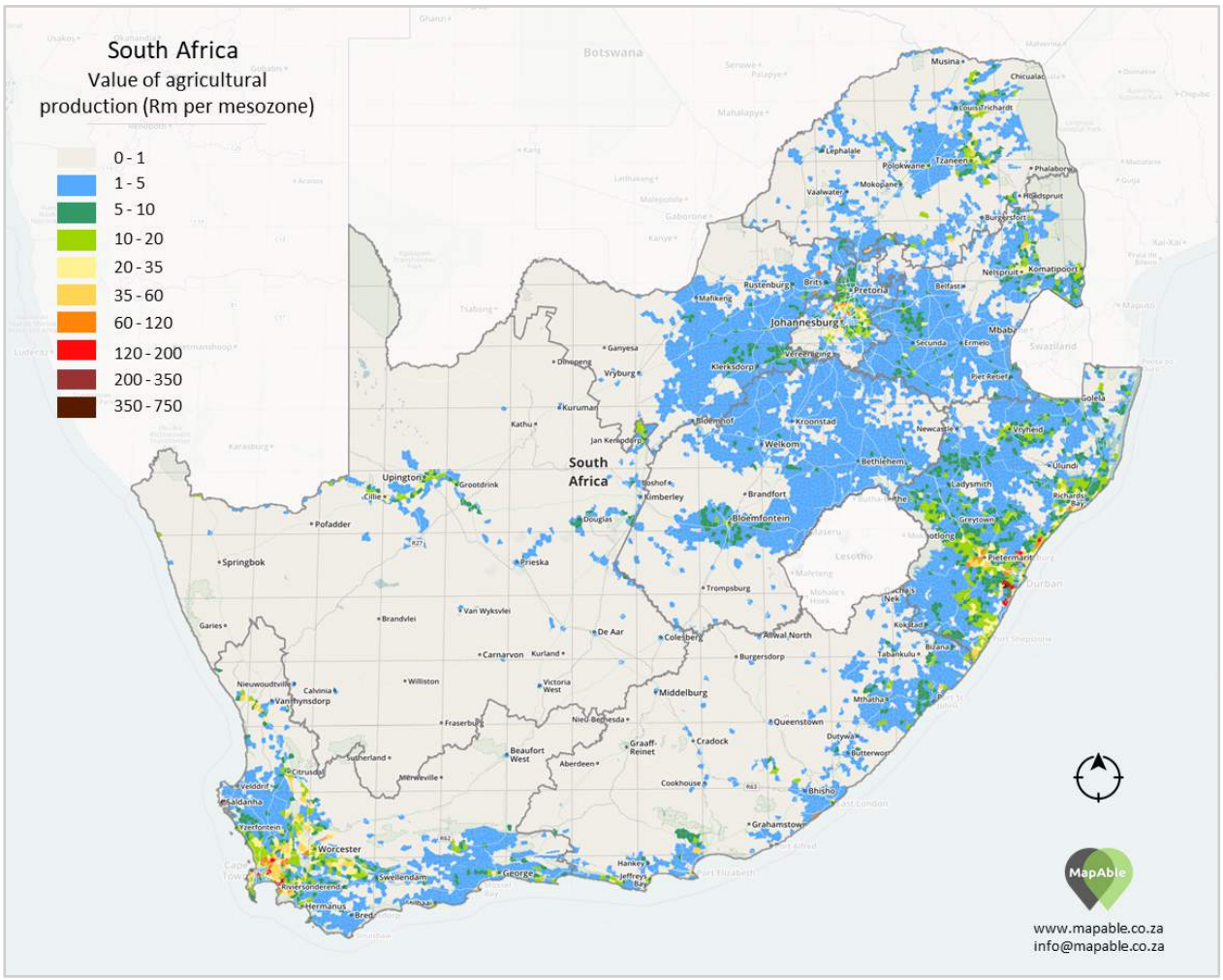
1. The value of agricultural production is notably higher closer to the cities. Two reasons explain this. Firstly, the major urban complexes represent strong markets and, secondly, regarding land economics, agricultural production closer to

[132] Gross value added (GVA) is defined as economic output (at basic prices) minus intermediate consumption. GVA can be broken down by industry and institutional sector. The sum of GVA over all industries or sectors, plus taxes on products, minus subsidies on products, gives gross domestic product (GDP)

cities must compete with other land uses for available land, and the output per unit of land must therefore be high to justify agricultural production very close to cities.

2. The impact of water and hence the ability to irrigate can be seen on the map. The combination of the ability to irrigate close to cities highlights the strong contribution to GVA in the Cape Town metropolis and adjacent areas, as well as in and around eThekwini and along the northern and southern coasts of KwaZulu-Natal.
3. The former homeland areas are contributing very little to agricultural production in economic terms. As pointed out earlier, these areas constitute primarily subsistence farming areas. It is obvious that this correlates with communal landownership.

Map 19: Value of agricultural production (R million per mesozone)



Source: CSIR – Built Environment. GVA Mezo-framework 1996 to 2013.

ii. Economic growth – 2001 to 2013

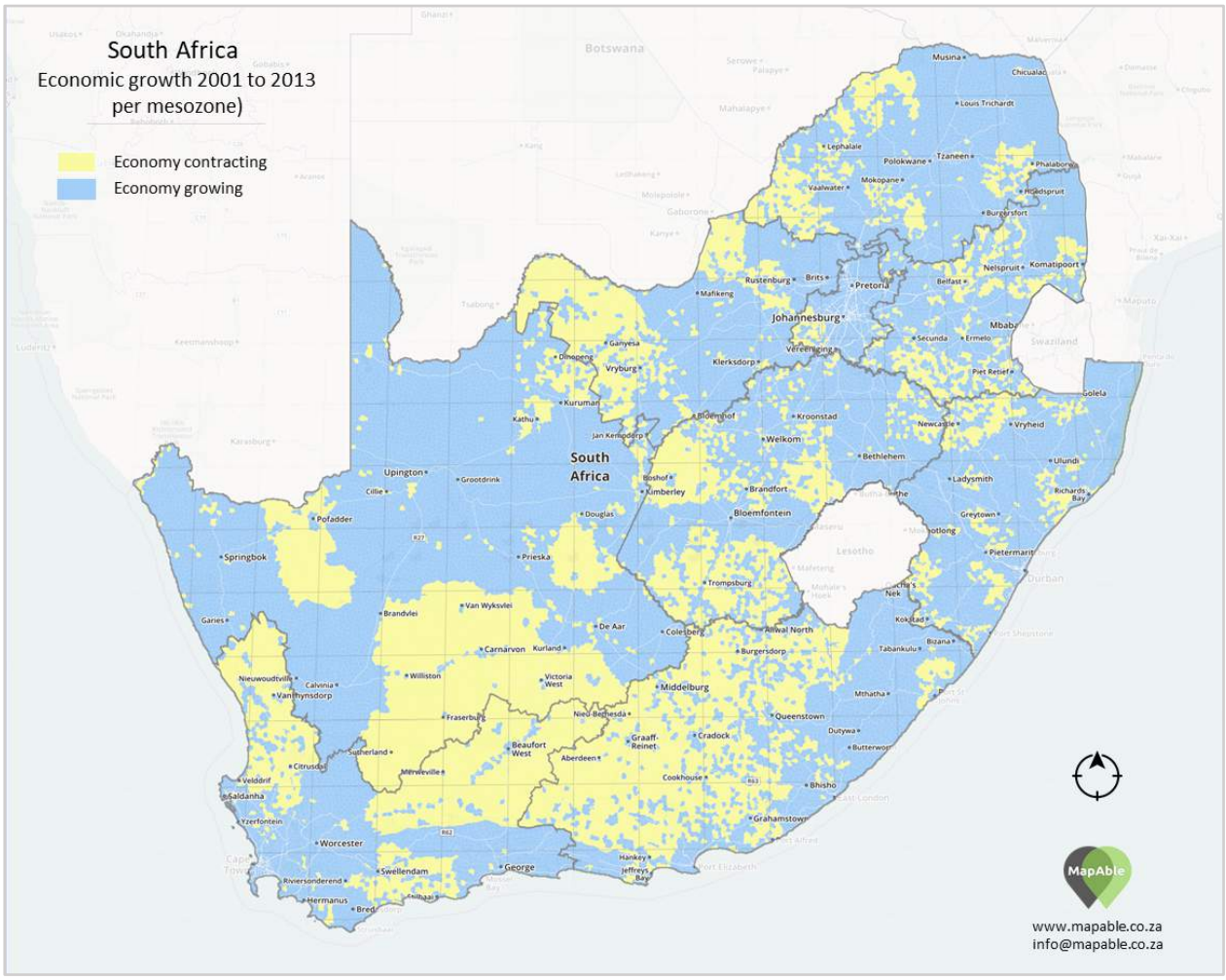
The last element in the equation is the dynamics of economic growth. While there are clear patterns in the value of economic production, major considerations are economic growth and where this takes place.

Map 20 below shows a distinction between areas where the local economy has expanded or contracted between 2001 and 2013. The biggest feature is the contraction of the economy in the central Karoo. This conflicts with the pattern of strong population growth in this area. The reason for this contradiction is not clear, except for the fact that economic dynamics and population dynamics do not necessarily match – in other words, people do not necessarily relocate for purely economic reasons. This also applies to the northwestern parts of the Western Cape and some other areas in South Africa. A progressive, interventionist government that focuses on social needs may help to explain the disconnection between economic growth and population shifts.

This section does not explore the drivers behind economic growth or contractions. Nevertheless, it seems that economic contraction may be linked to agricultural conditions in the commercial farming areas. The subsistence farming areas

(predominantly ex-homeland) are an exception and, since we have established that subsistence farming does not contribute significantly to economic production, the value of economic production and growth must be in other sectors.[133]

Map 20: Economic growth per mesozone (2001–2013)



Source: Calculated by MapAble using Census 1996 and Census 2011 data (Statistics South Africa) linked to the South African mesoframe. Developed by the CSIR.

d. Mining

Mining competes with agriculture for land. The table below shows the extent of land changes in the mining footprint between 1990 and 2014. The table includes all types of mining, including borrow pits and quarrying.

The Northern Cape has the biggest mining footprint. This includes the iron ore mines at Sishen, but more importantly the extensive diamond mining in Namaqualand along the Atlantic coast from Port Nolloth to Sendelingsdrift in the Richtersveld Transfrontier Park. As the table indicates, these mines cover vast tracts of land, but it is not in conflict with agricultural activities and specifically higher-potential arable or irrigation land. The mining footprint is growing in the Western and Eastern Cape, but it is from a very small base and represents relatively small areas.

However, it is in North West (platinum), Limpopo (platinum, diamonds, coal and chrome) and Mpumalanga (coal) where conflict does arise. In Mpumalanga, mines encroach on high-potential arable land and practically sterilises it for future use. The second

[133] W. Sohlobo. "*Non-commercial or subsistence farming" constitutes a small share of 6% in South Africa's maize production*. https://twitter.com/WandileSihlobo (accessed 17 April 2018)

conflict entails competition for water sources, as is the case north of the Soutpansberg in Limpopo. This does not include the effect of acid water drainage. Map 21 shows the mining areas of the Highveld, but even on the Witwatersrand, the northern Free State coalfields and on the platinum belt north of Rustenburg, mining activities are located on some of the best agricultural land in South Africa.

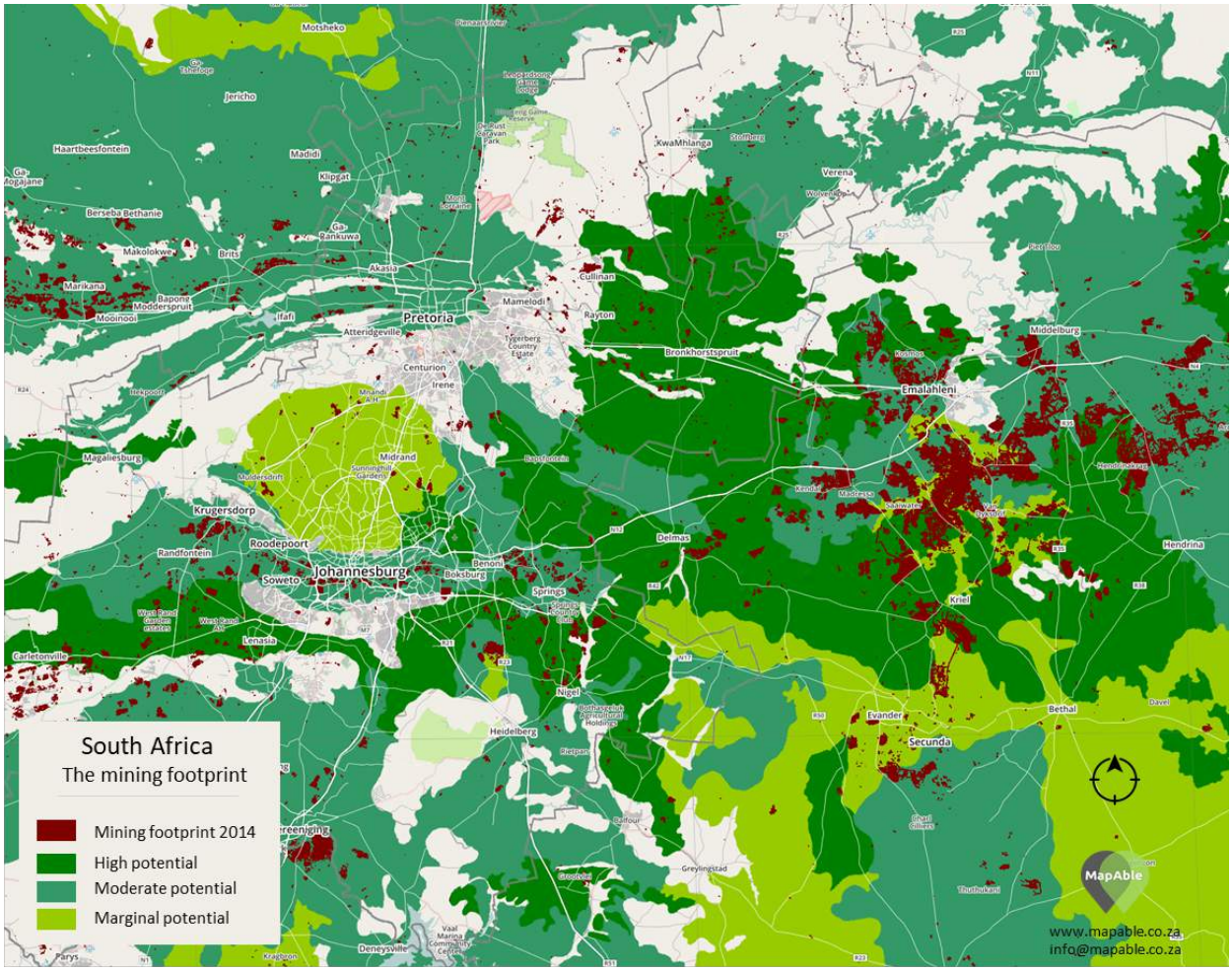
Although not major mining areas, alluvial diamond mining co-exists with land cultivation in the North West. Mining takes place in old river beds not suitable for cultivation.

Table 24: The extent of mining land per province (1990 and 2014)

	1990		2014		
	Area (ha)	% of province	Area (ha)	% of province	% change
Eastern Cape	3 849	0,02%	4 155	0,02%	7,96%
Free State	24 264	0,19%	23 950	0,18%	-1,29%
Gauteng	24 618	1,35%	20 881	1,15%	-15,18%
KwaZulu-Natal	5 366	0,06%	5 553	0,22%	-15,18%
Limpopo	28 421	0,23%	28 928	0,23%	1,78%
Mpumalanga	46 434	0,61%	77 635	1,01%	67,19%
Northern Cape	104 227	0,28%	102 215	0,27%	-1,93%
Northwest	44 311	0,42%	58 329	0,55%	31,63%
Western Cape	3 229	0,02%	9 509	0,07%	194,50%
Total	284 720	0,23%	331 155	0,27%	16,31%

Source: Cross-tabulated by MapAble from Land-cover dataset released by the Department of Environmental Affairs
https://egis.environment.gov.za/gis_data_downloads

Map 21: Potential for land cultivation and the mining footprint (2014)in Central South Africa



Source1: ARC-ISCW. 2005. Overview of the agricultural natural resources of South Africa. ARC-ISCW Report No GW/A/2004/13, ARC-Institute for Soil, Climate and Water, Pretoria. http://www.agis.agric.za/agisweb/agis.html

Source 2: Land-cover dataset generated in-house by Geo Terra Image (Pretoria) in January 2015, based on primarily multi-date Landsat 8 imagery acquired between April 2013 and March 2014. Released by the Department of Environmental Affairs. https://egis.environment.gov.za/gis_data_downloads

8. A racial perspective on landownership – is it possible?

The land issue in South Africa is fundamentally about race. As stated in the introduction, 1994 land restitution targets specifically target white-owned farms (see section 3.b on page 1). To achieve targets, one obviously needs data to measure performance and the achievement of land restitution targets. Up to this point, this report dealt with the factual situation about land and the use of land in South Africa. It does not deal with land and race. However, irrespective of the means of restitution (whether through land markets, expropriation or even nationalisation of land), one needs data. This is a conundrum that poses a serious challenge through which, by implication, the more non-racial South Africa wants to be the more racially centrist that it needs to be in its data and data collection system. The fundamental question is whether it is possible to provide a credible perspective on landownership based on race in South Africa.

There have only been two attempts to address the issue. The first is the *Land: Audit: A transactions approach*[134] by AgriSA, which was released in November 2017. The second is the *Land Audit Report*[135] by the DRDLR, also released in November 2017. The efforts that clearly went into these reports underline the need for a racially-based perspective on land in South Africa.

Both reports are assessed regarding their objectives, methodology and the application and use of data.

a. Land audit: A transaction approach

The report – initially a research project by Agricultural Development Solutions (ADS) in collaboration with *Landbouweekblad* – compiled a database of landownership that reflects all transactions involving agricultural land larger than 10 ha. The database includes transactions from 1994 to 2016. The report was released by AgriSA, stating that "unfortunately, in the absence of statistics, the policy debate has turned to ideas such as radical economic transformation, land ceilings and expropriation without compensation. These ideas are fuelled by the view that land reform and the land market have failed to deliver an acceptable level of land transfer to previously disadvantaged individuals and disadvantaged communities." The aim of the report was to provide a more detailed indication of the racial makeup of landownership in South Africa.

The report came to the same conclusion as the current report as well as the DRDLR's reports, namely that there are about 93,3 million ha available for agriculture in South Africa.

The report uses various sets of base information to achieve its objective of a quantitative approach to determine the racial makeup of agricultural land and focuses on the period 1994 to 2016. The assessment also uses data from the Surveyor General's office (one must assume cadastre) and data provided by the Geo Terra Image and the 1993 Agricultural Census. The aim was clearly to perform a comparative assessment of changes in landownership between 1994 and 2016.

The report describes a technical process to create databases from which landownership could be derived. The core of this process centred around tracing land transactions in the Deed Office since 1994. Working from the base data, the report describes how profiles were allocated to each land transaction. These profiles considered land use, occupation and the landowner's race.

The greatest uncertainty in the process must have been the process whereby the race of landowners was determined. The report states that "[t]o determine the race of landowners, ADS considered each person's surname together with the specific area where the land is located. For example, a landowner with an Afrikaans surname, located in an area that is known to be owned by Previously Disadvantaged Individuals (PDIs), would be assumed to be a landowner classified as a PDI. Furthermore, traditionally white surnames would be assumed to indicate ownership by white people, while surnames associated with PDIs would be assumed to indicate ownership by PDIs." The methodology also included discounting land potential in the process.

It is very difficult to make any conclusions about the results presented in the report. There seem to be general agreement between the AgriSa report and macro position described in this report. The lesson learned from this AgriSA report is that processes are flawed through its assumptions, as is the case on the process in AgriSA report to assign race. A general conclusion may be that, given the information available in the public domain, it remains a challenge for anyone to produce anything that is conclusive and credible regarding race and landownership in South Africa.

b. Land Audit Report 2017

i. Background and objectives

In the introduction to its report, the DRDLR writes that it published the first *Land audit on state-owned land* in 2013.[136] Certain deficiencies were identified in the initial report. While addressing these issues, Cabinet instructed the DRDLR to conduct a second land audit that focused on private ownership and use of land by race, nationality and gender – hence, the State's objective of performing a land audit is to provide information on private landownership by race, nationality, and gender as of 2015.

Work commenced to this end in 2014 under the leadership of the Offices of the Chief Surveyor-General (CSG) and the Chief Registrar of Deeds (CRD), in partnership with other government departments and state-owned entities. The report neither states

[134] AgriSA. November 2017. Land Audit: A transactions approach.
[135] DRDLR. November 2017. Land Audit Report, Version 2.
[136] This report and its supporting land database was discussed in section 5.a on page 8. The 2017 was an outflow of the 2013 report.

who these entities and departments were, nor what their roles were in the process. The greatest challenge from the outset was that no official information has been published on landownership according to race, gender and nationality since 1994.

ii. Data used

The report states that it used data from the following sources:

1. The Office of the CRD for landownership information. These records contain only the name, surname and South African identity number or date of birth, but not race.
2. The Office of the CSG for cadastral information.
3. The Department of Home Affairs (DHA) for the population register, which contains the nationality of origin and gender of South African citizens.
4. Statistics South Africa for census data that contains the race of individuals.

The Department of Home Affairs maintains the electronic population register, which contains among other information names, surnames, South African identity numbers, nationality and gender – but not the race of South African citizens. The report concedes that Stats SA is the only institution that officially collects and keeps a database of the race of individuals.

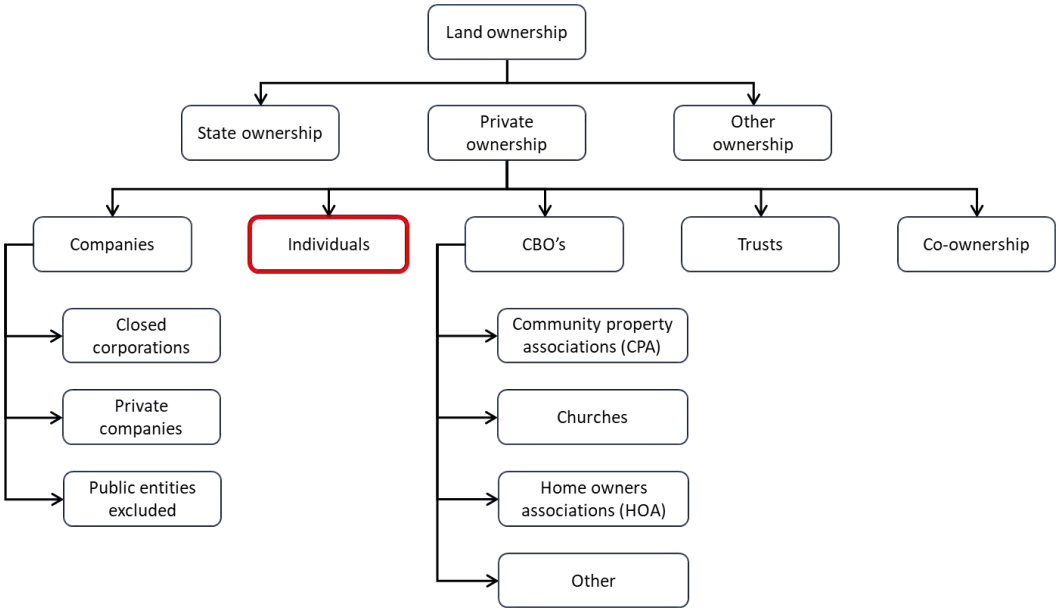
iii. Methodology

The following steps are described in the report:

1. Data preparation
2. Owner classification
3. Exporting individuals' data
4. Processing by the DHA and Stats SA
5. Importing the results into the DRDLR database
6. Analysis

After data collection and the creation of a database, the classification of landowners was the first step. According to the description in the report, the classification of owners was done on two levels. The initial classification distinguished between private and state owners. The classification resulted in the following rather complicated classification structure:

Figure 4: Landownership structure in Land Audit Report 2017



The process continued by adding five categories used to classify landownership according to gender, which only applied to individuals. The classifications were "male", "female", "male-female", "co-ownership" and "other". "Male-female" was used to classify land owned jointly by male(s) and female(s). "Other" was used to classify land owned by owners that were not found in the DHA population register. Co-ownership was used to classify land where the land is owned by the combination of the four classifications. Incomplete owner names that made it impossible to determine if ownership resided in the State or private entities

were also classified as "other". Land owned by the national government, municipalities, the provincial government, public entities or public schools were classified as "state", including land in the name of the Ingonyama Trust. Practically, land which was not state land was regarded as private land categorised as indicated in the diagram.

The previous steps gave a basis for classification, but the subsequent steps, which focussed only on individuals and all other categories, were by the DRDLR's admission largely ignored as it was impossible the find a way to racially classify these groupings. The following steps were followed:

1. Owner information of individuals was prepared to meet the DHA and Stats SA requirements for successful processing. ID number is the only common link between DHA and Stats SA data on individuals. The report then confirms that Individual owners were then exported for processing by the DHA and Stats SA. The output was then imported back into the database for analysis.
2. The report describes the process whereby database was extracted from the DRS, which included owner names, owner surname, ID number or date of birth for individuals. The owner names, owner surname and ID number were used to extract race of individuals from the census data.

Very importantly, the DRDLR reports that, in cases where the owner information is not identified in the census database, the names and surnames were used to try and determine the race – conscious of the limitations that this carries. A combination of names, surname and ID number or date of birth, and in other cases only the ID number, were used to extract data from the population register.

3. While the racial classification was in process through the information from Stats SA, a rigorous process was followed to align deeds data to current provincial boundaries, to update missing extents using the cadastral database, to capture extents from original documents and to convert extents to hectares. Although a 2017 state land database is available, it is currently unavailable in the public domain.

iv. The results of the 2017 land audit

This report will not assess the details of the *Land Audit Report 2017*. However, it is worthwhile to focus on national figures in the light of the preceding sections of this report. When assessing the results, there is a basic distinction that must be made, namely that from a geospatial perspective, this report deals with surveyed land (by the Surveyor-General), while the *Land Audit Report 2017* deals with registered land (by the Registrar of Deeds.) Although it should technically give the same results, there are known unregistered land as well as errors in the surveyed land, however. The *Land Audit Report 2017* accepted this, and it is a practical reality that eventually should be rectified.

Referring back to the assessment done in section 4.b on page 7 of this report, one can be satisfied, given some differences in details, that the basic points of departure are the same. The extent of land not under state control is practically the same as calculated earlier in this report, namely 93 362 605 ha, compared to the figure of 93 956 125 ha quoted in the *Land Audit 2017 Report*. [137] Based on the total area of South Africa, state-controlled land amounts to 24,05% and land not under state control the balance of 75,95%

The greatest shortcoming in the *Land Audit Report 2017* is that it was only able to deal with individuals in terms of the objectives of a racially-based land classification. According to the *Land Audit Report2017*, individuals own 37 031 283 ha, which constitutes 30,1% of total South Africa (surveyed South Africa and deeds registered). The challenge, however, lies in the process to assign race to land ownership. In the *Land Audit Report 2017*'s own admission, the process is flawed, and the use of persons' names as basis for racial classification cannot withstand the test of an objective and rational process.

There is currently a debate going about the use of an individual's confidential and personal data without the individual's permission. Confidentiality between State and citizen is paramount, since a person must on a regular basis provide privileged information to state entities.[138] Section 14 of the Constitution protects an individual's privacy. A challenge arises in this regard in

[137] This report prefers not to refer to land not under direct state control as land in the hands of the private sector. This land cannot be simply classified as land in the hands of the private sector, as explained in the system of land classification of the DRDLR explained above.

[138] See a discussion paper of the South African Law Reform Commission titled *Privacy and Data Protection*, Discussion Paper 109, Project 124, October 2005, in this regard.

terms of the process used to determine the race of owners, and the legality of the process comes into question. There is concern that processes followed do not meet the confidentiality requirements of the Statistics Act, 1999 (Act No 6 of 1999).

The DRDLR describes in detail in the methodology section of the report how the census records of individuals were used to extract information on race. Under the data section (Section 5 on page 3), the report states that "the primary source of information in this report was obtained from … Statistics South Africa for census data that contain the race of individuals".

The DRDLR's 2017 land audit, as a seriously-flawed process that received much publicity, conclude that "[t]he Land Audit reveals that Whites own 26 663 144 ha or 72% of the total 37 031 283 ha" (Executive Summary, p. 2) in private ownership. This, by their estimates, is 21,7% of the total land area of South Africa and not the figure 72% generally quoted. The rest remains unknown.

9. Conclusions

The report set out to contribute to the factual base on land and specifically agricultural land in South Africa. In conclusion, the following is evident:

1. The question around land is complex and multi-dimensional.
2. There are challenges regarding land data. However, there is sufficient data to allow analysis of relevant facts and to build a sufficient background on land, and especially agricultural land. Many datasets are available in the public domain. However, the data resides with different data custodians, which makes access and integrating data a challenge.
3. The most important asset in the land debate is South Africa's cadastral system, which is managed and maintained by the Office of the Surveyor General and the Office of the Registrar of Deeds, where property ownership and property transactions are recorded. As stated in this report, the existence of these two pillars of land may be the distinguishing factor between South Africa and its advanced economy, and many poorer countries in Africa. These are two institutions that must be guarded and supported in the work that they are doing.
4. There are errors in data (in the cadastre, as well as deeds and other) that requires urgent attention. However, in analysing these datasets, awareness of deficiencies allows one to work around it and still come to credible conclusions. Working independently from other initiatives, this report's conclusion on the extent of land under state control is very similar to that of Government's own audit and at least two other independent sources. The challenges, however, multiply as one starts to scrutinise detail or attempts to work in small local geographic spaces. Many datasets do not lend themselves to local analysis simply because they were not created for that purpose. The best vehicle for the improvement of data is to put it unconditionally in the public domain and allows it to be scrutinised.
5. The data on the many agricultural perspectives given in this report speaks for itself. Agricultural land in South Africa and our ability to use this land is inextricably linked to topographical, soil and climatic conditions. These conditions are also the driving force – and will remain so – behind human settlement patterns in South Africa.
6. Rapid changes are taking place in our settlement patterns. Urbanisation is much more than people moving from rural and farming areas to cities. We may need to rethink our perceptions and policies to address population shifts. Not only cities and larger towns are rapidly changing, but small country towns and tribal settlements in deep rural areas as well. This has an impact on agriculture and will put a demand on land tenure systems, governance and infrastructure creation and maintenance.
7. The economic landscape is changing. There are farming and rural areas that show long-term economic contraction, but these processes are contradicted by increases in population in some of these areas. This translates to a lower income per capita in these areas, which can contribute to welfare and social problems that, in the end, can lead to an increase in crime. There may be more than just economic forces and opportunities driving settlement decisions.
8. It is evident that it is impossible to attach race to property ownership in any credible way. There is simply not sufficient information on race and land to make a link that can satisfy the land debate. Both efforts assessed in this report to address the issue are flawed by their own admission and in their assumptions. It is unclear how this can be resolved, but the holy grail of the land debate will elude us for some time to come.
9. The use of data form Stat SA that identifies the race of individuals is a matter of concern.

Attachment A. Provincial land maps and data summaries

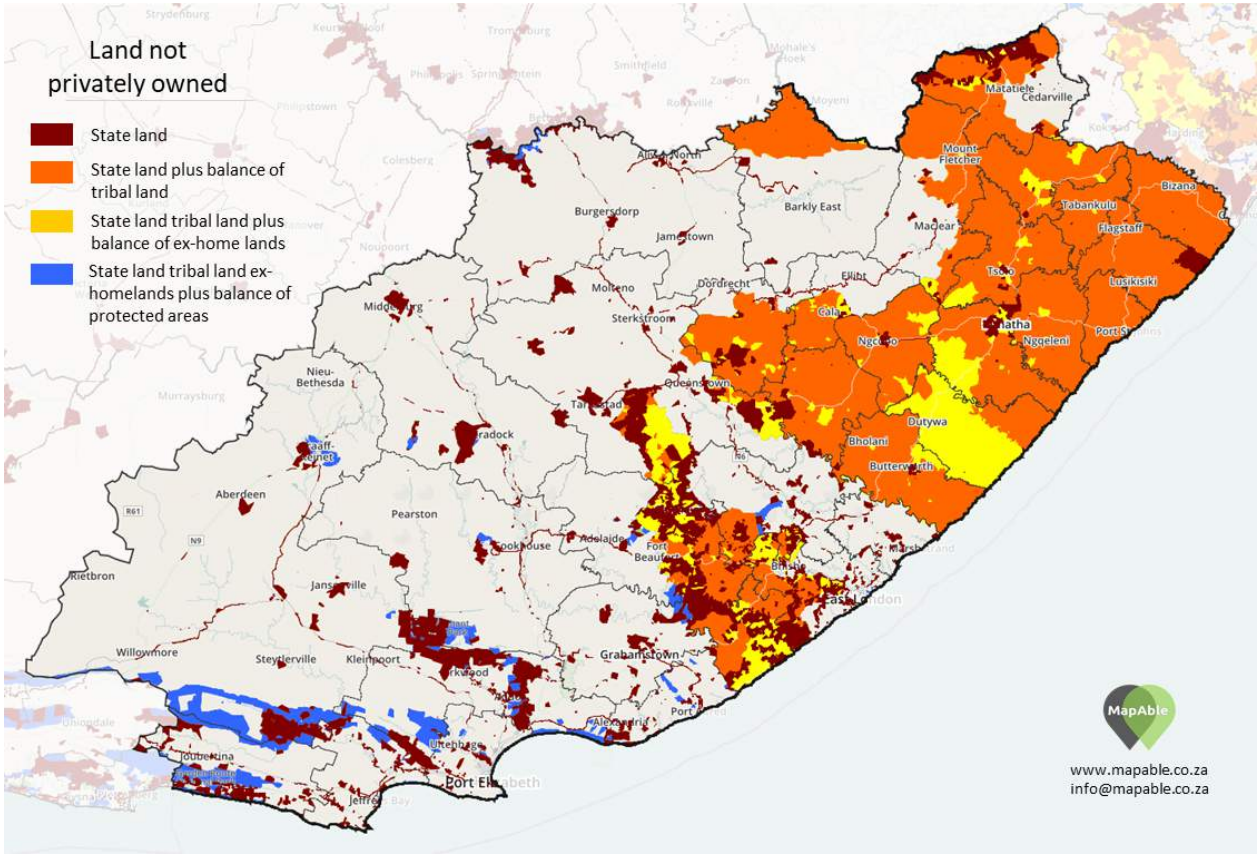
This attachment shows more detailed maps for each province. All the matter shown on the map were analysed and assessed in the main report. This attachment is for information purposes only.

The following is included for each province:

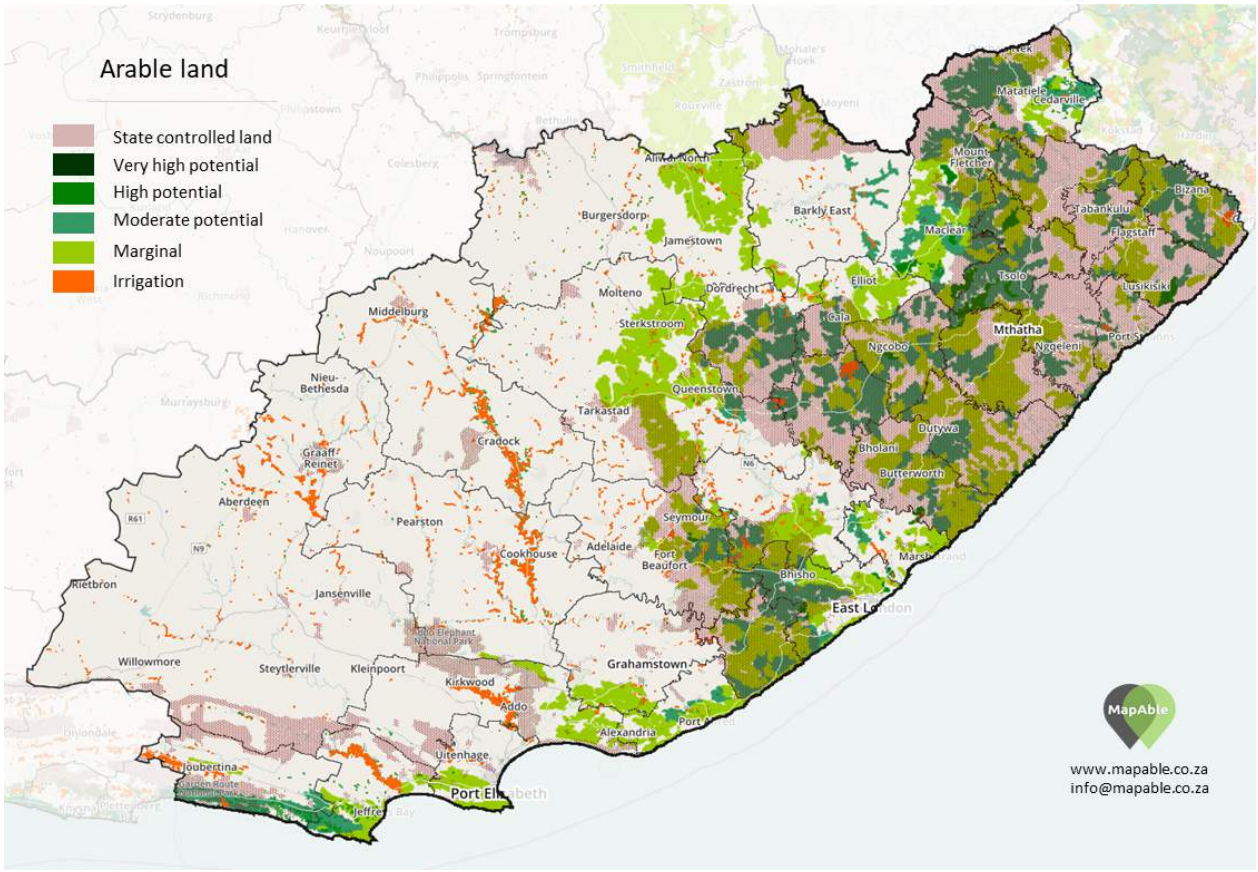
1. The land not privately owned (land under state control), followed by –
    a. A table showing comparative state owns land components per province
2. Arable land in terms of the land capability (potential), followed by –
    a. A table showing land cover on the actual area of land under cultivation
3. The grazing potential in the province, followed by –
    a. A table that summarises other land uses and shows different urban uses and also mining land.

Content reference

1. Eastern Cape

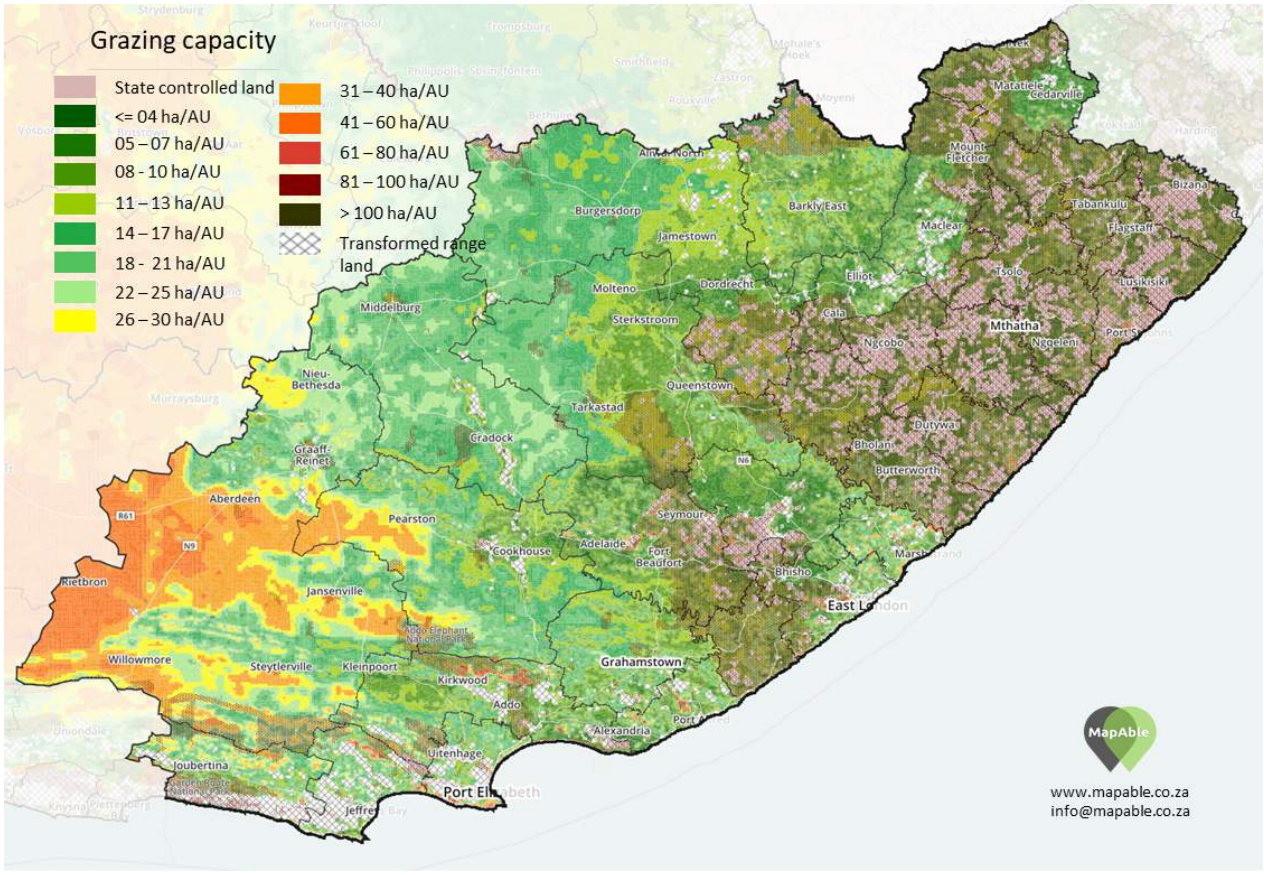


Province	State land	The remainder of tribal land not included in column B	The remainder of ex-homelands not included in columns B and C	The remainder of protected areas not included in columns B, C and D	Total land under state control	The total area of the Province	State land as % of the total land area
A	B	C	D	E	F	G	H
Eastern Cape	931 660	3 753 072	833 792	348 392	5 866 916	16 930 984	34,65%
Free State	729 484	29 394	69 468	22 386	850 733	13 001 148	6,54%
Gauteng	270 383	3 415	30 484	57 634	361 916	1 818 249	19,90%
KwaZulu-Natal	1 957 858	1 891 568	505 390	586 090	4 940 907	9 445 102	52,31%
Limpopo	2 429 635	1 303 988	496 218	1 136 637	5 366 478	12 580 603	42,66%
Mpumalanga	1 613 060	266 666	75 830	48 675	2 504 231	7 654 431	32,72%
Northern Cape	2 674 459	250 131	5 176	1 305 958	4 235 724	37 827 661	11,20%
North West	1 906 380	985 937	395 204	79 428	3 366 949	10 523 812	31,99%
Western Cape	843 066	0	0	1 207 426	2 050 492	13 152 154	15,59%
Total (ha)	13 355 984	8 484 170	2 411 563	5 292 628	29 544 346	122 934 144	24,03%
Total	10,86%	6,90%	1,96%	4,31%	24,03%	100,00%	24,03%



Land cover summary: Cultivated land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Cultivated commercial fields	544 610	3,22%	488 522	2,89%	-10,30%
Cultivated commercial pivot	10 144	0,06%	52 203	0,31%	414,61%
Cultivated orchard and vines	58 351	0,34%	47 758	0,28%	-18,15%
Sugar cane	0	0,00%	0	0,00%	0,00%
Subsistence farming	721 403	4,26%	767 939	4,54%	6,45%
Total	1 334 509	7,88%	1 356 422	8,01%	1,64%

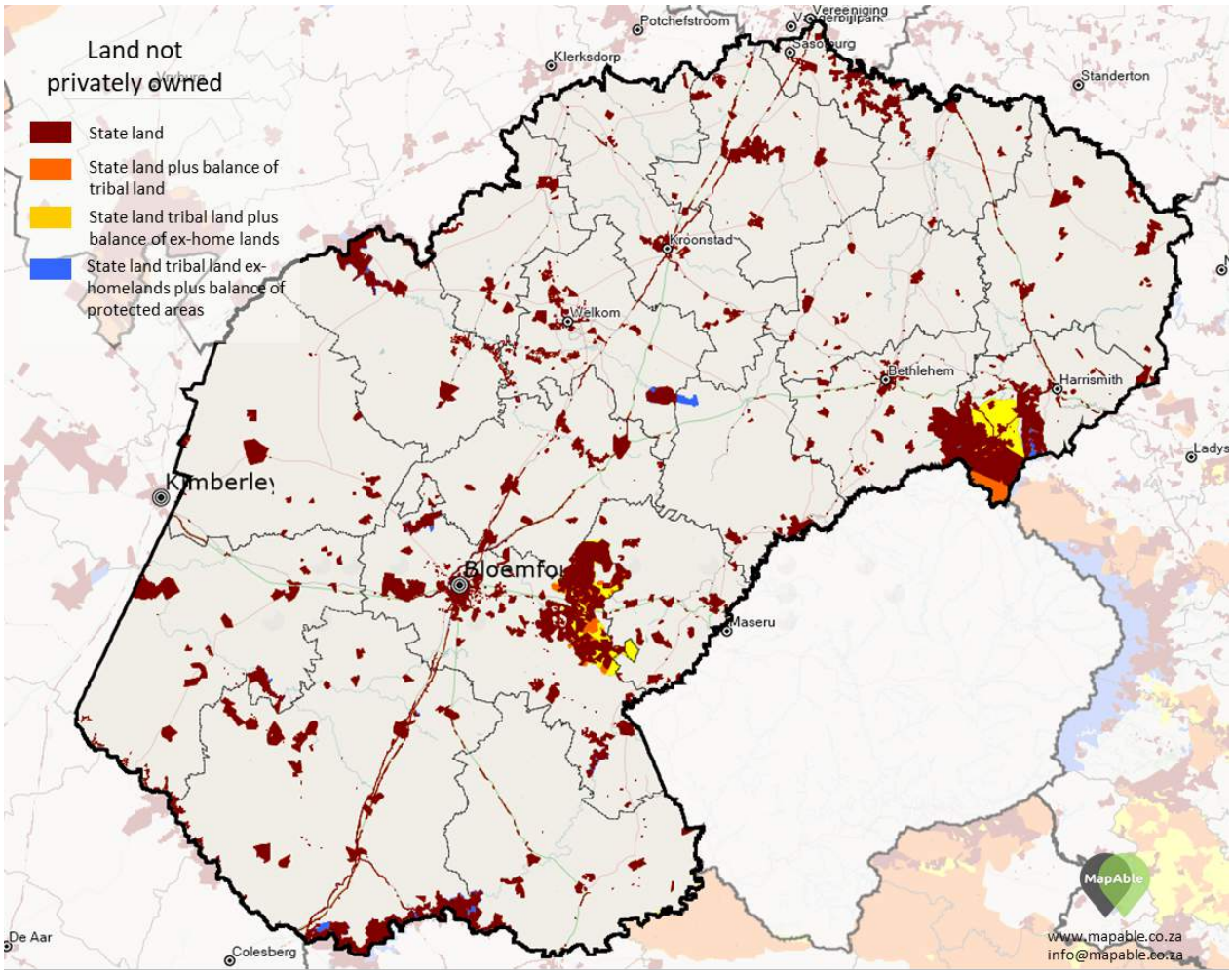


Land cover summary: Other land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Urban built-up	14 421	0,09%	13 714	0,08%	-4,90%
Commercial	3 308	0,02%	3 775	0,02%	14,14%
Industrial	5 252	0,03%	4 746	0,03%	-9,62%
Residential	28 317	0,17%	29 320	0,17%	3,54%
Small holdings	11 223	0,07%	10 434	0,06%	-7,03%
Townships	11 789	0,07%	19 977	0,12%	69,46%
Informal areas	1 463	0,01%	2 691	0,02%	83,95%
Rural villages	546 830	3,23%	519 766	3,07%	-4,95%
Sport and recreation	9 470	0,06%	9 530	0,06%	0,63%
Total	632 073	3,73%	613 954	3,63%	-2,87%

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Mining	3 849	0,02%	4 155	0,02%	7,96%

2. Free State



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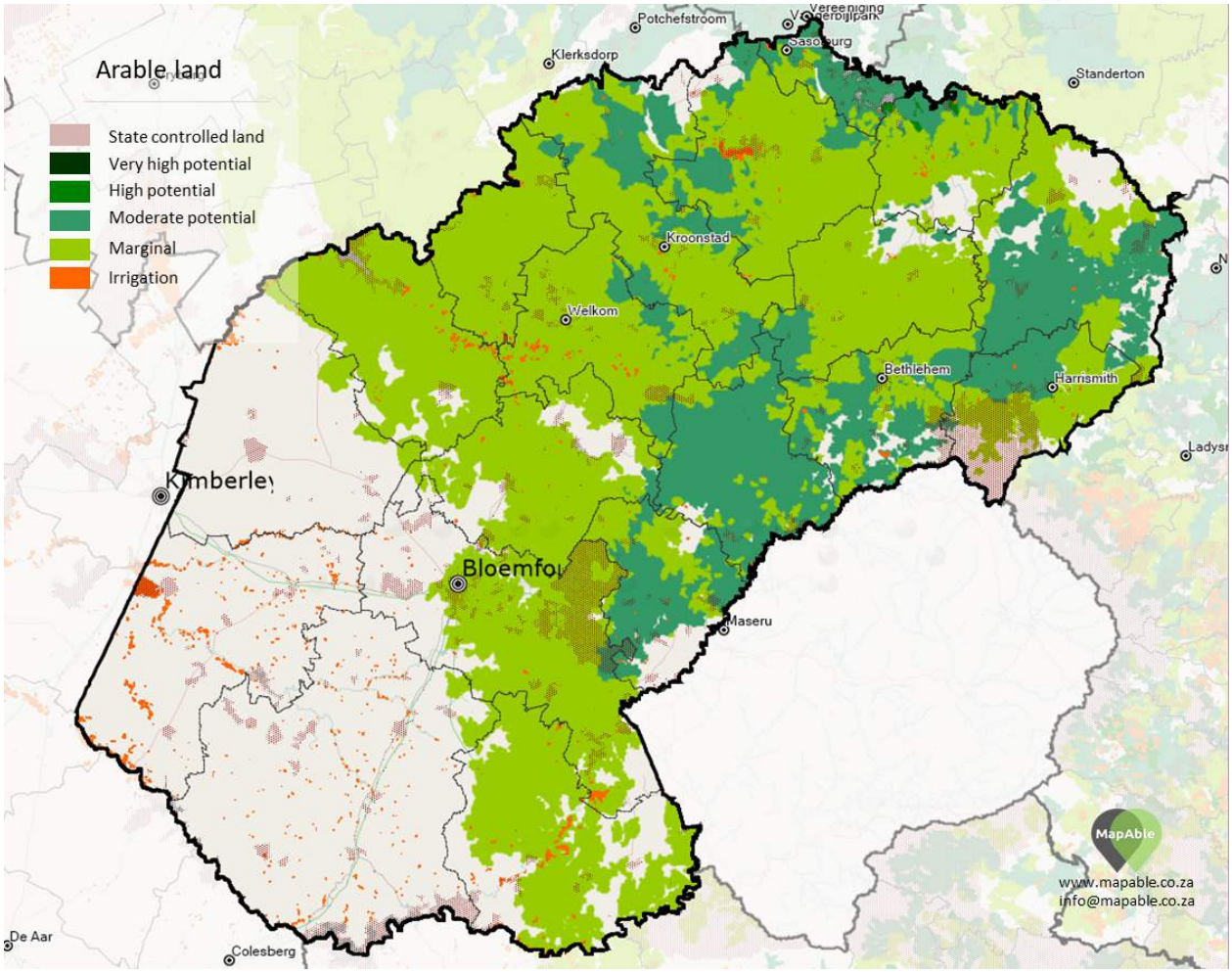
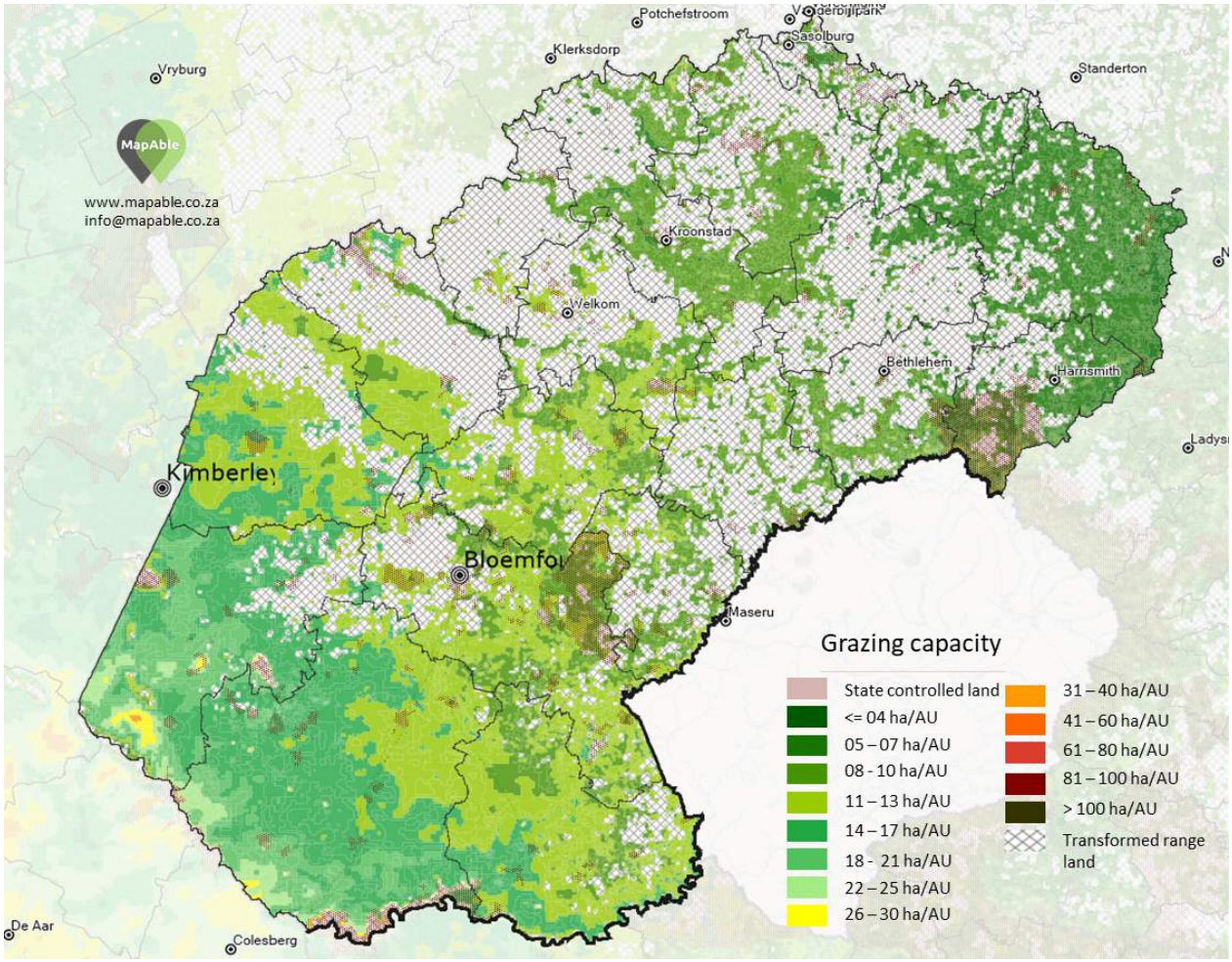
Eastern Cape	931 660	3 753 072	833 792	348 392	5 866 916	16 930 984	34,65%
Free State	729 484	29 394	69 468	22 386	850 733	13 001 148	6,54%
Gauteng	270 383	3 415	30 484	57 634	361 916	1 818 249	19,90%
KwaZulu-Natal	1 957 858	1 891 568	505 390	586 090	4 940 907	9 445 102	52,31%
Limpopo	2 429 635	1 303 988	496 218	1 136 637	5 366 478	12 580 603	42,66%
Mpumalanga	1 613 060	266 666	75 830	48 675	2 504 231	7 654 431	32,72%
Northern Cape	2 674 459	250 131	5 176	1 305 958	4 235 724	37 827 661	11,20%
North West	1 906 380	985 937	395 204	79 428	3 366 949	10 523 812	31,99%
Western Cape	843 066	0	0	1 207 426	2 050 492	13 152 154	15,59%
Total (ha)	13 355 984	8 484 170	2 411 563	5 292 628	29 544 346	122 934 144	24,03%
Total	10,86%	6,90%	1,96%	4,31%	24,03%	100,00%	24,03%



Land cover summary: Cultivated land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Cultivated commercial fields	3 793 952	29,18%	3 603 802	27,72%	-5,01%
Cultivated commercial pivot	27 612	0,21%	163 103	1,25%	490,69%
Cultivated orchard and vines	2 328	0,02%	3 438	0,03%	47,68%
Sugar cane		0,00%		0,00%	0,00%
Subsistence farming	18 866	0,15%	30 328	0,23%	60,75%
Total	3 842 759	29,56%	3 800 671	29,23%	-1,10%

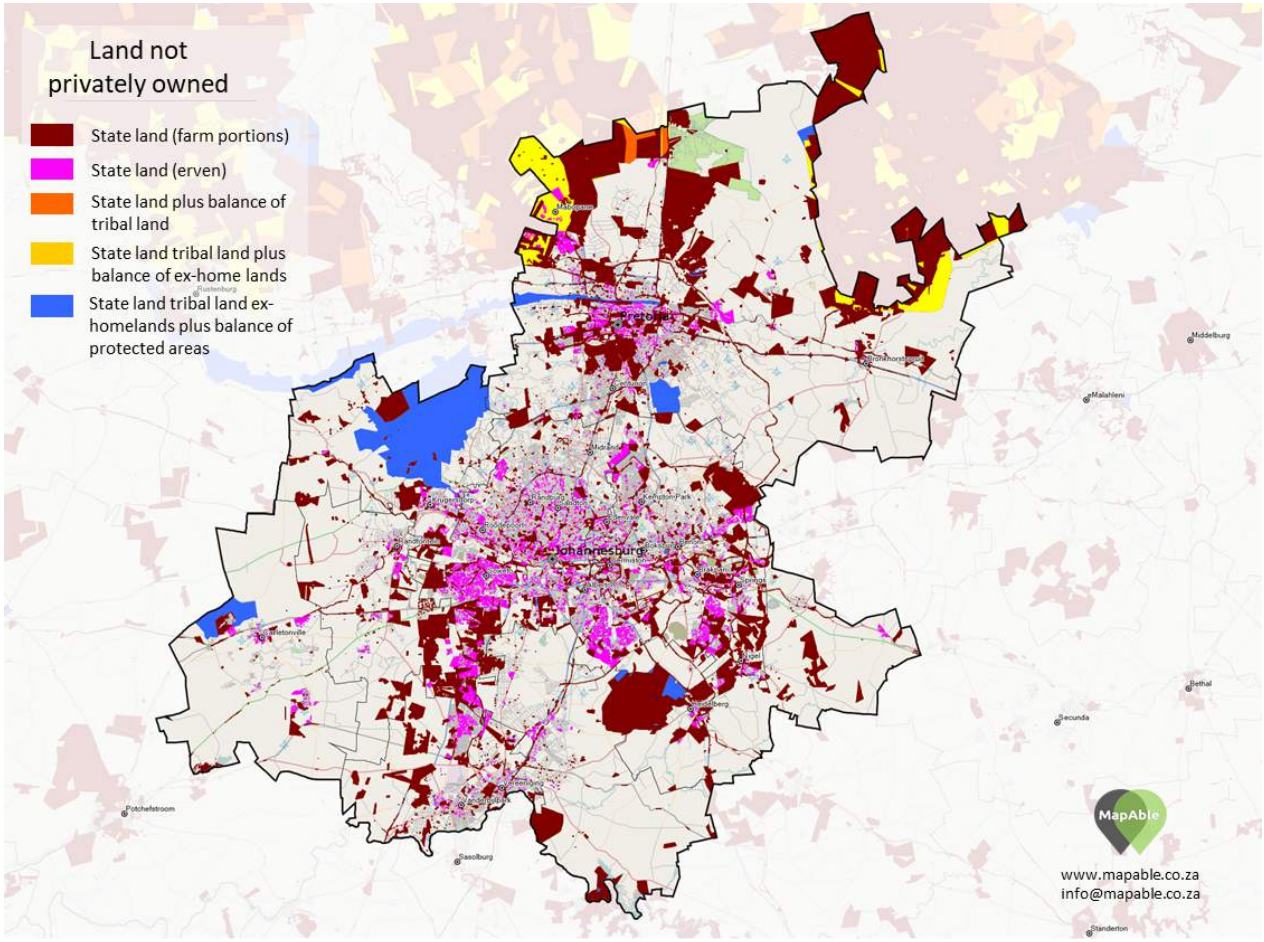


Land cover summary: Other land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Urban built-up	1 029	0,01%	3 177	0,02%	208,93%
Commercial	3 436	0,03%	3 800	0,03%	10,58%
Industrial	4 818	0,04%	3 675	0,03%	-23,71%
Residential	21 093	0,16%	19 995	0,15%	-5,21%
Small holdings	28 182	0,22%	27 395	0,21%	-2,80%
Townships	23 089	0,18%	33 914	0,26%	46,88%
Informal areas	339	0,00%	3 099	0,02%	813,03%
Rural villages	1 932	0,01%	2 061	0,02%	6,68%
Sport and recreation	5 853	0,05%	6 467	0,05%	10,48%
Total	89 772	0,69%	103 583	0,80%	15,38%

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Mining	24 264	0,19%	23 950	0,18%	-1,29%

3. Gauteng



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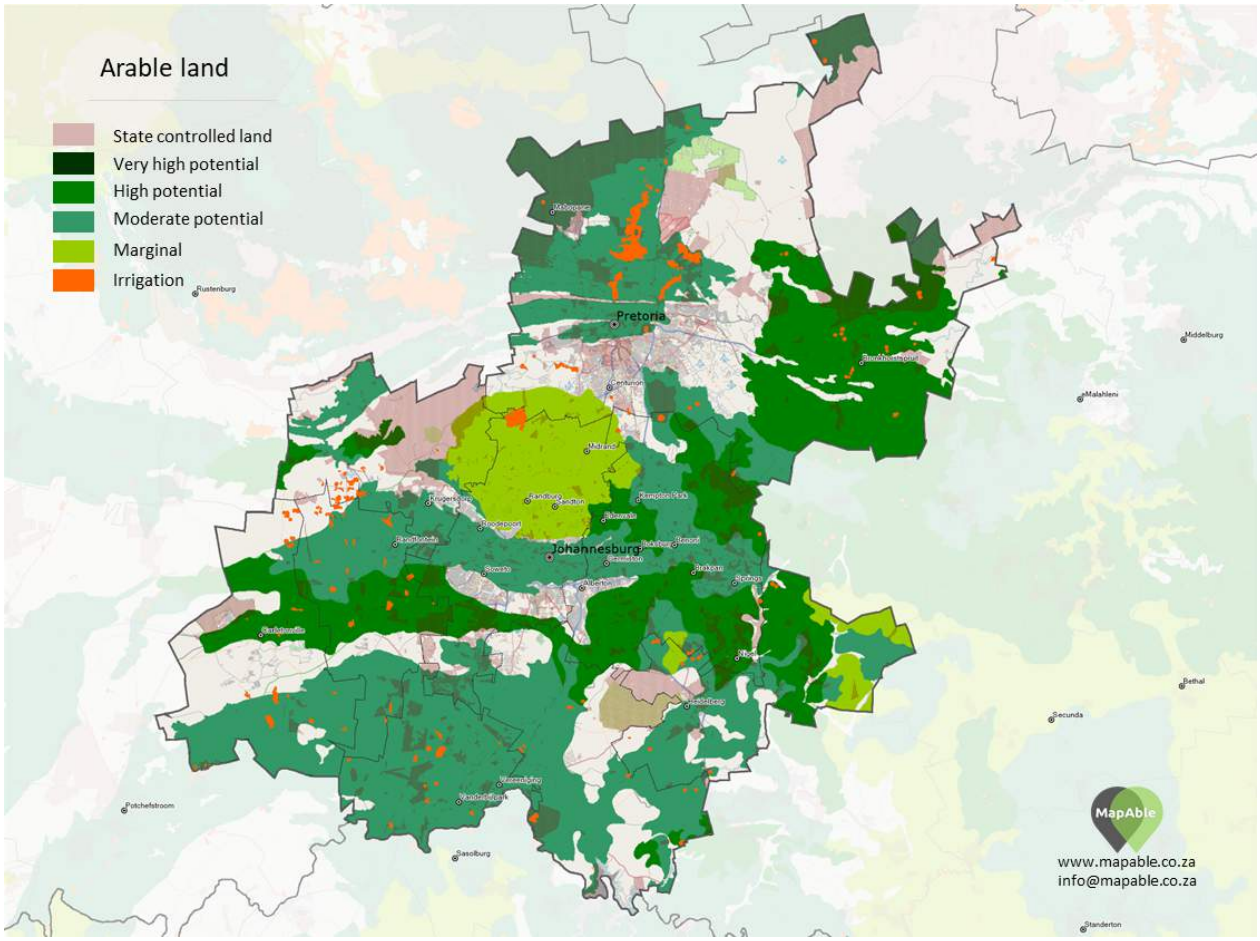
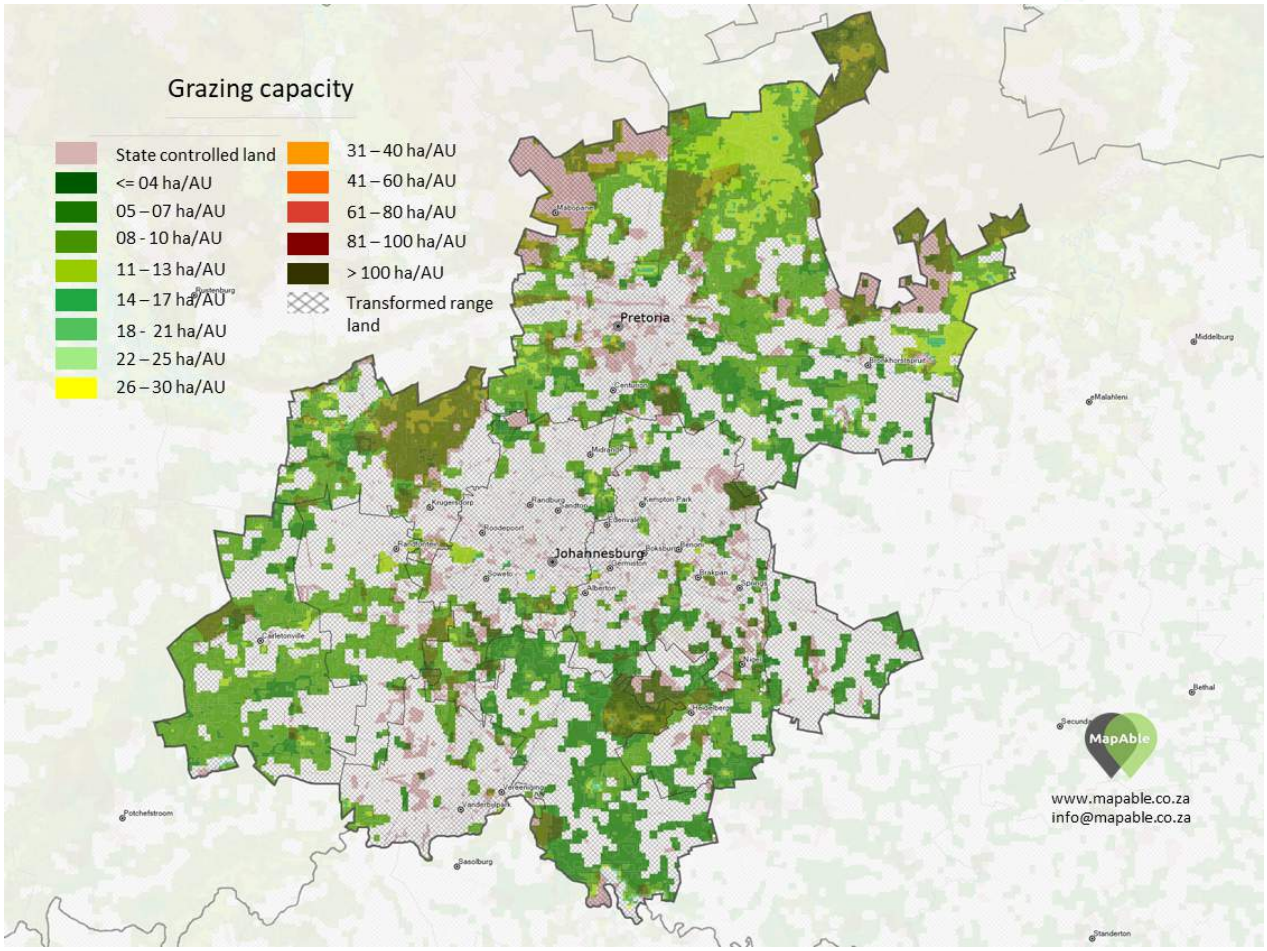
Free State	729 484	29 394	69 468	22 386	850 733	13 001 148	6,54%
Gauteng	270 383	3 415	30 484	57 634	361 916	1 818 249	19,90%
KwaZulu-Natal	1 957 858	1 891 568	505 390	586 090	4 940 907	9 445 102	52,31%
Limpopo	2 429 635	1 303 988	496 218	1 136 637	5 366 478	12 580 603	42,66%
Mpumalanga	1 613 060	266 666	75 830	48 675	2 504 231	7 654 431	32,72%
Northern Cape	2 674 459	250 131	5 176	1 305 958	4 235 724	37 827 661	11,20%
North West	1 906 380	985 937	395 204	79 428	3 366 949	10 523 812	31,99%
Western Cape	843 066	0	0	1 207 426	2 050 492	13 152 154	15,59%
Total (ha)	13 355 984	8 484 170	2 411 563	5 292 628	29 544 346	122 934 144	24,03%
Total	10,86%	6,90%	1,96%	4,31%	24,03%	100,00%	24,03%



Land cover summary: Cultivated land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Cultivated commercial fields	400 603	22,03%	380 337	20,92%	-5,06%
Cultivated commercial pivot	6 858	0,38%	21 521	1,18%	213,83%
Cultivated orchard and vines	1 065	0,06%	1 687	0,09%	58,36%
Sugar cane		0,00%		0,00%	0,00%
Subsistence farming	2 688	0,15%	1 200	0,07%	-55,37%
Total	411 214	22,62%	404 744	22,26%	-1,57%

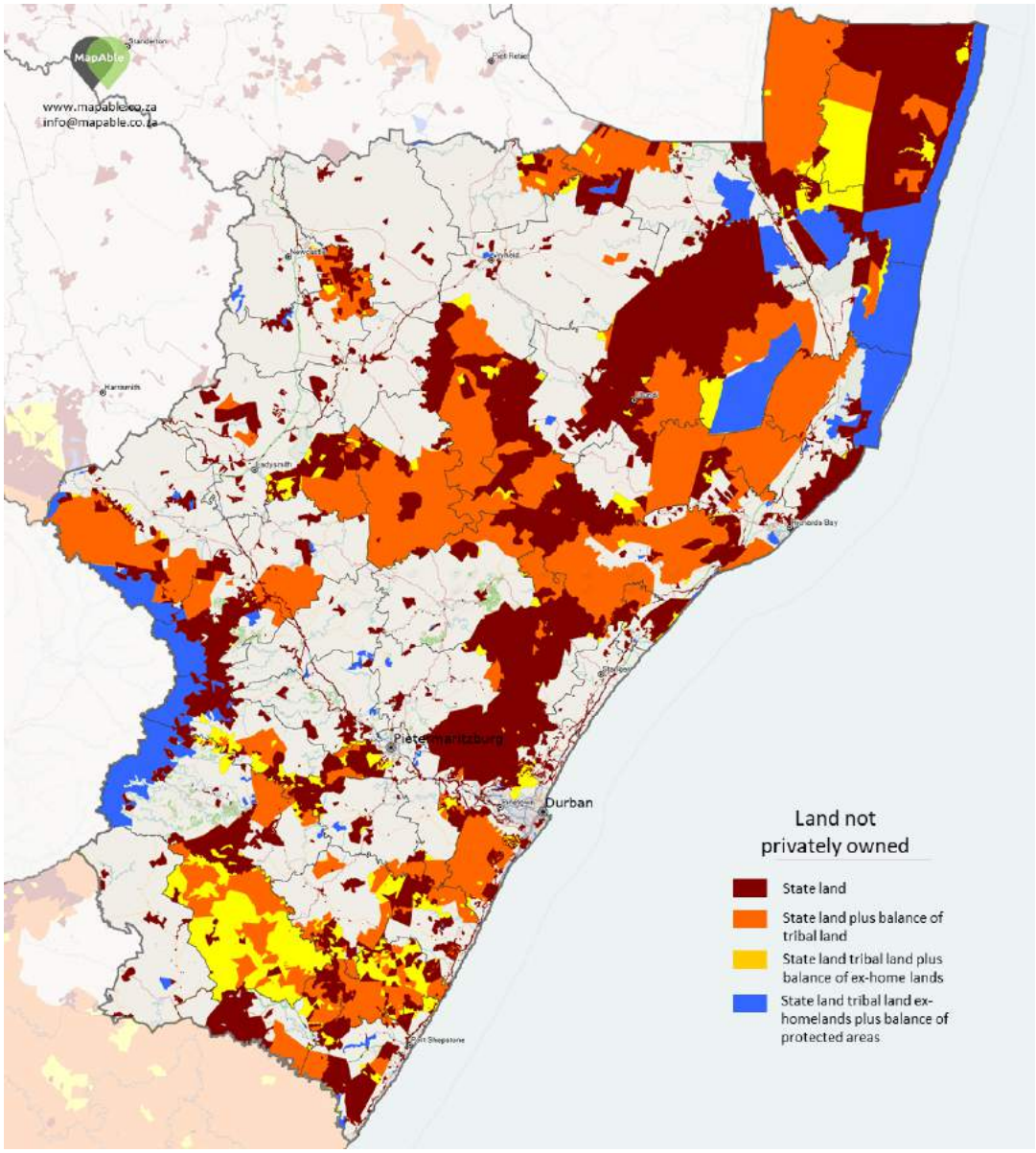


Land cover summary: Other

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Urban built-up	21 432	1,18%	28 676	1,58%	33,80%
Commercial	12 265	0,67%	14 372	0,79%	17,18%
Industrial	16 343	0,90%	15 275	0,84%	-6,53%
Residential	96 242	5,29%	101 380	5,58%	5,34%
Small holdings	121 667	6,69%	106 531	5,86%	-12,44%
Townships	19 594	1,08%	36 230	1,99%	84,91%
Informal areas	9 987	0,55%	22 216	1,22%	122,44%
Rural villages	3 173	0,17%	5 529	0,30%	74,25%
Sport and recreation	17 054	0,94%	20 754	1,14%	21,70%
Total	317 757	17,48%	350 962	19,30%	10,45%

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Mining	24 618	1,35%	20 881	1,15%	-15,18%

4. KwaZulu-Natal



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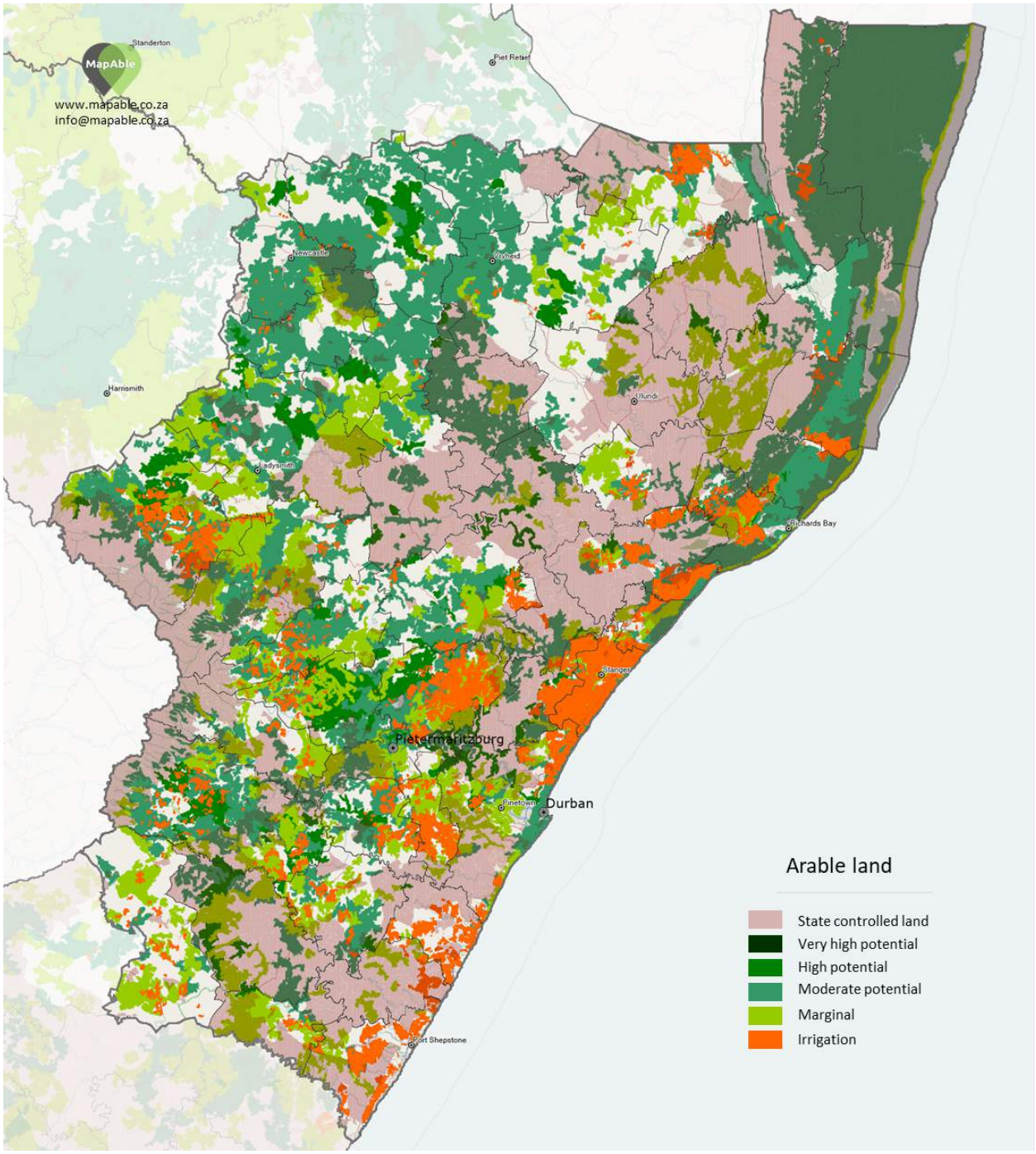
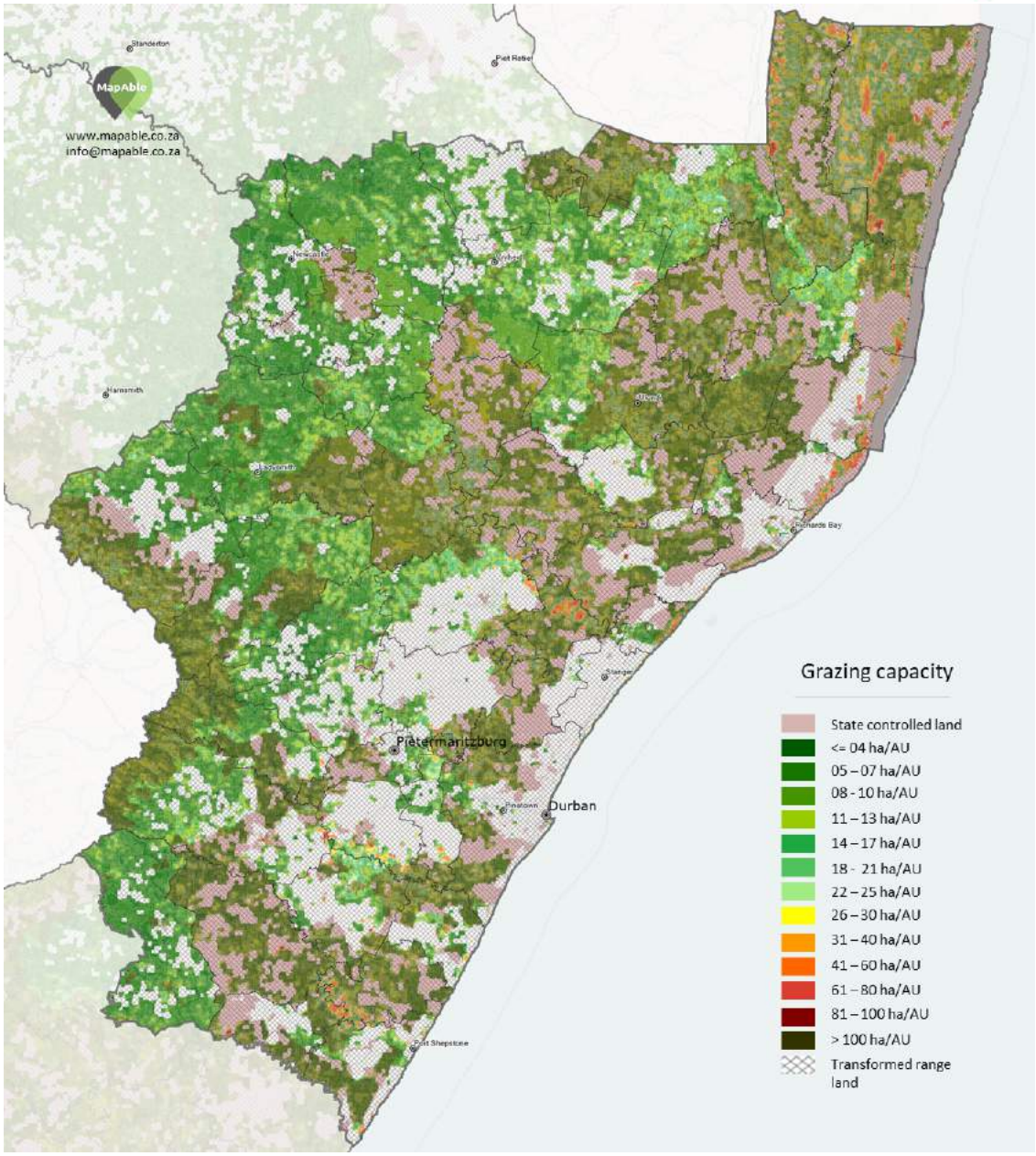
Eastern Cape	931 660	3 753 072	833 792	348 392	5 866 916	16 930 984	34,65%
Free State	729 484	29 394	69 468	22 386	850 733	13 001 148	6,54%
Gauteng	270 383	3 415	30 484	57 634	361 916	1 818 249	19,90%
KwaZulu-Natal	1 957 858	1 891 568	505 390	586 090	4 940 907	9 445 102	52,31%
Limpopo	2 429 635	1 303 988	496 218	1 136 637	5 366 478	12 580 603	42,66%
Mpumalanga	1 613 060	266 666	75 830	48 675	2 504 231	7 654 431	32,72%
Northern Cape	2 674 459	250 131	5 176	1 305 958	4 235 724	37 827 661	11,20%
North West	1 906 380	985 937	395 204	79 428	3 366 949	10 523 812	31,99%
Western Cape	843 066	0	0	1 207 426	2 050 492	13 152 154	15,59%
Total (ha)	13 355 984	8 484 170	2 411 563	5 292 628	29 544 346	122 934 144	24,03%

Total	10,86%	6,90%	1,96%	4,31%	24,03%	100,00%	24,03%



Land cover summary: Cultivated land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Cultivated commercial fields	385 508	4,08%	401 769	4,25%	4,22%
Cultivated commercial pivot	16 166	0,17%	61 596	0,65%	281,02%
Cultivated orchard and vines	24 323	0,26%	24 767	0,26%	1,83%
Sugar cane	332 064	3,52%	408 250	4,32%	22,94%
Subsistence farming	409 356	4,33%	533 677	5,65%	30,37%
Total	1 167 417	12,36%	1 430 059	15,14%	22,50%

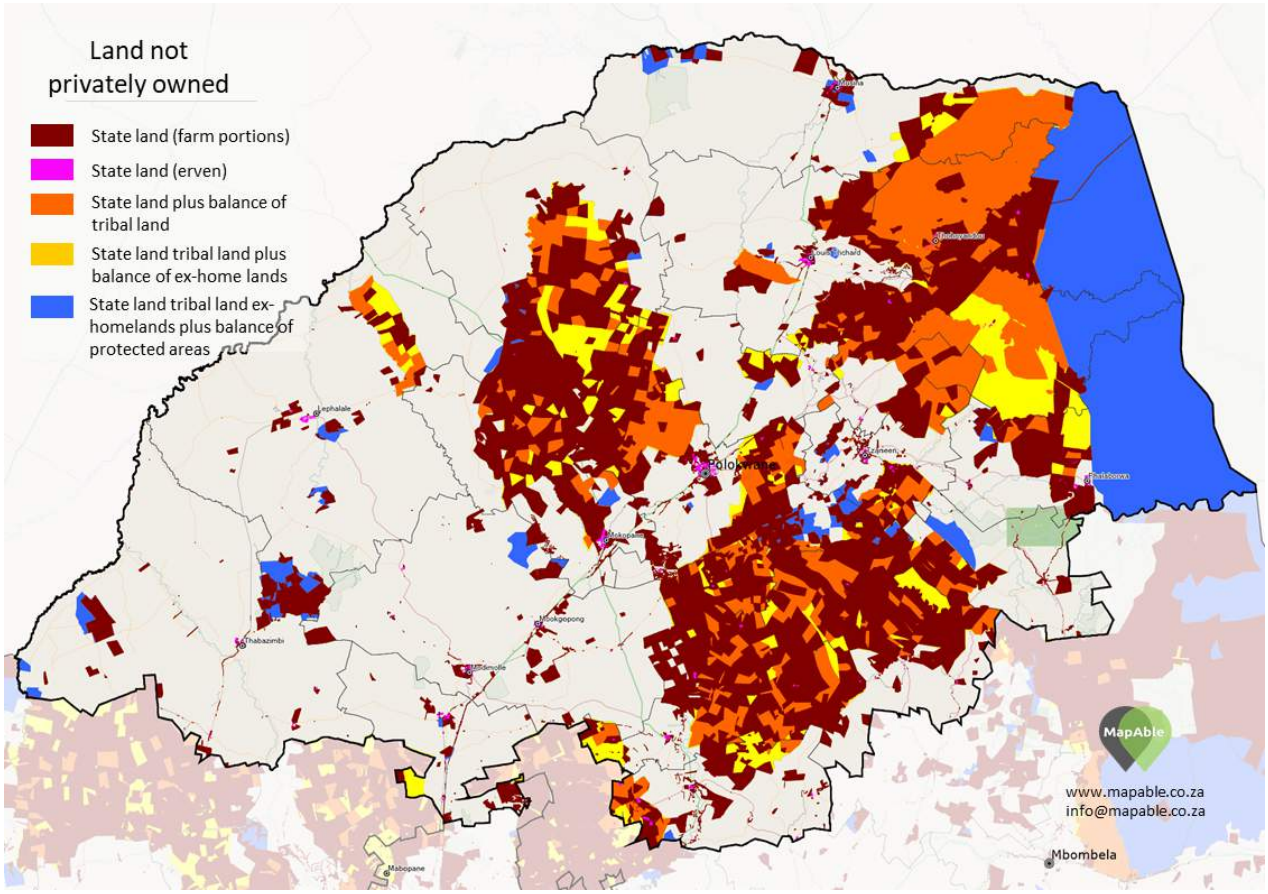


Land cover summary: Other land

Land cover category	1990 Area (ha)	% of province	2014 Area (ha)	% of province	% change
Urban built-up	489	0,01%	2 068	0,02%	323,16%
Commercial	7 865	0,08%	9 415	0,10%	19,70%
Industrial	9 918	0,11%	9 470	0,10%	-4,52%
Residential	56 218	0,60%	54 293	0,57%	-3,42%
Small holdings	12 682	0,13%	11 351	0,12%	-10,49%
Townships	18 908	0,20%	22 864	0,24%	20,92%
Informal areas	10 421	0,11%	12 703	0,13%	21,90%
Rural villages	710 313	7,52%	655 581	6,94%	-7,71%
Sport and recreation	8 753	0,09%	9 123	0,10%	4,23%
Total	835 566	8,85%	786 868	8,33%	-5,83%

Land cover category	1990 Area (ha)	% of province	2014 Area (ha)	% of province	% change
Mining	5 366	0,06%	5 553	0,22%	-15,18%

5. Limpopo



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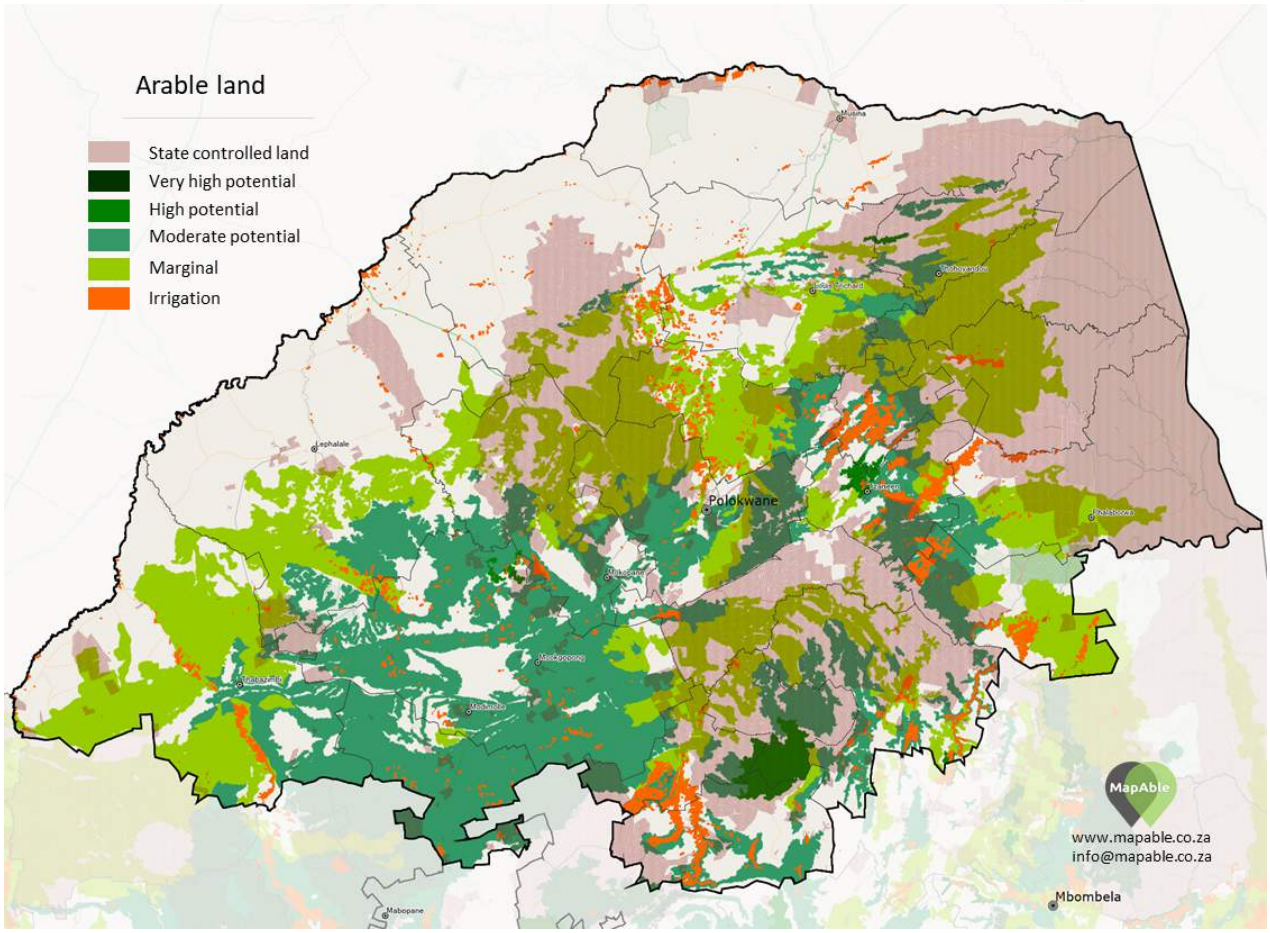
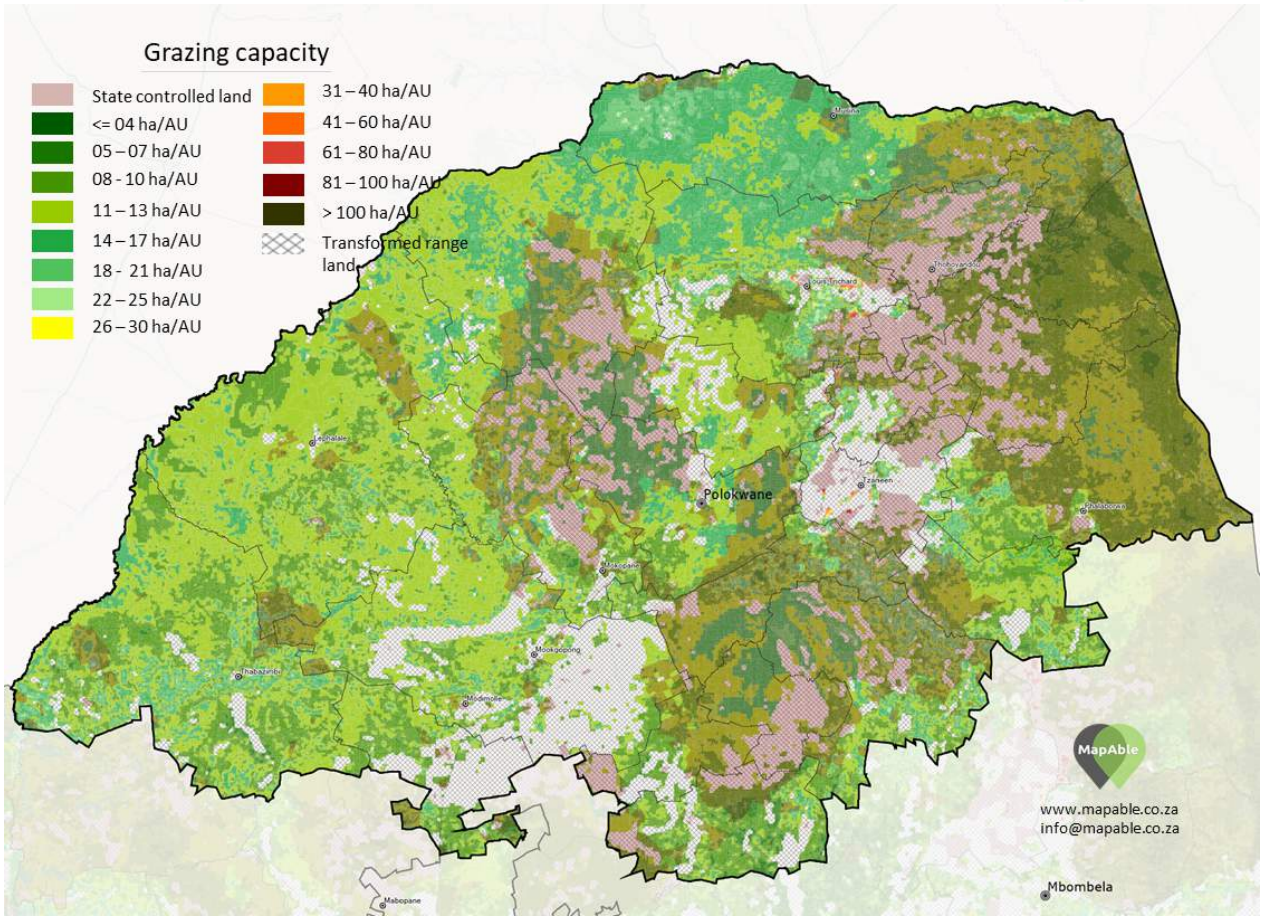
Free State	729 484	29 394	69 468	22 386	850 733	13 001 148	6,54%
Gauteng	270 383	3 415	30 484	57 634	361 916	1 818 249	19,90%
KwaZulu-Natal	1 957 858	1 891 568	505 390	586 090	4 940 907	9 445 102	52,31%
Limpopo	2 429 635	1 303 988	496 218	1 136 637	5 366 478	12 580 603	42,66%
Mpumalanga	1 613 060	266 666	75 830	48 675	2 504 231	7 654 431	32,72%
Northern Cape	2 674 459	250 131	5 176	1 305 958	4 235 724	37 827 661	11,20%
North West	1 906 380	985 937	395 204	79 428	3 366 949	10 523 812	31,99%
Western Cape	843 066	0	0	1 207 426	2 050 492	13 152 154	15,59%
Total (ha)	13 355 984	8 484 170	2 411 563	5 292 628	29 544 346	122 934 144	24,03%
Total	10,86%	6,90%	1,96%	4,31%	24,03%	100,00%	24,03%



Land cover summary: Cultivated land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Cultivated commercial fields	712 868	5,67%	570 040	4,53%	-20,04%
Cultivated commercial pivot	78 213	0,62%	167 734	1,33%	114,46%
Cultivated orchard and vines	77 850	0,62%	109 118	0,87%	40,16%
Sugar cane		0,00%		0,00%	0,00%
Subsistence farming	465 597	3,70%	404 765	3,22%	-13,07%
Total	1 334 527	10,61%	1 251 657	9,95%	-6,21%

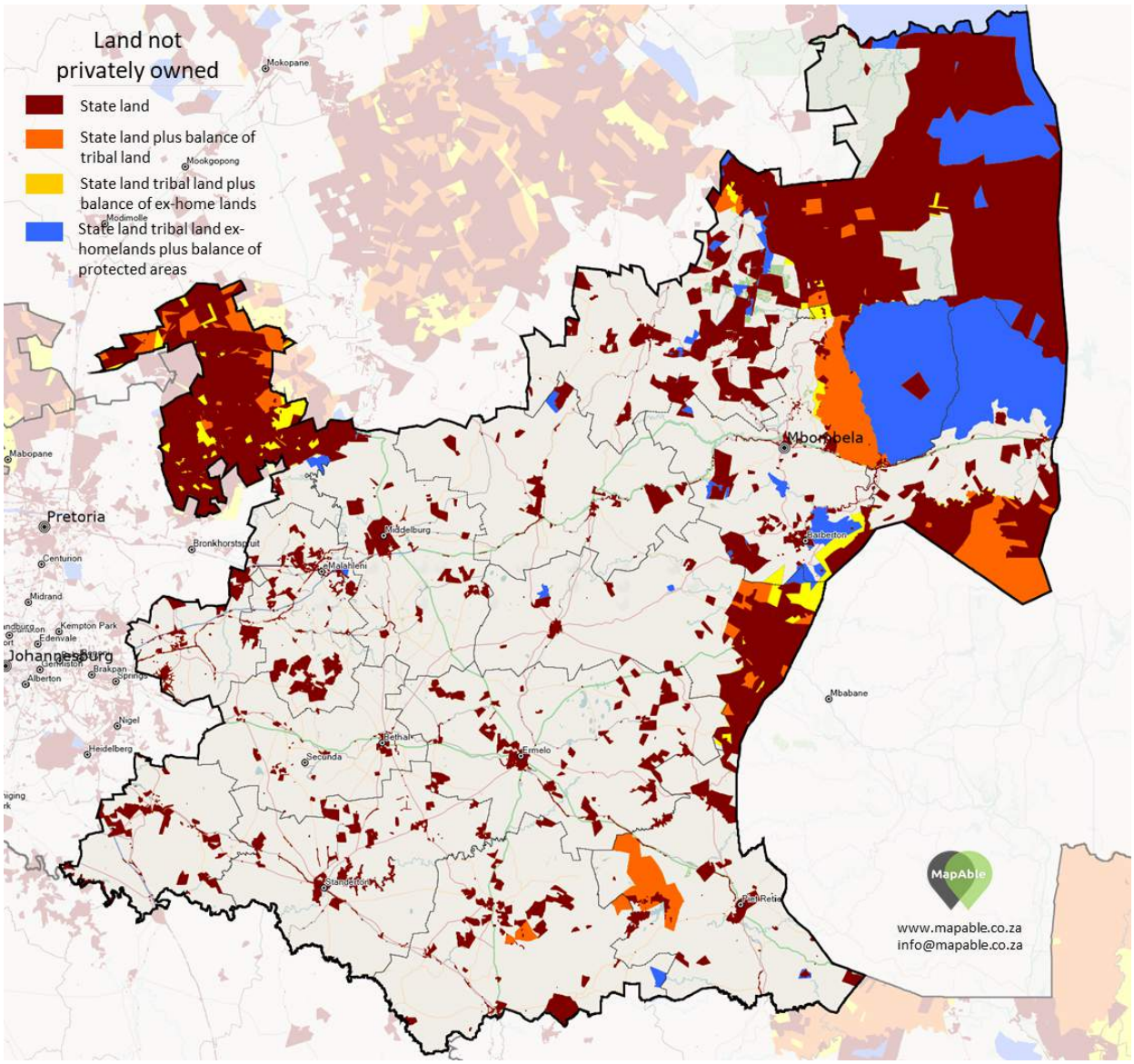


Land cover summary: Other uses

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Urban built-up	12 271	0,10%	12 635	0,10%	2,97%
Commercial	1 987	0,02%	2 383	0,02%	19,94%
Industrial	1 527	0,01%	2 158	0,02%	41,34%
Residential	8 051	0,06%	10 435	0,08%	29,62%
Small holdings	27 585	0,22%	46 807	0,37%	69,68%
Townships	5 244	0,04%	11 731	0,09%	123,71%
Informal areas	117	0,00%	813	0,01%	595,68%
Rural villages	293 928	2,34%	363 433	2,89%	23,65%
Sport and recreation	2 908	0,02%	5 891	0,05%	102,55%
Total	353 618	2,81%	456 286	3,63%	29,03%

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	
Mining	28 421	0,23%	28 928	0,23%	1,78%

6. Mpumalanga



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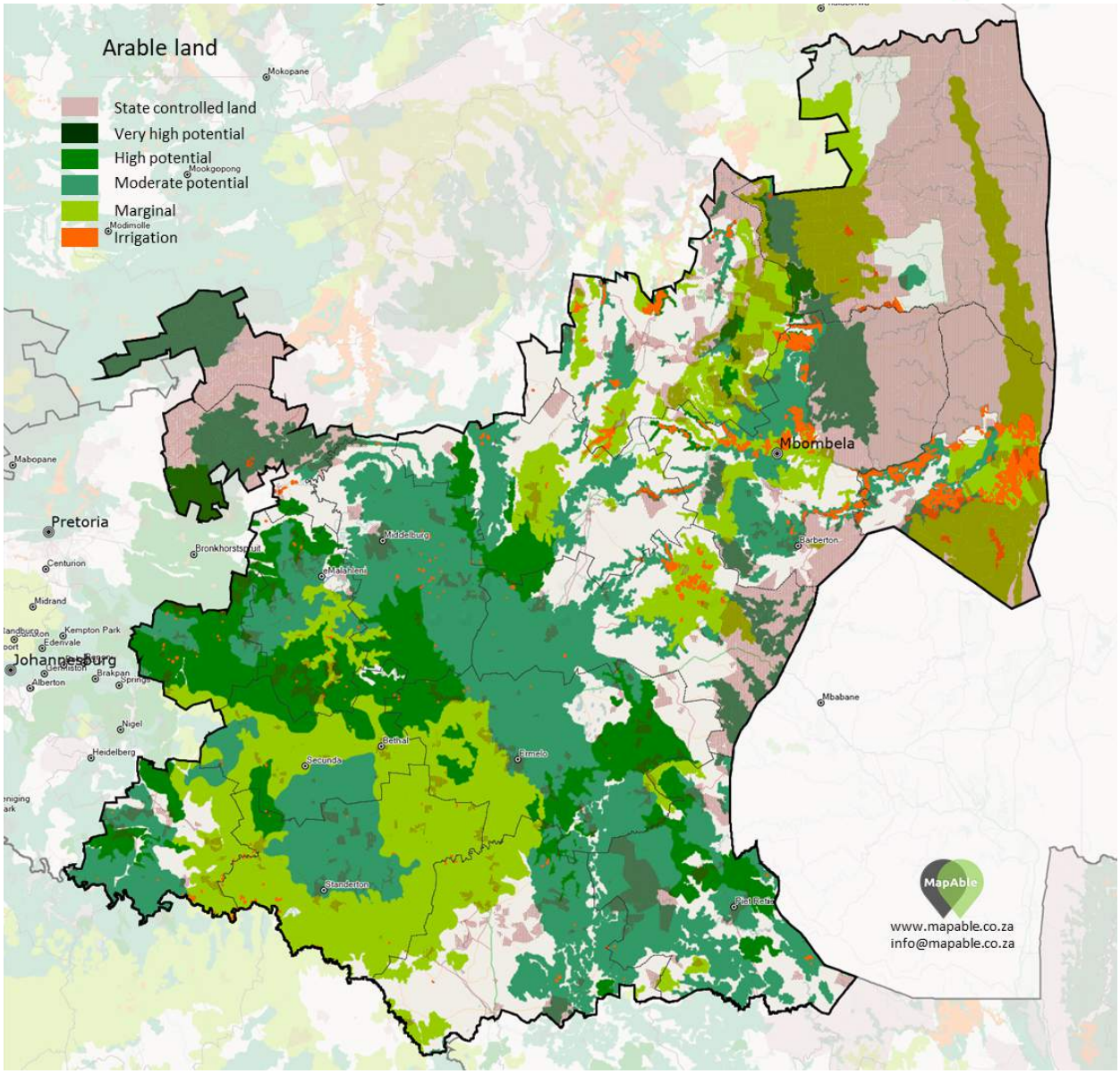
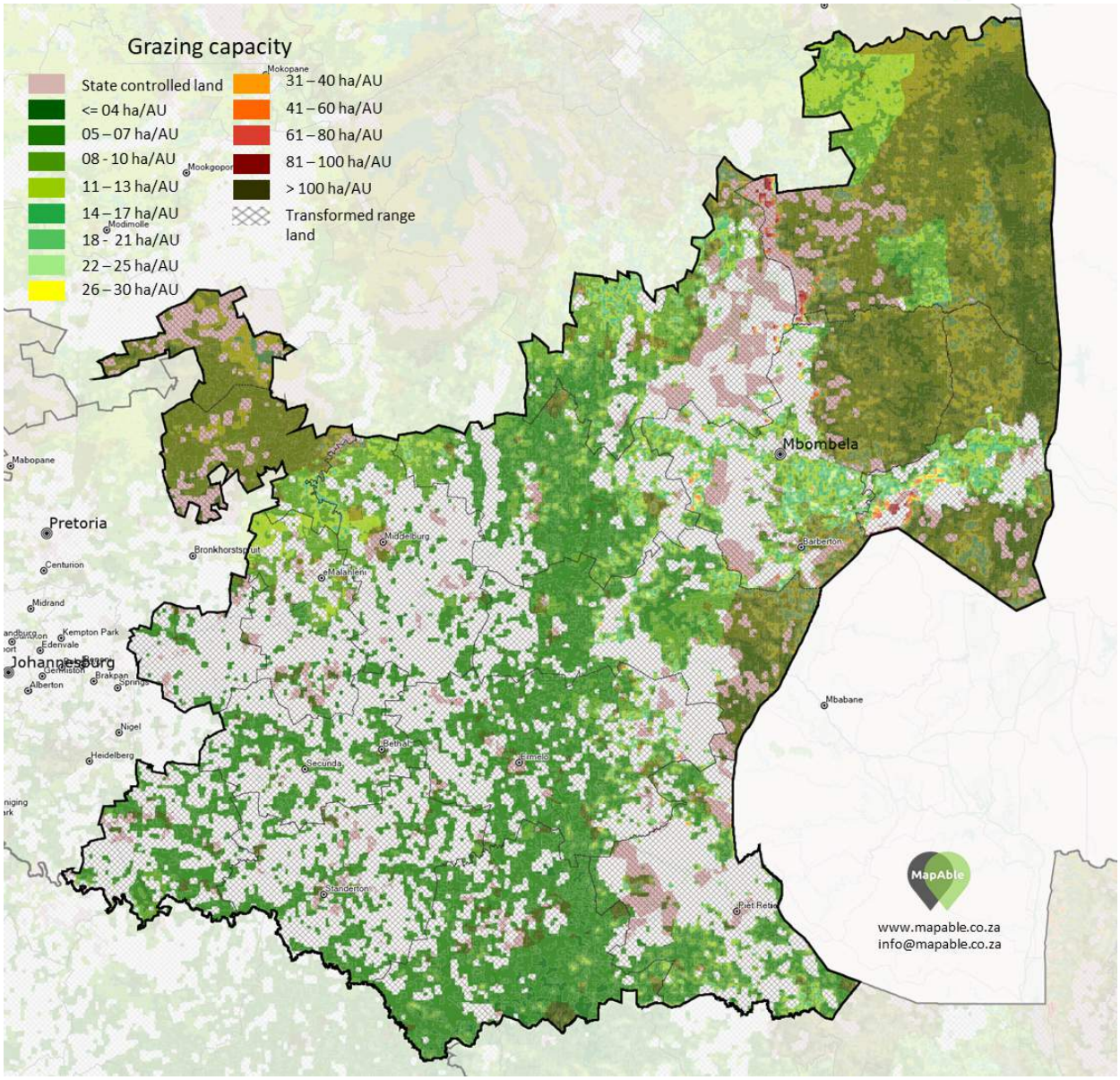
Gauteng	270 383	3 415	30 484	57 634	361 916	1 818 249	19,90%
KwaZulu-Natal	1 957 858	1 891 568	505 390	586 090	4 940 907	9 445 102	52,31%
Limpopo	2 429 635	1 303 988	496 218	1 136 637	5 366 478	12 580 603	42,66%
Mpumalanga	1 613 060	266 666	75 830	48 675	2 504 231	7 654 431	32,72%
Northern Cape	2 674 459	250 131	5 176	1 305 958	4 235 724	37 827 661	11,20%
North West	1 906 380	985 937	395 204	79 428	3 366 949	10 523 812	31,99%
Western Cape	843 066	0	0	1 207 426	2 050 492	13 152 154	15,59%
Total (ha)	13 355 984	8 484 170	2 411 563	5 292 628	29 544 346	122 934 144	24,03%
Total	10,86%	6,90%	1,96%	4,31%	24,03%	100,00%	24,03%



Land cover summary: Cultivated land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Cultivated commercial fields	1 272 205	16,62%	1 089 597	14,23%	-14,35%
Cultivated commercial pivot	12 258	0,16%	46 586	0,61%	280,04%
Cultivated orchard and vines	31 623	0,41%	42 890	0,56%	35,63%
Sugar cane	35 705	0,47%	61 779	0,81%	73,03%
Subsistence farming	91 815	1,20%	66 849	0,87%	-27,19%
Total	1 443 607	18,86%	1 307 702	17,08%	-9,41%



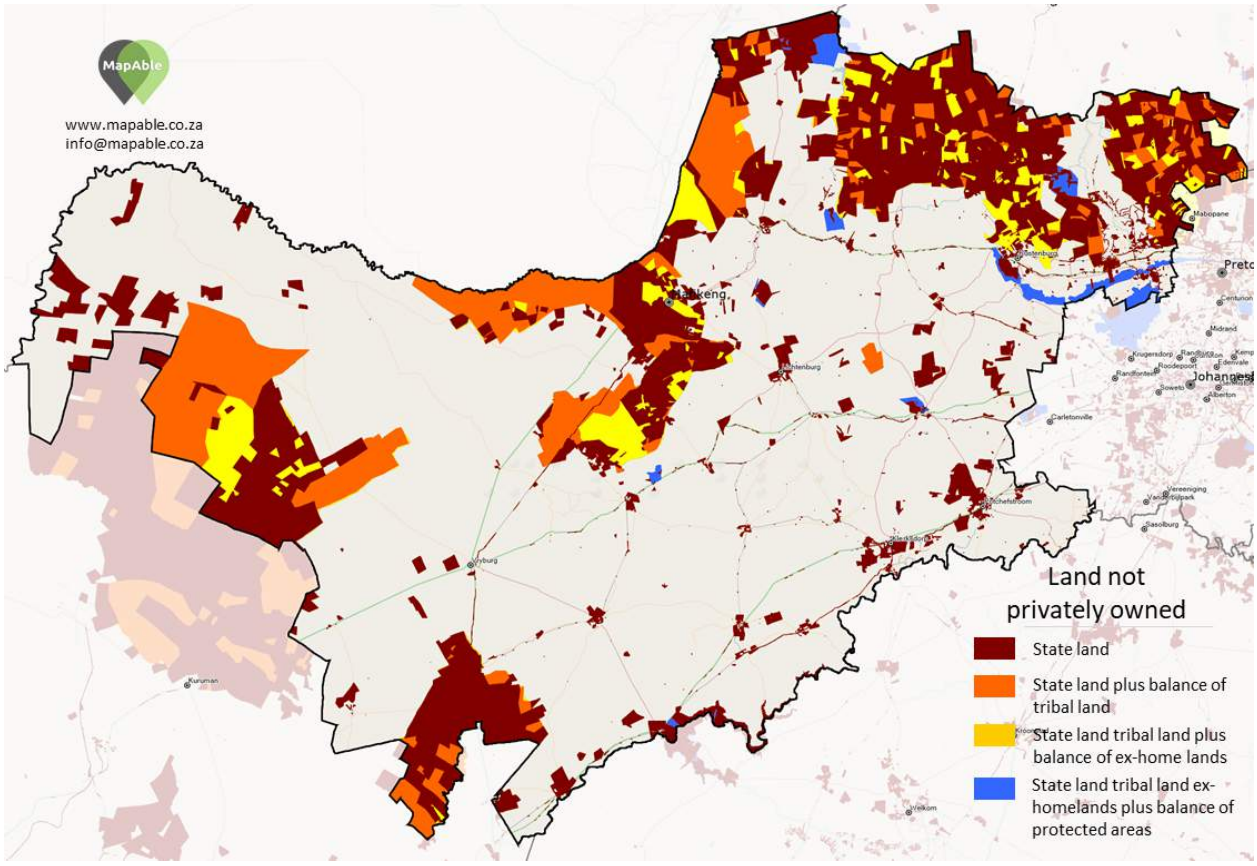
Land cover summary: Other

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Urban built-up	18 733	0,24%	19 760	0,26%	5,48%
Commercial	2 757	0,04%	3 150	0,04%	14,25%
Industrial	6 744	0,09%	6 909	0,09%	2,45%
Residential	19 941	0,26%	20 927	0,27%	4,95%
Small holdings	15 087	0,20%	13 270	0,17%	-12,04%
Townships	14 360	0,19%	25 902	0,34%	80,38%
Informal areas	495	0,01%	2 861	0,04%	477,73%
Rural villages	96 983	1,27%	117 598	1,54%	21,26%
Sport and recreation	3 635	0,05%	3 833	0,05%	5,46%
Total	178 734	2,34%	214 211	2,80%	19,85%

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	Land cover category	Area (ha)

Mining	46 434	0,61%	77 635	1,01%	67,19%

7. North West



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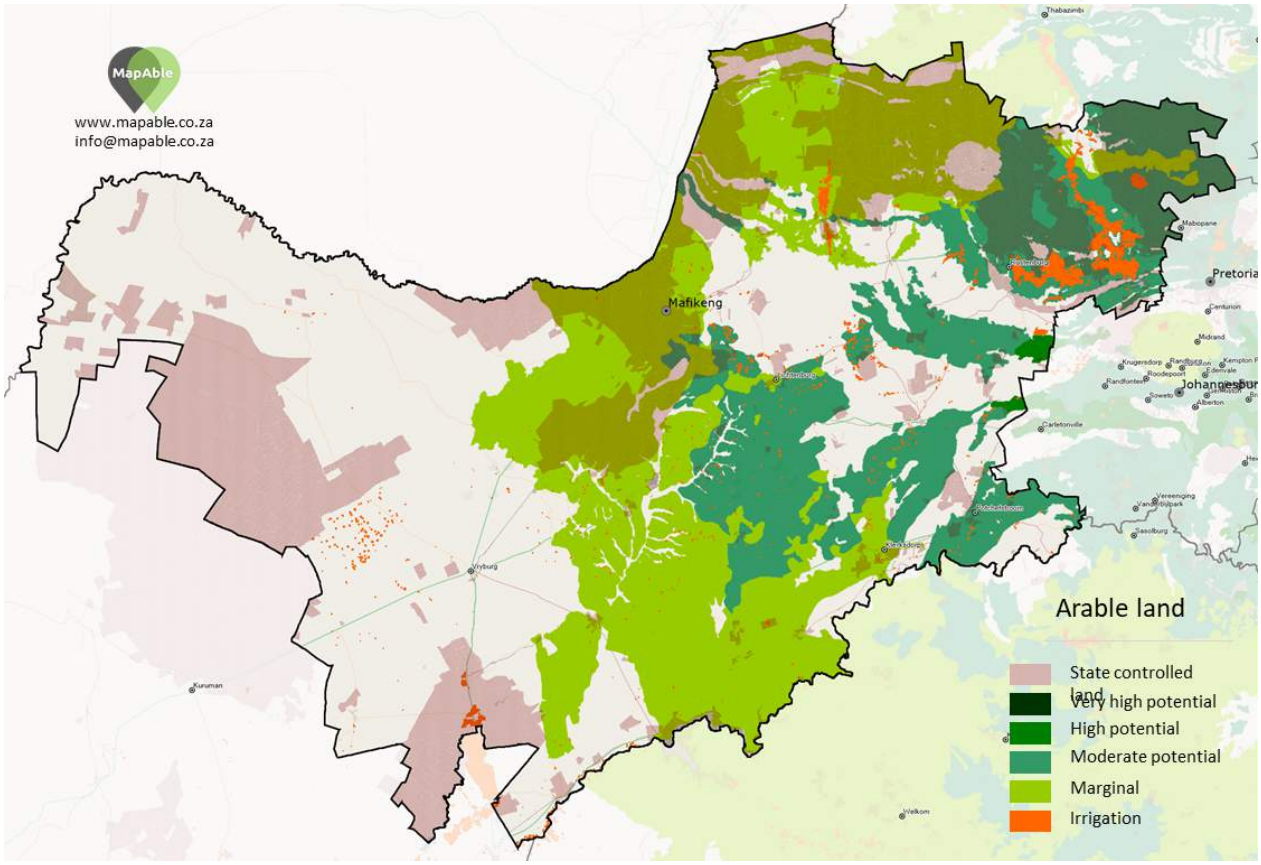
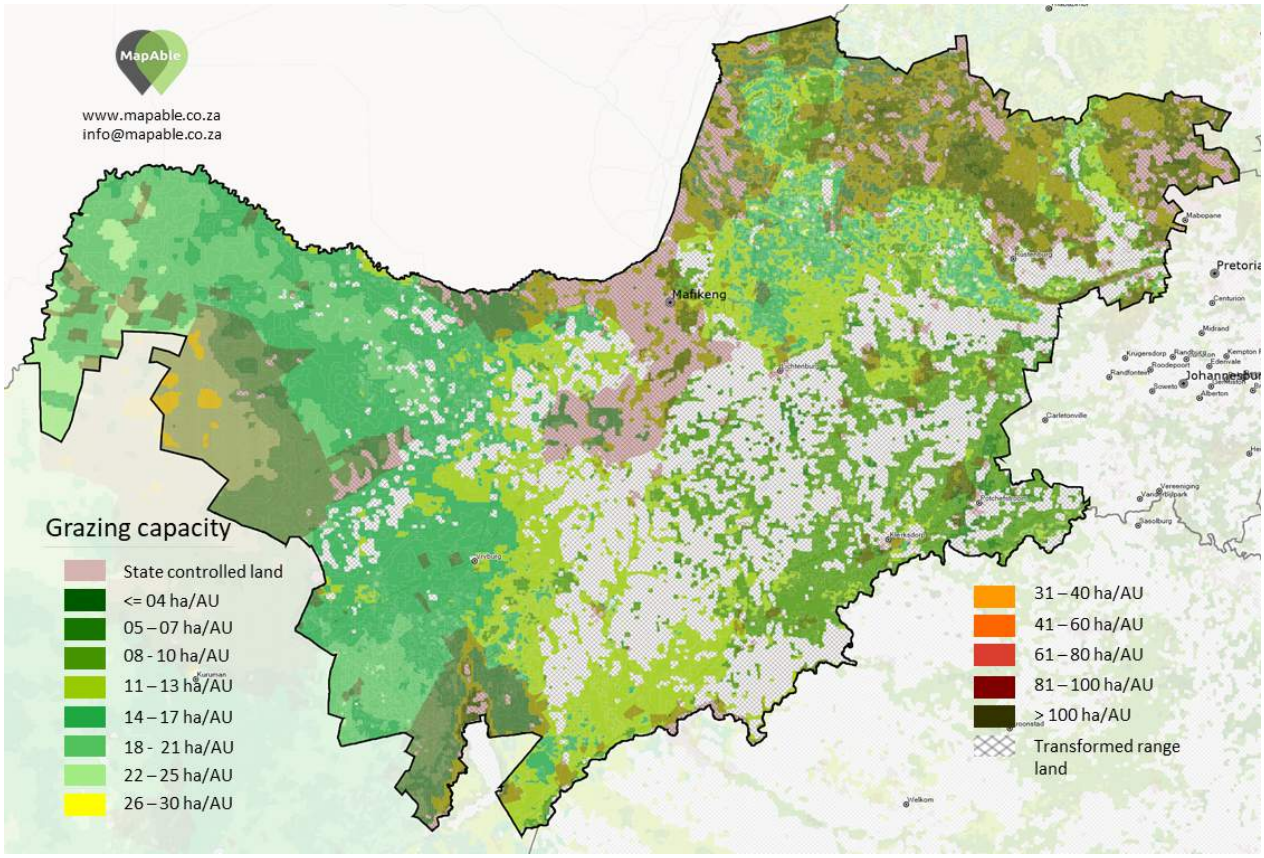
KwaZulu-Natal	1 957 858	1 891 568	505 390	586 090	4 940 907	9 445 102	52,31%
Limpopo	2 429 635	1 303 988	496 218	1 136 637	5 366 478	12 580 603	42,66%
Mpumalanga	1 613 060	266 666	75 830	48 675	2 504 231	7 654 431	32,72%
Northern Cape	2 674 459	250 131	5 176	1 305 958	4 235 724	37 827 661	11,20%
North West	1 906 380	985 937	395 204	79 428	3 366 949	10 523 812	31,99%
Western Cape	843 066	0	0	1 207 426	2 050 492	13 152 154	15,59%
Total (ha)	13 355 984	8 484 170	2 411 563	5 292 628	29 544 346	122 934 144	24,03%
Total	10,86%	6,90%	1,96%	4,31%	24,03%	100,00%	24,03%



Land cover summary: Cultivated land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Cultivated commercial fields	2 161 979	20,54%	1 865 519	17,73%	-13,71%
Cultivated commercial pivot	24 035	0,23%	85 214	0,81%	254,54%
Cultivated orchard and vines	5 275	0,05%	5 328	0,05%	1,00%
Sugar cane		0,00%		0,00%	0,00%
Subsistence farming	268 804	2,55%	233 358	2,22%	-13,19%
Total	2 460 093	23,38%	2 189 419	20,80%	-11,00%

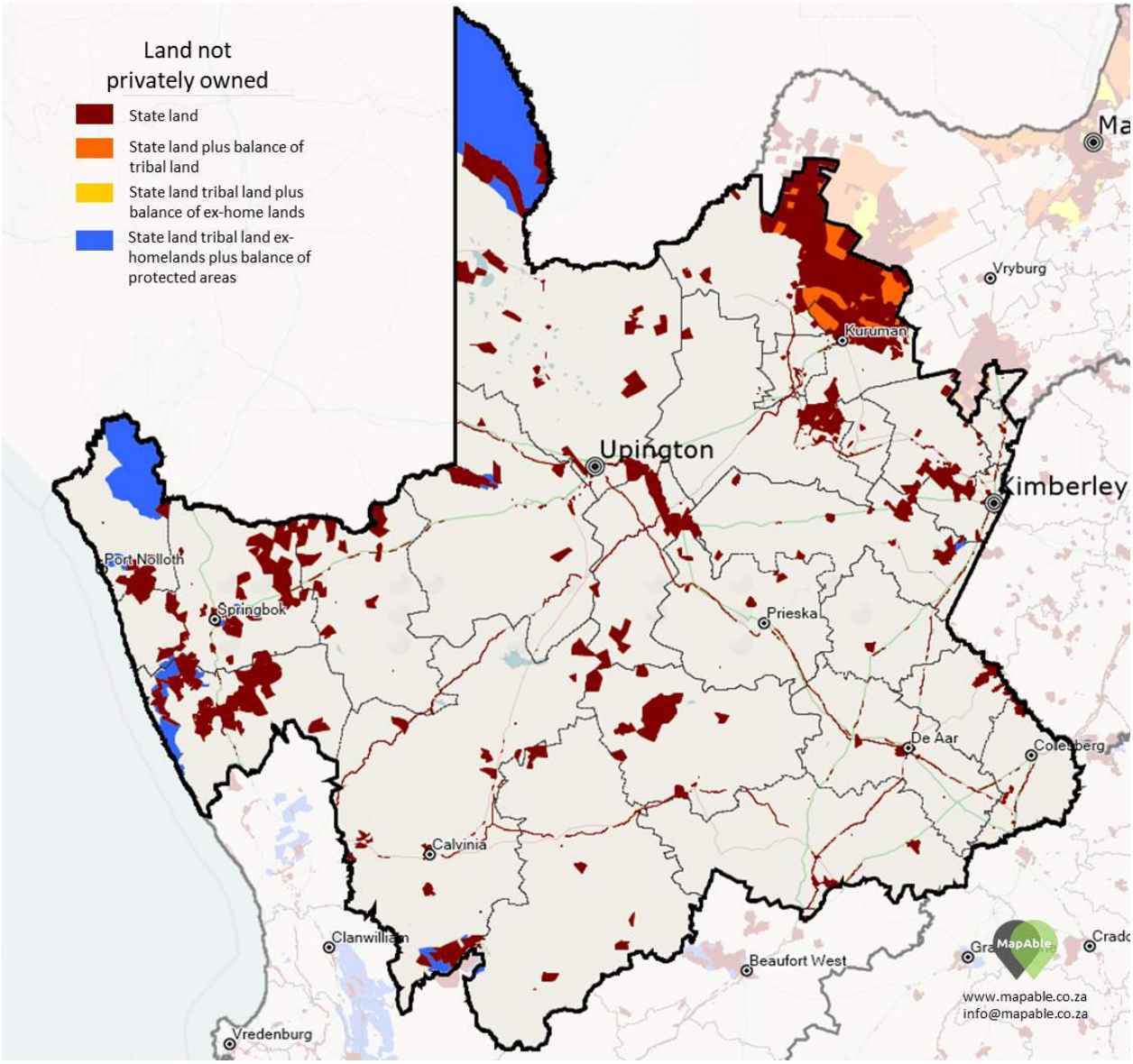


Land cover summary: Other

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Urban built-up	1 529	0,01%	3 084	0,03%	101,73%
Commercial	4 131	0,04%	4 048	0,04%	-2,00%
Industrial	3 693	0,04%	3 464	0,03%	-6,20%
Residential	14 632	0,14%	14 539	0,14%	-0,64%
Small holdings	16 744	0,16%	11 260	0,11%	-32,75%
Townships	6 015	0,06%	14 437	0,14%	140,02%
Informal areas	6 355	0,06%	10 234	0,10%	61,04%
Rural villages	129 170	1,23%	147 133	1,40%	13,91%
Sport and recreation	3 893	0,04%	4 561	0,04%	17,16%
Total	186 162	1,77%	212 761	2,02%	14,29%

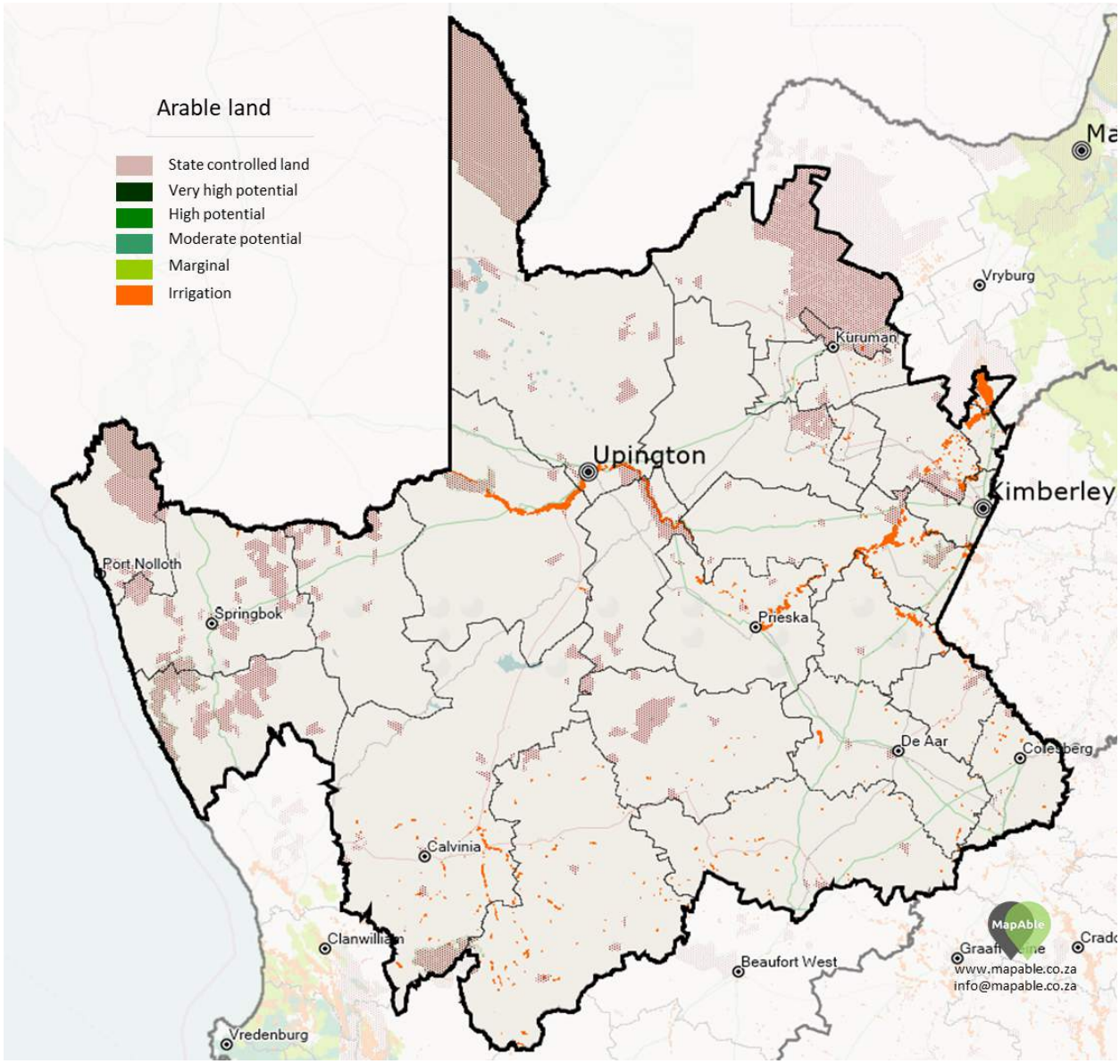
	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	Land cover category	Area (ha)
Mining	44 311	0,42%	58 329	0,55%	31,63%

8. Northern Cape



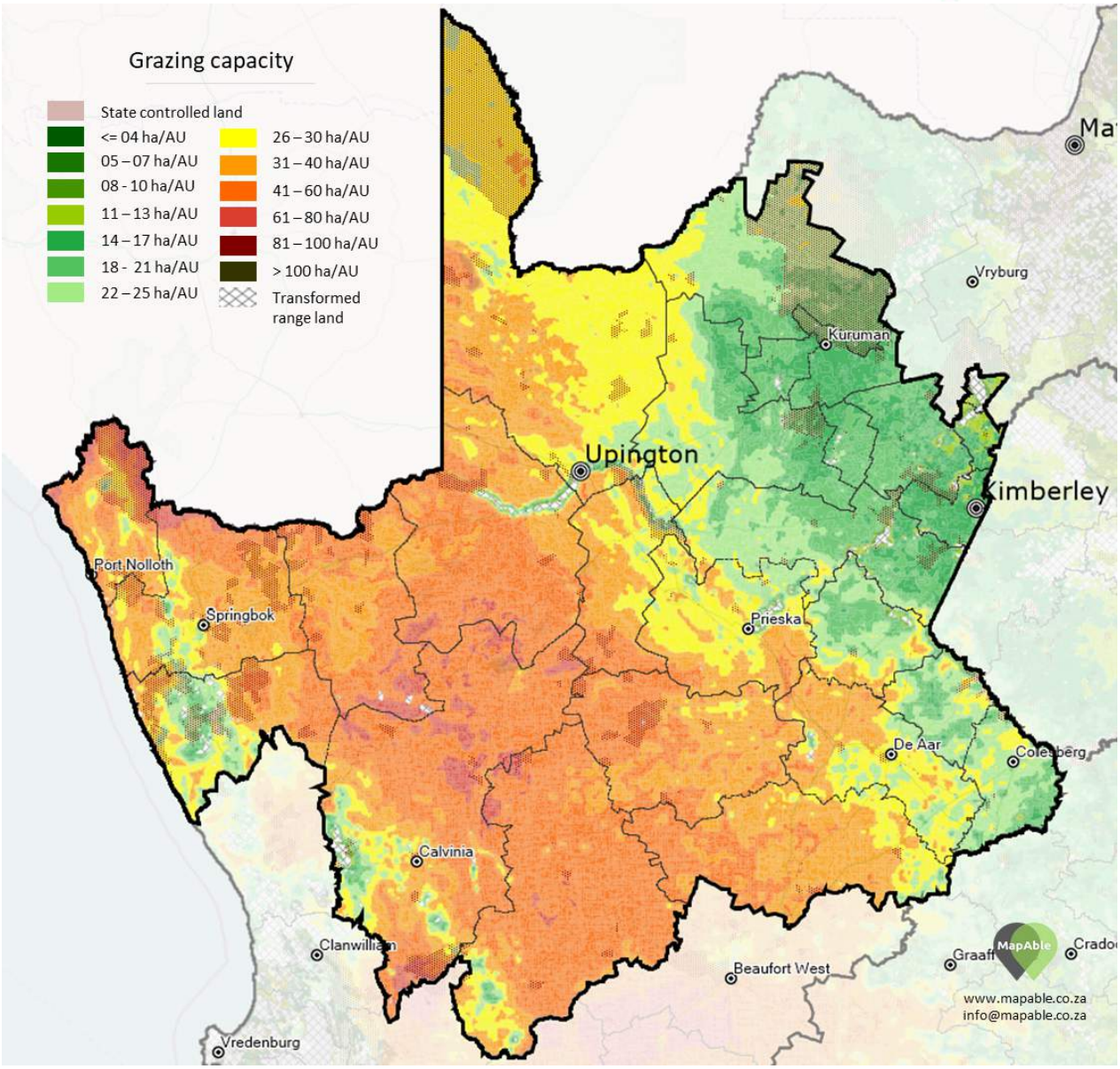
Province	State land	The remainder of tribal land not included in column B	The remainder of ex-homelands not included in columns B and C	The remainder of protected areas not included in columns B, C and D	Total land under state control	The total area of the Province	State land as % of the total land area
A	B	C	D	E	F	G	H
Eastern Cape	931 660	3 753 072	833 792	348 392	5 866 916	16 930 984	34,65%
Free State	729 484	29 394	69 468	22 386	850 733	13 001 148	6,54%
Gauteng	270 383	3 415	30 484	57 634	361 916	1 818 249	19,90%
KwaZulu-Natal	1 957 858	1 891 568	505 390	586 090	4 940 907	9 445 102	52,31%
Limpopo	2 429 635	1 303 988	496 218	1 136 637	5 366 478	12 580 603	42,66%
Mpumalanga	1 613 060	266 666	75 830	48 675	2 504 231	7 654 431	32,72%
Northern Cape	2 674 459	250 131	5 176	1 305 958	4 235 724	37 827 661	11,20%
North West	1 906 380	985 937	395 204	79 428	3 366 949	10 523 812	31,99%
Western Cape	843 066	0	0	1 207 426	2 050 492	13 152 154	15,59%
Total (ha)	13 355 984	8 484 170	2 411 563	5 292 628	29 544 346	122 934 144	24,03%

Total	10,86%	6,90%	1,96%	4,31%	24,03%	100,00%	24,03%



Land cover summary: Cultivated land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Cultivated commercial fields	170 110	0,45%	138 141	0,37%	-18,79%
Cultivated commercial pivot	44 085	0,12%	93 459	0,25%	112,00%
Cultivated orchard and vines	35 343	0,09%	40 073	0,11%	13,38%
Sugar cane		0,00%		0,00%	0,00%
Subsistence farming	4 394	0,01%	3 951	0,01%	-10,08%
Total	253 932	0,67%	275 625	0,73%	8,54%

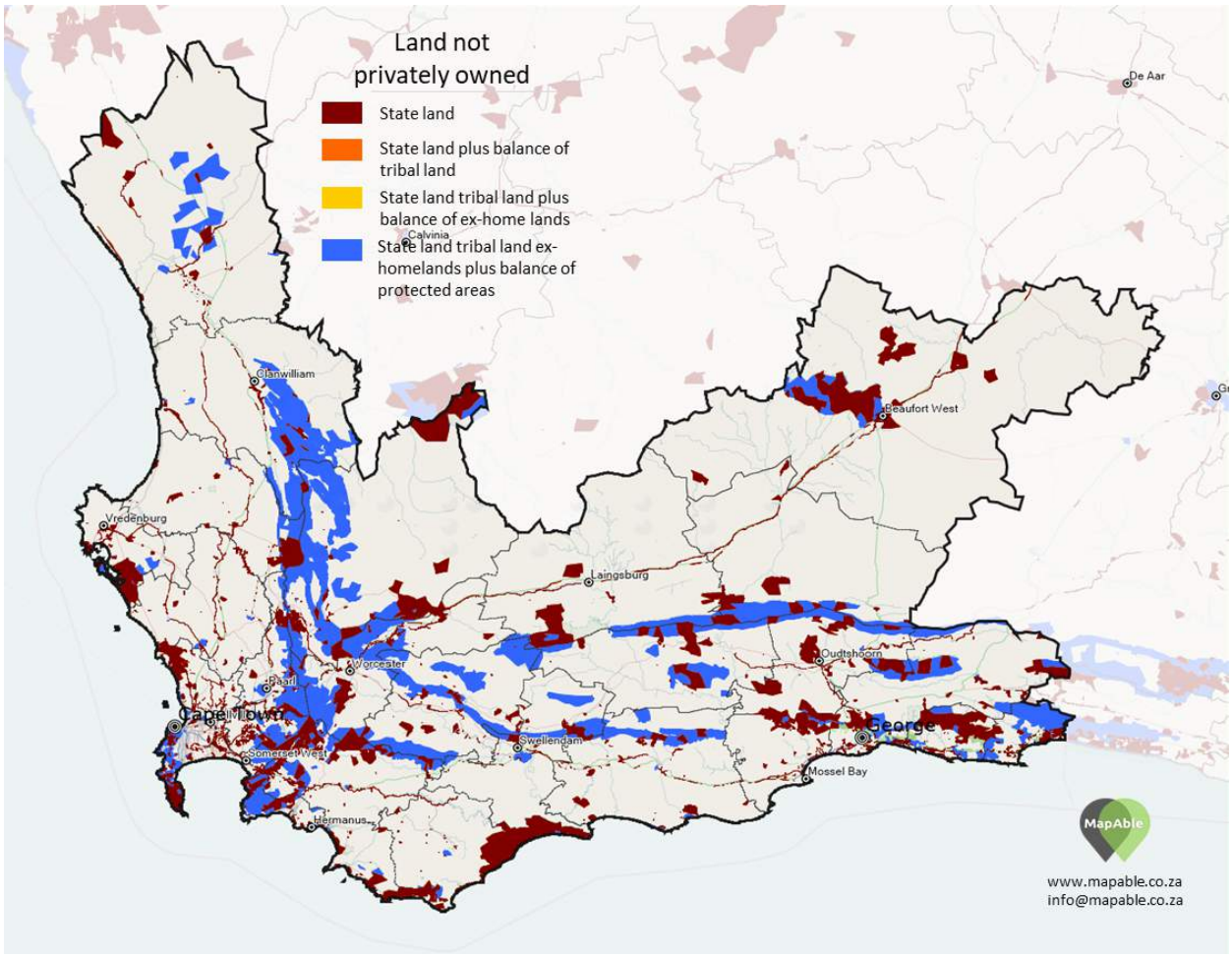


Land cover summary: Other

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Urban built-up	2 192	0,01%	3 645	0,01%	66,25%
Commercial	1 901	0,01%	2 142	0,01%	12,66%
Industrial	1 608	0,00%	1 850	0,00%	15,00%
Residential	7 965	0,02%	7 479	0,02%	-6,10%
Small holdings	2 527	0,01%	2 526	0,01%	-0,02%
Townships	7 492	0,02%	10 064	0,03%	34,33%
Informal areas	210	0,00%	2 099	0,01%	898,32%
Rural villages	17 892	0,05%	20 407	0,05%	14,05%
Sport and recreation	3 901	0,01%	3 712	0,01%	-4,85%
Total	45 689	0,12%	53 922	0,14%	18,02%

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	Land cover category	Area (ha)
Mining	104 227	0,28%	102 215	0,27%	-1,93%

9. Western Cape



Province	State land	The remainder of tribal land not included in column B	The remainder of ex-homelands not included in columns B and C	The remainder of protected areas not included in columns B, C and D	Total land under state control	The total area of the Province	State land as % of the total land area
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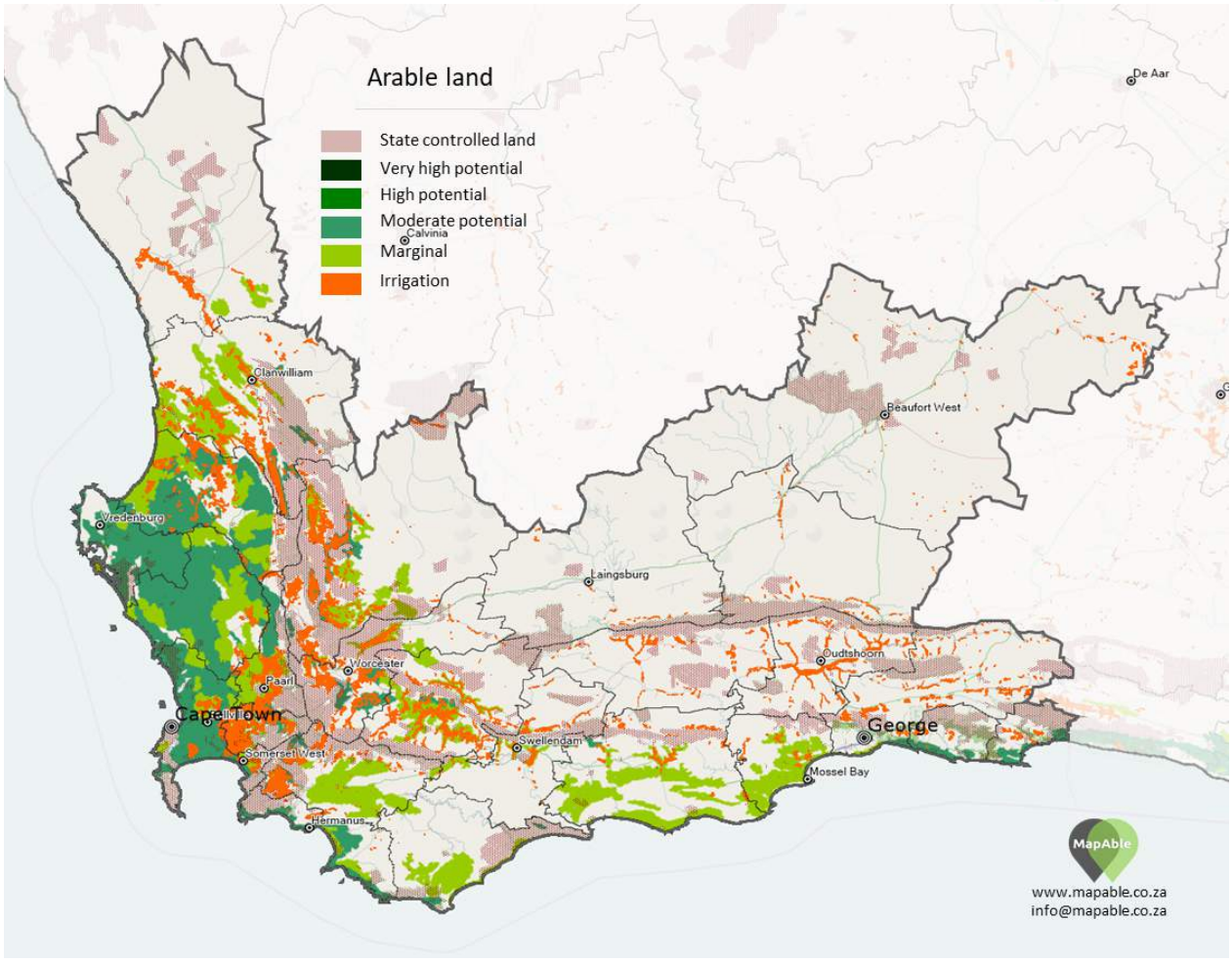
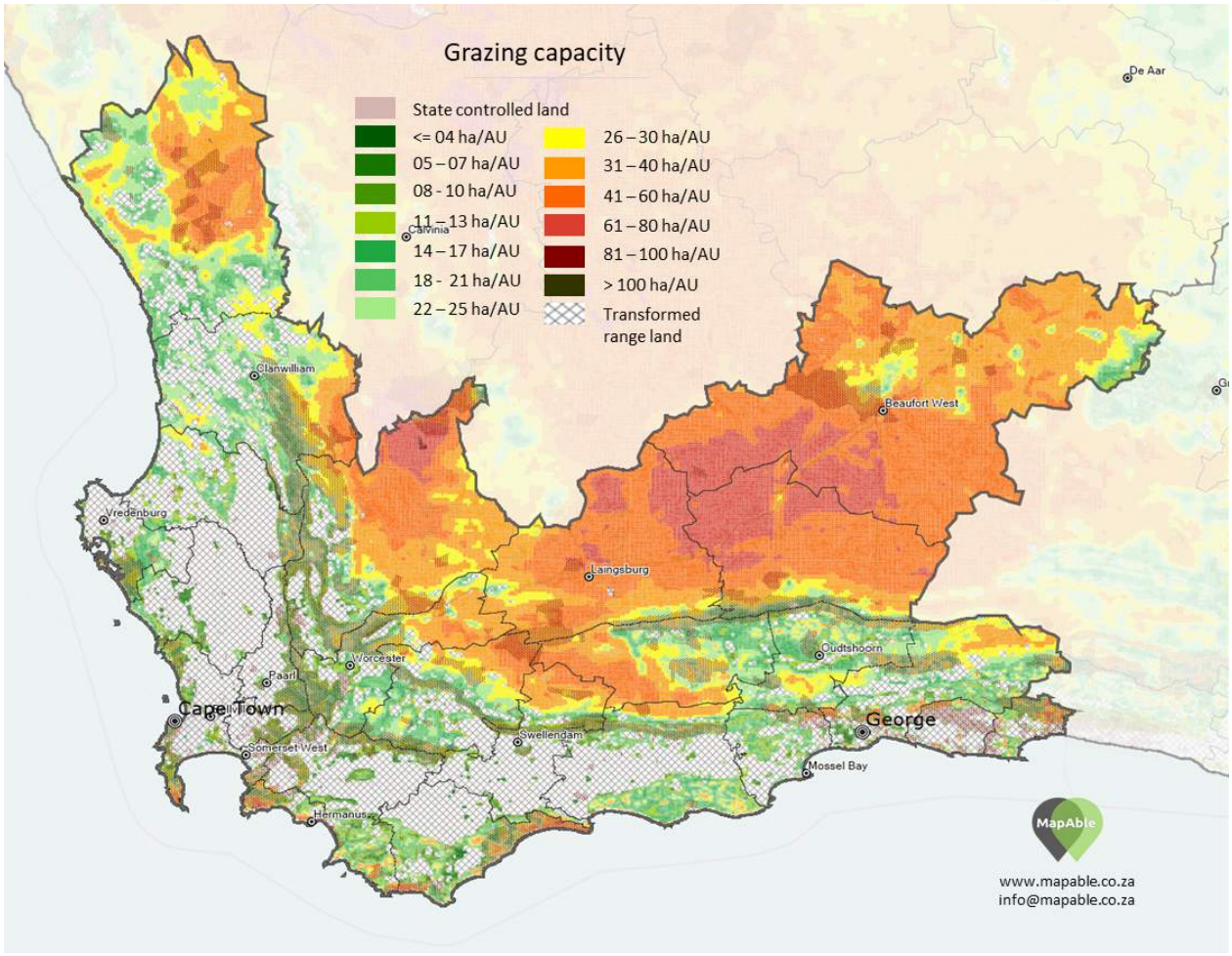
Free State	729 484	29 394	69 468	22 386	850 733	13 001 148	6,54%
Gauteng	270 383	3 415	30 484	57 634	361 916	1 818 249	19,90%
KwaZulu-Natal	1 957 858	1 891 568	505 390	586 090	4 940 907	9 445 102	52,31%
Limpopo	2 429 635	1 303 988	496 218	1 136 637	5 366 478	12 580 603	42,66%
Mpumalanga	1 613 060	266 666	75 830	48 675	2 504 231	7 654 431	32,72%
Northern Cape	2 674 459	250 131	5 176	1 305 958	4 235 724	37 827 661	11,20%
North West	1 906 380	985 937	395 204	79 428	3 366 949	10 523 812	31,99%
Western Cape	843 066	0	0	1 207 426	2 050 492	13 152 154	15,59%
Total (ha)	13 355 984	8 484 170	2 411 563	5 292 628	29 544 346	122 934 144	24,03%
Total	10,86%	6,90%	1,96%	4,31%	24,03%	100,00%	24,03%



Land cover summary: Cultivated land

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Cultivated commercial fields	1 703 219	12,95%	1 647 013	12,52%	-3,30%
Cultivated commercial pivot	18 975	0,14%	74 305	0,56%	291,60%
Cultivated orchard and vines	241 460	1,84%	262 850	2,00%	8,86%
Sugar cane		0,00%		0,00%	0,00%
Subsistence farming	1 035	0,01%	726	0,01%	-29,85%
Total	1 964 689	14,94%	1 984 895	15,09%	1,03%



Land cover summary: Other

	1990		2014		
Land cover category	Area (ha)	% of province	Area (ha)	% of province	% change
Urban built-up	1 194	0,01%	3 975	0,03%	232,88%
Commercial	7 010	0,05%	9 066	0,07%	29,32%
Industrial	8 486	0,06%	8 228	0,06%	-3,04%
Residential	46 558	0,35%	49 778	0,38%	6,92%
Small holdings	10 369	0,08%	10 233	0,08%	-1,31%
Townships	16 232	0,12%	19 030	0,14%	17,24%
Informal areas	993	0,01%	3 092	0,02%	211,37%
Rural villages		0,00%		0,00%	0,00%
Sport and recreation	12 661	0,10%	13 247	0,10%	4,63%
Total	103 504	0,79%	116 649	0,89%	12,70%

	1990		2014		
	Area (ha)	% of province	Area (ha)	Area (ha)	% of province
Mining	3 229	0,02%	9 509	0,07%	194,50%