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LAND EXPROPRIATION ACT IN SOUTH AFRICA - ONE OF THE MANY TOOLS TO FOSTER RECONCILIATION AND JUSTICE?

Introduction

In January 2025, South African president Cyril Ramaphosa signed the land expropriation bill into law^[1], signalling a landmark epoch in the country's evolution. This piece of law replaces the colonial era Expropriation Act of 1975 and empowers the government to acquire land for public purposes, (e.g., infrastructure, housing, and conservation) or in the public interest (such as land reform). Analysts have hailed this piece of legislation for aligning South Africa's land reform policies with

[1] [President Cyril Ramaphosa assents to Expropriation Bill | South African Government](#)

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constitutional principles. In addition, it is seen as a transparent expropriation framework that balances land reform with legal safeguards through clarifying compensation principles, strengthening legal protections, and introducing expropriation without compensation under specific conditions.

Facts and figures about land in South Africa

Statistics show glaring disparities in land ownership patterns in South Africa. The Department of Agriculture, Land Reform and Rural Development (DALRRD), mandated with overseeing land reform in South Africa states that 72% of privately owned land is held by white South Africans despite them constituting less than

10% of the population.[2] On the other hand, Black South Africans who constitute about 80% of the population own less than 9% of agricultural land.[2] This data demonstrates serious skewedness of land ownership due to colonially induced inequalities and at the same time underlining the need to adopt strategic measures to address these exclusionary historical injustices that continue to haunt a majority of South Africans. One such policy instrument, out of a possible many, could be Land Expropriation Act, which if properly implemented could culminate in immense socio-economic benefits to the South African society at large. As of now it is estimated that 24% of all farmland has been redistributed or land rights have been restored and anticipated that a target of 30% could be reached by the year 2030.[3]

The case for land reform in South Africa

Proponents for land reform often posit that the exercise is a cornerstone for economic empowerment given its centrality in addressing poverty and inequality. In addition, advocates for land reform argue pinpoint a historical redress dimension to it, viewing it as a path towards addressing old injustices and promoting reconciliation. The process is also seen as a tool to promote food security, sustainable agriculture and environmental conservation. Furthermore, this aligns well with section 25 of the South African constitution that guarantees property rights and expropriation. On the flip side, there are also concerns over potential violation of property rights and economic destabilisation and panic over possible implementation challenges given the complexities associated with a program of this magnitude. To circumvent this, adversaries of land reform often advocate for alternatives such as land leasing or cooperative ownership.

[2] [The facts: land reform in South Africa - ACTSA](#)

[3] [The facts: land reform in South Africa - ACTSA](#)

[4] [This is how President Ramaphosa got to the 25% figure of progress in land reform in South Africa](#)



Land reform as a tool for reconciliation and justice

From a reconciliation and justice standpoint, there is no doubt that land reform can help to advance the twin objectives of reconciliation and justice. This can be achieved through restoration of land rights to individuals and communities dispossessed of land during the apartheid era. More importantly, this is an avenue to provide reparations to natives who suffered loss and trauma through forcible removals from their ancestral land. An immediate outcome could be the addressing of unequal distribution of land and reconciliation via an acknowledgement of past injustices and harm that accompanied the forced removals and dispossession. Dialogue by stakeholders during land reform program is likely to foster healing while marginalised groups like women and youth are also likely to be empowered. Beyond the empowerment objective, the process is also expected to guarantee food security and reduction of poverty through increased access to land, markets and resources. Overall, properly executed land reform can contribute to a more equitable, just and reconciled society in South Africa.

Early warning signs of resistance to land expropriation

While the land expropriation Act is a noble piece of law with great potential to reconcile society and promote justice, the process has already rattled feathers of some stakeholders from within and beyond the country's borders. Some political gladiators are already up in arms over the piece of legislation with the Democratic Alliance, the second largest partner in the Government of National Unity (GNU) launching a court bid to challenge the law. The law has also sparked a major diplomatic stand-off between South Africa and the US as President Donald Trump has signed an executive order to cut financial aid to South Africa citing concerns over the land expropriation policy.[5] The executive [order also proposed granting refugee status](#) to Afrikaners, on grounds that they face oppression. Already 59 white South Africans have been granted refugee status in the US for being deemed victims of racial discrimination. [6]

[5] [Trump Order Cuts Aid For South Africa Over Land Law, Genocide Case Against Israel](#)

[6] [First batch of white South Africans arrives in United States - World - DAWN.COM](#)

... other potential barriers to land reform in South Africa

Other potential challenges to the process include unclear, inconsistent or contradictory policies aimed at promoting land reform in South Africa. DALRRD faces significant institutional challenges that include limited budget and resources. Poor coordination and communication with other government departments and stakeholders may also derail the land reform process. Corruption and maladministration permeate the socio-economic and political fabric of society and can potentially lead to biased allocation of land as those with connections may benefit ahead of those in genuine need. Land reform beneficiaries are also most likely to struggle to access funding, markets, credit and financing and inadequate support for agricultural development and training. With regards to historical and cultural challenges, deep-seated inequalities from the apartheid era are likely to hold back progress so can be completing claims and interests on pieces of land by various stakeholders.

Conclusion

It is irrefutable that land reform can be a pivotal pedestal to propel socio-economic transformation in any country, South Africa included. This also means that Land Expropriation Act is a critical building block of such a process and can yield long lasting benefits if properly implemented. Nonetheless, the issue of land can be characterised as a wicked problem given the high stakes involved and signs are already showing in the rainbow nation. This underlines the need for give and take to ensure a win-win situation for the different stakeholders as failure to do so may trigger disastrous consequences for Southern Africa's economic powerhouse. This is a serious litmus test for South Africa whose sovereign policy to address historical injustices is under siege on both domestic and international fronts. Only time will tell if the country will weather the storm in the face of such resistance – giving up may result in a missed opportunity to further foster reconciliation and promotion of justice.

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