Name

Instructor

Course Code

Date

Restitution of Land Rights Act 22 of 1994 in South Africa

The land has always been one of the main reasons for conflict – likewise in SA. As far as South Africa is concerned, where it is a very emotive issue, perhaps because the land is unevenly distributed, for whatever reasons. Unfortunately, there are people that use the issue for political advantage, encouraging mass hysteria. Restitution of Land Rights Act 22 of 1994 in South Africa Embittered mutual hatred, much fiercer in the lonely countryside than in the dense and multi-colored population of towns. Besides, it ripened over two centuries of oppression on one side and terror on the other, means that compromise will be hard to achieve. It is unacceptable that in a country with a massive majority of colored people most of the fertile land should be held by an obdurate white minority, but on the other hand the whites are justified in saying, first, that they are suffering from vandalism so severe, as to come close to civil war, and, second, that expropriation risks producing a farming production crisis comparable to what happened in Zimbabwe a while back. However, if there is expropriation, there must be compensation; expropriation without compensation would do nothing but reinforce the mutual hatred and intensify the violence.

The constitutional clause related to the expropriation of property isn't there for the purpose of giving away free land. Instead, its real purpose is to give the government a strong legal guideline when meddling in private property affairs. If the government really, truly wanted to give land to the people, it would only have to take a look at the many tracts of unused land it owns already. Besides, during the process of doling out land to the masses, it can get started on appropriate expropriation using the existing legislation in place. We tend to be overly positive about the government because we assume that position somehow correlates with authority. However, this is not the case. Decades have passed and the bare minimum of land claims have been settled. And compared to the real problems this country faces, it is mostly a non-issue. The simple truth is that the government, which is to say the majority of so-called leaders wasting space in parliament, all the way down to the smallest municipalities, lacks the will to properly govern. This includes solving any real or imagined land issues.

South Africa’s Apartheid government’s correction methods were based on racially motivated corrective discriminatory laws and actions against another race’s perceived danger because of their superior numbers and level of perceived civility. South Africa’s ANC government’s correction methods are currently based on racially motivated corrective discriminatory laws and actions against another race’s perceived injustices and privilege.

Land expropriation is not "black" South Africans walking up to "white" South Africans. What happens to white farmers and property owners who bought their land legally? What happens to their investments? This is reverse apartheid, basically taking from people who paid for the land, then some resolutions can be made, also taking into consideration all the work and money invested into that land, how is that going to be paid out? Had the land being left as it was, it would be Bush and jungles, the black is taking land for their squatter camps as of now (Walker). I firmly believe you must earn what you want and not be a handout on a charity gravy train, it is the same as beggars.

Apartheid unlike the slave trade did not transpire 400 years ago. Unlike in America, it did not happen 120yrs ago. Unlike the Civil Rights movement, it did not happen 50years ago. Apartheid happened 24yrs ago. Over 70% of all South Africans have experienced and lived under a very horrific period is South African history. Over 70% of South Africans do have the right to claim that they were tormented, discriminated again, treated as less than human "Black" race (Cook). The people who used the Land Act of 1913 to take land from its owners are old but still alive. South Africa is not America, and do not think you can compare these two countries as equals in terms of their respective struggles. In America, Minorities were left with bread crumbs and were unfairly treated. In South Africa, the Majority (92% of the population) were left with bread crumbs (Lahiff). Do not ever claim that all struggles are the same everywhere because they are not. Again, I will repeat: Land expropriation in RSA is not "blacks" walking up to "whites" and saying; I am black and poor, and you're white and rich, give me your land." If you do not have evidence that a specific property of yours was unjustly taken you cannot claim the property of someone else as yours because of skin color.

South Africa's democracy and constitutional fairness are only 25yrs old but they are very reputable as the best in the world. For example, dagga (weed or cannabis) is legal to smoke and cultivate in South Africa not because doctors said it was, but because the constitutional court deemed it a breach of privacy to arrest someone for a crime not committed against a second person on your own property. For instance, it is illegal to be naked on the street but not in your own private property (an act committed on yourself without harming others). Therefore, whilst it is illegal to smoke and cultivate weed on public property by the principle of privacy it is legal to do so on your own property as this is an act that is committed on oneself without harm to others, and, therefore, breached the right to privacy when arrested for it. Another example RSA is that it does not have a progressive tax, it only has a fair/flat tax (James). The reason for this is that a progressive tax was deemed to be unfairly discriminatory based on financial standing, and is not justified by the claim of having equality because it doesn't pass the PEPUDA test of unfair discrimination.

This idea did not come from the ANC, but from the EFF, a radical racist political party. There are unfortunately many poor and uneducated people in South Africa who believe that all their troubles will end if they get to land. Unfortunately, profitable farming is not that easy in modern times and many of the community farms have gone bankrupt, there are many success stories, but many failures too. Many of these desperate people would vote EFF in hopes to get land and I'm sure that people at the helm of affairs know very well that empty promises have worked very well up until now.

I think this land claim issue is more of a thorn in Cyril Ramaphosa's flesh. I don't think this is what wanted to deal with at this stage. When Jacob Zuma became president, the South African land trading was at R9 to the USD, at its weakest under Zuma's rule, it hit a low of R18 to the USD. We believe that Cyril Ramaphosa's goal is to turn our economy around, but now he has to deal with the EFF's land claim idea.

As long as the constitutional court of South Africa continues to respect the 28 rights afforded to every one of its citizens it will never happen that The Republic of South Africa fall under any unjust acts. Unjust acts that unfairly discriminate against other people on any grounds be they race, age, sex, gender, marital status, culture or religion. Our government is not above the law nor are they the law.

Works Cited

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