

The Failure of Rural Segregation (Land Policies) in South Africa: Black Land Ownership After the Natives Land Act, 1913-1936

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[To The Reader: The sources on which this paper is based include collections from the National Archives of South Africa: inter alia, Native Affairs Department (NTS), Land Department (LDE) and Private Secretary to the Prime Minister (MEM). In addition, I consulted the following private paper collections: Patrick Duncan, J.B.M. Hertzog, F.S. Malan, John X. Merriman, Jan Smuts and W.E.S. Stanford. Cabinet Minutes have not been discovered, and there is no collection of the papers of Louis Botha.

This paper is part of a larger work on farms owned by black South Africans before apartheid. I am also evaluating the impact of the Natives Land Act between 1913 and 1936.]

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Parliament passed the Natives Land Act in June, 1913, three years after the formation of the Union of South Africa. The Act, often described as one of the most important segregation laws in South African History ("vicious," according to one African observer), included three major provisions:

1. it limited buying rights for the racial groups by prohibiting Africans from buying land outside of so-called "scheduled areas" and prohibiting whites from buying land in the scheduled zones of the country;
2. it identified the scheduled areas. The total land open to African ownership equaled about 10 million morgen (c. 21 million acres); and
3. it established a Natives Land Commission to recommend additional land to be set aside for the exclusive use of Africans.

The aim of this paper is to evaluate the impact of the Natives Land Act between 1913 and 1936, especially the effect of the curb on unrestricted buying of land by Africans outside of the scheduled areas. The paper will examine the development of rural land policy and the changes in that policy during those years. The main geographic focus of this analysis is the Transvaal.

In this paper, I shall argue the following:

1. the Natives Land Act did not stop blacks from buying land; in fact, black South Africans owned more land in 1936 than was the case in 1913;
2. full rural segregation had not been imposed by 1936;

Background

Transvaal Africans controlled their land following their own systems of land tenure until the early nineteenth century. These patterns were disrupted by two major invaders, Africans from the southeast and Europeans from the south. The first invaders were those Africans who became known as the Khumalo Ndebele under Mzilikazi. During the early decades of the 19th century land ownership was contested amongst African communities themselves. Land ownership by African communities north of the Vaal was drastically interfered with between 1823 and 1837, after the arrival of the Khumalo Ndebele in 1823. A large number of African communities lost their land during this period.

After the settlement of Afrikaners north of the Vaal River in the late 1830s, several patterns developed. Following the defeat of the Ndebele under Mzilikazi, Afrikaners regarded the central and western part of the Transvaal as their property by right of conquest, distributing land to whites without regard to previous African ownership. In addition, they extended the area under their control to the east and north by concluding various treaties. Towards the end of the 19th century, the stronger African communities to the north and east were conquered. These societies had remained independent and controlled their land according to traditional African land tenure rules.

European domination had serious consequences with regard to land ownership especially for those Africans in the immediate vicinity of large concentrations of whites. They were technically without any land and were dependent on Afrikaner officials to demarcate "locations" for them. The Afrikaners allowed Africans to live on the locations during "good behavior," but did not allow them to own the land with title deeds. Thus, a portion of the African population lived on land designated for their occupation and use as a result of grants or the creation of locations or reserves. Many other Africans lived on land owned by whites, but they are beyond the purview of this paper.

Afrikaners introduced a European land ownership system for themselves, with title deeds and a land registration system. Land, in other words, became a commodity, with important consequences for Africans.

During the late 1860s and 1870s, some African communities succeeded in getting around the restrictions on African land ownership by asking missionaries and other sympathetic whites to buy land for them (but paid for by the Africans) and to have it transferred and registered in their (the white's) names, creating an informal trusteeship system. Usually an agreement was concluded between the relevant African community and the missionary in which the missionary promised to keep the land in trust for the community. Some Afrikaner officials knew of this system and debated whether or not to create a formal trusteeship system during the 1860s, but the Volksraad, a very conservative institution, ultimately rejected any moves in this direction.

Changes in the approach to land issues occurred after the British annexation of the Transvaal in 1877. Initially a few British officials favoured allowing Africans to obtain land in freehold, but never followed through. Instead, in 1880, they turned to the implementation of a formal trusteeship system. Land bought by Africans would be registered in the name of a public official or government agency, "in trust" for the relevant African communities.

After the British left the Transvaal, the South African Republic government was required to retain the formal trusteeship system by two Anglo-Afrikaner treaties, the Pretoria Convention (1881) and the London Convention (1884). Article 13 of the Pretoria Convention of 1881 stated that "Natives will be allowed to acquire land, but the grant or transfer of such land will in every case be made to, and registered in the name of, the Native Location Commission." The Transvaal government maintained its commitment to these treaties and the formal trusteeship system during the remainder of the 19th century, but also firmly rejected transfer of property into the names of Africans.

To summarize to this point: a small number of black South Africans in the Transvaal owned land under a European system based on title deeds and the registration of the transfer of the land from one owner to another during the 19th and 20th centuries. During the 19th century, the ability to own land was circumscribed and linked to a trusteeship system where registration of the transfer had to be in the name of a white man, either a missionary (or other sympathetic white) or a public official. Law and custom in the South African Republic prevented registration in the names of the black African buyers.

This system changed in 1905. On April 4, 1905, the Supreme Court of the Transvaal decided that Reverend Edward Tsewu, a black South African, had the right to register, in his own name, the transfer of a piece of land that he had legally purchased the previous year. The Registrar of Deeds had refused to record the transfer because Reverend Tsewu was a "native." The Registrar defended himself by referring to the trust system described above. The judges of the Supreme Court disagreed with the Registrar and ordered him "to register the said Lot in the name of the applicant." After April, 1905, African buyers had a choice: to register the purchase in their own names or in the name of the Commissioner (later Minister) for Native Affairs in trust for the owners. Many Africans took advantage of their new option, but not all buyers did. No matter what the choice was, the number of farms purchased after 1905 increased.

Union Land Policy, 1910-1918

Independence within the British Empire came to South Africa in 1910 with the formation of the Union of South Africa. The Prime Minister, Louis

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Botha, led a political party, the South African Party, which included Afrikaans and English speakers. A dominant problem that faced them, according to white officials, was the so-called “native question,” because Africans equaled about 70 percent of the population and were culturally “different” from Europeans. Government officials paid particular attention to the land issue, between 1910 and the middle of 1913, because Transvaal Africans were still purchasing farms and the Union Government had no power to prevent Africans from buying land in three of the four provinces. Only in the Orange Free State did the law prohibit Africans from buying farms. During this period, Native Affairs Department (NAD) officials urged field officers to discourage Africans from buying, or told these officers, at least, not to encourage buying, but these same officials admitted that they lacked the power to stop purchases. Nevertheless, pressures from whites were building to take action against the “evil” of unrestricted buying.

The Union Parliament hastily passed the Natives Land Act in June, 1913, bypassing normal parliamentary procedures to do so. The Act gave the government the power it lacked, specifically prohibiting Africans from buying land after June 19, 1913. Though mandating a stop to buying, the Act included a clause which allowed the Governor General to approve exceptions to the law, a clause of great importance to eventual changes in government policy in the late 1910s and 1920s. In addition, the Act delineated African areas, referred to as “scheduled areas.” The scheduled areas included land granted to Africans by the South African Republic government, previously created locations and reserves, and land owned under the informal or formal trusteeship system. Africans had ownership and buying rights in the scheduled areas; whites were prohibited from buying land in these areas. These buying restrictions only applied to the Transvaal and Natal. The Act could not apply in the Cape Province because of the constitutional voting privilege for blacks and coloureds, which was based on economic qualifications, and the Act did not change a pre-existing Free State prohibition. Finally, the Natives Land Act was not retroactive.

I described the reasons why Parliament passed the Natives Land Act during that session in a long article published in 1993 (*International Journal of African Historical Studies*). The evidence led me to conclude that passage of the Act served an important political purpose at the time, an attempt by the Botha government to mollify the Orange Free State supporters of J.B.M. Hertzog, who had been dropped from the Cabinet in December, 1912. More important for the purposes of this paper are the underlying reasons for the measure. In 1913 and in later years, most South Africans, black and white, viewed the law as a segregation measure, to separate African landowners from white landowners.

The amount of land set aside for the scheduled areas equaled ten million morgen (c. 21 million acres), about seven percent of the land area of South Africa, an amount which most officials associated with African affairs recognized was inadequate. Because of the clause establishing the Natives Land Commission, the Act carried the promise that more land would be made available to Africans. The Commission’s mandate was to determine how much land should be added to the scheduled areas and also to recommend which zones should be set aside for exclusive African use.

Government officials hoped that the Commission would complete its report quickly, but World War I delayed proceedings, and the report was not submitted until early 1916. Members of the Cabinet anticipated that the recommendations of the Natives Land Commission (also referred to as the Beaumont Commission, after the Chairman) would be written into

a new law. In the interim, officials at the Native Affairs Department really did not have a land policy. NAD employees told applicants for approval of purchases outside of the scheduled areas to wait until the Commission reported, although these officials did consider applications where a “hardship” might ensue if approval was not given. Between 1913 and 1916, in fact, the Governor General approved only 53 sales in the Union (Transvaal, 7; Natal, 38; Cape, Orange Free State, 4 each).

The Beaumont Commission submitted its report in March, 1916, recommending the addition of 8.5 million morgen (c. 18 million acres) to the scheduled areas in all four provinces. The Ministry then incorporated most of these recommendations into the Native Affairs Administration Bill (1917). But, while more land was to be set aside for Africans, the Bill had a harsher side to it. The new land schedule was intended to be the final setting aside of land for Africans. The exception clause in the Natives Land Act, which allowed Africans to buy land with the approval of the Governor General, was omitted from the Native Affairs Administration Bill.

After considerable debate, the Bill was sent for evaluation to the Select Committee on Native Affairs following the Second Reading. The Select Committee held hearings to gather the opinions of whites and blacks and recommended that the government appoint new provincial committees (rather than a national commission) to examine the recommendations of the Beaumont Commission. Prime Minister Botha appointed five committees, including two for the Transvaal. After each committee reported, sometimes accepting the Beaumont areas, sometimes radically altering the Beaumont boundaries, the Ministry reluctantly decided not to press the legislation before Parliament. Blacks and whites had spoken out strongly against the recommendations of the Beaumont Commission and then, equally vociferously, protested against the Committee revisions. Consequently, what had been viewed as a temporary measure, the Natives Land Act, became permanent.

Parliament failed to fulfill the implied promise in the Natives Land Act, to enact into law new areas of land for the exclusive use of Africans. Until 1918, the Government did not really need a land policy because land buying in the Transvaal had been severely restricted and an investigation was proceeding. The Government was treading water, waiting for the Natives Land Commission report, apparently intending that the new legislation contemplated by the Land Act would settle the land issue once and for all. Only a few exceptions were made to the Land Act, under the hardship policy. From the standpoint of the Act's supporters, the Natives Land Act was working. And, in the context of World War 1, government officials were anxious to avoid actions which might upset segments of the African population, alter the pattern of loyalty to the Crown, and threaten the racial peace within the country. These concerns contributed to the decision not to continue with the Bill. However, decisions now had to be made. A land policy was required.

Changing Land Policies, 1918-1936

The rural land policies of the South African government between 1918 and the 1930s can be summed up in the following manner. Key government officials were committed to land ownership by black South Africans. But, this commitment involved allowing Africans, about 70 percent of the population, to own land in only about 12-14 percent of the area of the country, and only in the “scheduled areas” and nearby lands, identified as “native areas,” or, later, “released areas.” This commitment meant responding affirmatively to the African search for property after 1918, but within limits.

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Government officials aided and abetted this African search. Government cooperation was required for Africans to buy land because, under the Natives Land Act, all important land transactions, such as sales, mortgages, and leases, had to be approved by the Governor General, which, in practice meant the NAD.

The Botha Government knew, long before it introduced the Native Affairs Administration Bill, about the serious problems of overcrowding of many African areas. Officials recognized the need for more land for Africans (for people and livestock). The record is replete with evidence and acknowledgements of overcrowded African land, insufficient land for cultivation or grazing, and population pressures, with the resulting erosion of the soil and the decline in productivity. Field officers also occasionally viewed sympathetically African attachment to an ancestral farm or to the need for a group to own its own land to escape from a bad landlord or to have a measure of independence. They were also faced with the occasional problem of Africans being evicted from private white owned farms and the need to find refuge for these people. Officials in the field, Native Commissioners and Sub Native Commissioners, increasingly began to ask where were evicted Africans to go, and focused on Crown lands as an alternative to potentially insecure rental or squatting relationships between Africans and their landlords, in contrast to what van Onselen described for the Maine family, who found their own alternatives when they decided to move or were forced to move. Now, in 1918, a blueprint existed for bureaucrats and politicians to build on, the recommendations of the Natives Land Commission and the local committees.

The Cabinet, in 1918, decided to allow purchases and leases only in areas recommended for African occupation by both the Beaumont Commission and the Local Committee. The Ministers agreed to “carrying out administratively” a land policy which Parliament refused to ratify through legislation.

Key officials concluded that Africans must have land which they owned, with title deeds, land legally registered and transferred. The direction of policy decisions after 1918 was to permit greater numbers of purchases, using the exception clause in the Natives Land Act, but within areas which the officials thought should be for Africans or areas which were near to those zones. More land had to be available for African use and occupation. The ideal vision of these officials was to promote land ownership where Africans would have only African neighbors, and periodic references to segregation appear in official correspondence. However, NAD officials were prepared to consider other circumstances when making decisions on a purchase application. Field officers and the Secretary for Native Affairs weighed the implications of whites and blacks living on the same land, or sharing boundaries as neighbors, as well as white opposition to a purchase, but these concerns did not prevent officials from approving a purchase which violated the segregation principle, especially during the Botha-Smuts years. In short, selected government officials wanted Africans to own land and took actions to see that they did.

However, in the late 1910s and 1920s, officials concluded that government would not give land to Africans (as was the pattern in the South African Republic when locations were established). If Africans wanted land, they would have to buy or lease that land. The NLC and the local committees' recommendations determined where land for African use or settlement should be. The next debate became how much land should be set aside for Africans. The answer, determined no later than the end of 1922, was about 14 percent. I have not found the details leading to the decision, but I do know that Prime Minister Smuts and one of his cabinet members, F.S. Malan, “in charge of Native Affairs,” concluded that the limit

should be one seventh of the land area of South Africa. Denys Reitz, the Minister of Lands, was present during the discussion, although his position on the decision at the time is unclear.

As of July, 1918, approvals were given only to those seeking to buy land in areas recommended by both the NLC and a local committee. In December, 1921, Prime Minister Smuts, modified the policy to allow for African purchases of land recommended by either the Beaumont Commission OR the Local Committee. Smuts recognized that “the land recommended for native occupation by the local Committees . . . should be accepted as a basis for native areas.” Malan justified changing Botha’s policy to his colleagues by pointing to NAD “embarrassments” because the Department found it “difficult to deal with insistent claims of the natives in regard to land . . . with anomalies arising from the provisions of the existing law, which closed large areas to the natives and opened none.” Malan emphasized that Africans were upset that no new land, as had been promised, had been made available since 1913. Botha and Reitz agreed with Malan and even greater flexibility became the order of the day. Thus, at the end of 1921, the government decided to allow Africans to buy or lease more land, and the number of purchases crept up in 1923 and 1924.

The Hertzog government, after its election in 1924, followed the Smuts approach for at least two years, until officials formulated their own plan. The new land policy included two elements. First, a new land bill, which was introduced in 1926 as the Natives Land Act (Amendment) Bill (but not enacted until 1936, as the Native Trust and Land Act). This Bill retained the scheduled areas from the Natives Land Act and designated most of the land recommended by the local committees as “released areas,” where both whites and blacks would be allowed to buy land and white owned land rights would not be disturbed. As a result, Hertzog’s original land plan did not emphasize segregation, and the 1936 Native Trust and Land Act retained released areas and protection of white land rights in those areas. Second, an even more generous approach to African requests to buy land emerged. This more generous policy included allowing purchases of land “adjoining” land owned by Africans even if the land was outside of a recommended area, and white land located between black farms might also be approved for purchase by Africans. More than 70.5% of the purchases were approved between 1925 and December, 1935. Approvals for sales doubled from 1925 to 1926, after the policy review by the Hertzog government, and averaged over two hundred per year during the Hertzog years.

Buying a Farm, 1918-1936

When Africans asked for approval to buy a farm, as required by the Natives Land Act, NAD officials approached their evaluation from several standpoints. First, where was the property? I have already discussed this topic and the changes that occurred after 1918. The point I wish to emphasize here is that the requirement that the land had to be in a so-called “native area” was not rigidly adhered to. Other factors were considered in the decision, including “avoidance of hardship.”

Second, NAD officials were quite concerned about the conditions of the sale, including “whether the price is considered fair and reasonable.” Officials tried to reduce the risks of purchase by scrutinizing the deeds of sale, looking for inappropriate clauses relating to payment terms, risks of monetary loss if the Africans defaulted, and the terms of transfer. The Secretary for Native Affairs actively sought to protect buyers from white land speculators. Officials often demanded changes in agreements for the benefit of the African buyers before sanctioning a purchase.

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Third, the Department was concerned about the ability of the purchasers to meet their financial commitments, either in terms of paying for the farm at the time of the sale or meeting their mortgage obligations. In early 1924, officials demanded that the buyers put down 50 percent of the purchase price, in cash, which seems harsh. On the other hand, as protection for the buyers, the NAD required that the seller legally transfer the property to the buyers after receiving that sizable down payment, instead of waiting until the full price had been paid. Thus, if the seller went bankrupt before the mortgage had been paid, the Africans already had a secure title.

Fourth, the Governor General had to approve mortgages; thus, the government had a role in the credit system as well as the purchase system. Some African buyers were able to pay the full price at the time of the closing of the transaction. Others negotiated a timetable, written into the Deed of Sale, with the seller for payments, occasionally being allowed to pay off the debt without paying interest. However, for many purchases, buyers required a mortgage.

The government did not arrange mortgages, but, just as for purchases, officials did examine the mortgage agreements, trying to protect Africans from unfair terms, especially too high interest rates. Most mortgages were given by private individuals, rather than institutions. Private individuals from the white population were the main source of mortgages for African buyers and landowners. The lenders were investing their money in a reasonably safe investment, I believe, because Native Affairs Department officials watched over indebted Africans, urged them to meet their obligations, and sometimes intervened to help the Africans come up with mortgage payments when legal action was threatened.

The Land and Agricultural Bank of South Africa, a semi-independent government institution, did not loan money to Africans. The Land Bank's Board of Directors made a policy decision on this issue, one not based on the law which created the Land Bank. The Board did not budge from this position until the circumstances of the depression in the 1930s forced a change.

Ministers, nonetheless, were interested in the problem of loans for Africans. In 1916, Prime Minister Botha sent a letter to the Minister of Finance asking whether a means could be found to help "deserving" Africans obtain loans "for development purposes." The Minister, Henry Burton responded: "I feel that considerable criticism would be directed against the Government if it agreed to the diversion of any funds for this purpose when it has been unable to allocate any fresh funds to the [Land] Bank and the bank is restricting its advances to white farmers on this account." Then, Burton recommended the creation of a Natives' Savings Bank and the use of "the deposits in making well-secured advances to native farmers." Available evidence suggests that neither Botha nor the Secretary for Native Affairs followed up on this suggestion.

Five years later, Prime Minister Smuts returned to the idea of a National Savings Bank for Africans. But officials in the Ministry of Finance now took the position that private banks were better sources for credit [the record does not support this contention] and that the Government should not create an alternate institution for this purpose. The Native Affairs Department gave up: "It is idle to press this matter now."

A plan for monetary assistance for Africans was written into the Natives Land Act (Amendment) Bill, 1927, in the form of a provision for a Native Land Purchase and Advances Fund to help Africans buy and fence land and to "generally promote their agricultural and pastoral interests."

I include this discussion about buying a farm to emphasize my point about the commitment of certain high officials to African land ownership,

and, in the case of credit, to exemplify an interest in making the buying process easier, although Botha and Smuts failed to implement these ideas.

Crown Land Debate

An important debate occurred between officials at the Native Affairs Department and officials at the Lands Department over government-owned land (Crown land), especially Crown land located in recommended areas for Africans. The focus of the debate was the question: to whom should Crown land be allocated, whites or blacks? The Government, in 1912, began a policy of promoting land settlement for whites, using, at least in part, Crown land. But giving Crown land to whites in areas designated for Africans reduced available land for blacks, upsetting NAD officials, and led to greater integration of whites and blacks. One NAD official, in fact, worried that if the Lands Department policy prevailed, the segregation plan would be undermined. In addition, NAD officials warned of potential African anger over the loss of land that blacks understood was designated for them by the local committees and the Natives Land Commission. Nevertheless, Lands Department officials actively worked to give or sell more Crown Land to whites and hinder the leasing of land to Africans between 1916 and the late 1920s, at least. However, Prime Minister Hertzog supported the position of the Native Affairs Department and prevented the alienation of Crown land in “native areas” to whites. The debate, nevertheless, exemplifies important aspects of the land debate and tensions within the government over policy directions.

Evaluating Motivations

WHY did government officials act as they did? I have identified four major reasons:

1. Recognition of a genuine (desperate) need.
2. Sincere concern and sympathy on the part of field officials and the SNA, the advisor to the Minister (and the Cabinet).
3. Promises.
4. The “fear factor”.

I shall only discuss the last two points (and, I believe the first two are obvious anyway).

Promises: Prime Minister Botha, who also held the portfolio of Minister of Native Affairs, felt a sense of obligation to meet that promise, implied or directly given, of more land which emerged from the Natives Land Act debate. Botha was unwilling to delay introducing a bill to enact into law the recommendations of the Natives Land Commission. Responding to such a request by Maurice Evans, in late 1916, Botha wrote that if he did, “a serious breach of faith both with the Europeans and the Natives will be committed.” The letter closed by noting that legislation would “give effect to definite pledges to the Natives of the Union.” A unique sense of obligation or perhaps even honor motivated Botha and some of his colleagues to act on the basis of the NLC blueprint. In 1917, during the debate in Parliament, Botha wrote to the leader of one of the opposition parties, Thomas Smartt: “We are bound by promise[s] to put through this Bill [NAA] after the commission had reported.” Even stronger: “after the definite promises given to the Natives by the Government, there is for me today only one honourable way open and that is to redeem the promises made.” A “semi-official” summary of government land policy and the provisions of the Native Affairs Administration Bill appeared in the Cape Times. That article included the following statement: “Public pledges have been given by the Government to the natives . . . that immediately the Commission reported, Parliament would be asked to

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deal with this matter.” In 1925, a high official in the NAD referred to hostility against the NLC and Committee recommendations, “which have paralysed the speedy action solemnly promised in 1913.”

And, Prime Minister Hertzog, after Parliament struck Africans in the Cape from the common voters role in 1936, referred to the passing of the new Native Trust and Land Act in this way: “A double promise had thus been made to the Natives of the Union to provide them with land - first in 1913, when the Native was deprived of his right to purchase of free land; and secondly when the Cape Native was deprived of his vote this year.’

The “Fear Factor”: I believe that there is substantial evidence to suggest that government officials, field officers of the Native Affairs Department, members of Parliament, and others were very concerned about the reaction of Africans to the segregation policies and other injustices perpetrated against the majority black population. One of the most important comments I found is by Prime Minister Botha, in which he stated that he is “very anxious” about the native question.

Government officials and politicians wrote about African distrust, discontent, and about patience becoming exhausted. Others warned of “moving towards a crisis in our dealings with the native,” and a Magistrate warned, in 1927, that “a crisis has arrived in the Land Question between Natives and Europeans.” Equally important, Alexander W. Roberts, a member of the Native Affairs Commission, wrote that “Fear seems to obscure the vision of men, even the best up here [Johannesburg-Pretoria].” Patrick Duncan, a long-time member of Parliament and the first South African-born Governor General, described the 1929 election campaign this way: “The election campaign has been keenly followed by the natives and will make relations far more difficult than they have ever been before because it has shown the native that the white man is afraid of him and is trying to bind more and more shackles on him to keep him down.” Finally, the former Chief Justice of the Supreme Court, Sir James Rose Innes warned: the Native Question “is the cloud upon our horizon. It portends a devastating tempest some day, unless the cloud is dispersed by a change in the wind of policy, of which at present there is not much indication.”

Concluding Remarks:

I return to my assertions from the beginning of this paper:

The Natives Land Act failed to bring about rural segregation in South Africa between 1913 and 1936.

In 1919, Smuts was reported to have said that he was rejecting “the idea of segregation, and insisting on the right of the native to a fair deal.” And, at that meeting with Malan and Reitz in December, 1921, referred to above, Smuts hesitated about implementing segregation, suggesting that it was necessary to move slowly.

This hesitation, I believe, is apparent in the cautious language of a 1923 official public statement on land policy, which declared that the Natives Land Act “gives effect to the policy approved by parliament that there should be a measure of territorial division of land rights between the Europeans and native races.” A.W. Roberts, an advisor to Prime Minister Hertzog on African issues, referred, in 1925, to the need for “territorial unification,” implying that the consolidation of African land had not yet been achieved. Henry Burton, former long-time member of the Ministry during the Botha-Smuts years, noted that “even territorial segregation, for which there is much to be said, has proved impracticable hitherto, to a very large extent.” And, as I have suggested, segregation would have been difficult to achieve if whites and blacks were going to be allowed to buy land in the “released areas,” as they were under the Native Trust and Land Act of 1936.

Finally, I should note that the government, in the middle 1930s, was already concerned about the existence of “black spots”, black owned land surrounded by white owned farms. I have found references to this perceived problem in 1936, 1938, 1940 and 1942, long before the apartheid government developed the policy of forced removals to eliminate the continuing presence of ‘black spots’. The main point is that the perceived existence of black spots demonstrates that segregation was not complete.

Furthermore, the land recommended as “native areas” by the Natives Land Commission and the local committees included farms owned by whites. Africans, therefore, bought their farms from whites, usually individual white sellers rather than land companies or other businesses. Many of these whites were people who needed to sell because of their own debts and threatened insolvency, or poor health. In some instances, therefore, the “hardships” considered by the NAD, especially before 1918, were those of the seller, who pressured Department officials to approve the sale, sometimes asking for a quick decision.

Consequently, African farm owners oftentimes had white neighbors. The white neighbors were living on the same farm or on adjoining farms, often with unfenced boundaries, or whites were living in the area near African owned land. In addition, the government tried to prevent Africans and whites from owning land on a farm in undivided shares, but I am not certain that they were completely successful. A continued white presence in the so-called “native areas” and the presence of white neighbors undermined the segregation goal.

In addition, the government did not have the legal power to force change (and segregation) during the period under consideration. They could not expropriate land belonging to Africans under normal circumstances (e.g., because Africans and whites did not get along as neighbors or because officials wanted to consolidate blacks into African areas). The government only acquired legal power to expropriate African land in 1939. My conclusion, based on the evidence I have collected to date, is that complete rural segregation had not been achieved by 1936.

A key aim of the Parliamentarians who voted for the Natives Land Act (and their constituents) was to stop Africans from buying any more land in South Africa. But the Act really only changed buying practices in the Transvaal and Natal. The Natives Land Act seriously slowed the process between 1913 and 1918, but then, as we have seen, policy changed and Africans purchased increasing numbers of farms and lots. By 1936, Africans acquired rights in land, with title deeds, to almost 3300 farms and lots. In addition, over 1600 mortgages were approved. The Natives Land Act did not stop buying.

Thus, the approach of South African government to the land issue may have been sufficiently different from urban and industrial segregation as to constitute an exception to the general view of the period 1910-1948 as the “segregation era.” The Natives Land Act may have been much less of a threat to African interests than has been described by contemporaries and historians.