

## Book Review

**Beinart, William, Delius, Peter and Hay, Michelle, *Rights to Land: A Guide to Tenure Upgrading and Restitution in South Africa*, Auckland Park: Fanele, 2017, pp 191.**

This book evaluates and analyses two of the main land policy issues in the post-1994 South Africa in two parts. Part one discusses the tenure reform, while part two explores the land restitution programmes.

The book's deliberation on the land tenure reform mainly focuses on off-register tenure. In relation to off-register tenure the book provides its brief history, diverse forms, an attempt made to enhance security and upgrade rights, the arguments for and against titling, the implication of diversified tenure and land administration, registration and spatial reorganization, and the role of courts in protection and securing of family land rights in customary systems. In this part, the authors also indicate the role of security of tenure in land markets and productivity by taking the case study from Limpopo.

The general conclusion the authors have reached in this part is that the insecure land rights of ordinary people is further perpetuated by the regulation of off-register tenure in 'communalist' and 'traditionalist' land policy direction and placing control over land in the hands of chiefs. They argue for a policy shift towards strengthening individualistic and registered land tenure and conversion of the diverse off-register tenures to individual and family land rights forms. They suggest three different approaches to realize it. These are the effective implementation of the existing laws governing off-register tenure, amendment of the necessary laws to upgrade existing holdings, and the court of law's clear interpretation of the strength of family and individual land rights to customary and informal landholdings.

In part two, the book examines the land restitution policy and programmes. The land restitution as one of the core land policies introduced with the aim of redressing the historical injustice committed during the apartheid regime through deprivation of land rights of natives. On this basis, the book attempts to show the historical misconceptions of restitution by chiefs and community, illustration of attempted restitution program, the problem it causes in relation to Communal Property Associations, chiefs and ethnicity, and the popular perception of the reality of restitution policy.

From case studies and empirical evidences, the authors of the book have reached the conclusion that the restitution policy has failed in instances where success claims have been advanced by the government. They argue that it rather creates uncertainty and undermines agricultural investment. This is because the claim for restitution continues beyond the period for the implementation of the policy in question. The foregoing observation should be understood within the context that in the beginning the policy was time-bounded and supposed to be completed in five years. Furthermore, the authors provide analysis as to what went wrong in the restitution programmes attempted so far. They also warn that a new phase of restitution may instigate contradicting ethnic claims and open spaces for elite capture of land and rural resources. Thus, they recommend the quick completion of the first phase of restitution and the curtailment of the policy. Moreover, they propose that rather than relying on land restitution to address historical injustices the land reform should prioritize and focus on the creation of employment, production and economic growth.

Despite its imperfections which are common to all intellectual productions, I have enjoyed reading this book. It is to state the obvious to suggest that the book under review belongs to the class of the scholarship of consequences; with glaring policy and academic implications.

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