Beyond the 'problem' narrative: Towards an agenda for improved policy and practice in land reform

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Workshop to mark the centenary of the Natives Land Act of 1913

Portfolio Committees on Rural Development and Land Reform, Agriculture, Forestry and Fisheries, Arts and Culture, Human Settlements, Public Works and Cooperative Governance and Traditional Affairs
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Good Hope Chamber, Parliament
The ‘problem’ narrative

• Land reform is too slow: it must be speeded up and better ways found of acquiring land at reasonable cost

• Land reform beneficiaries are not productive enough: they must be ‘disciplined’ or land must be given over to those with skills and own means to be productive, or to commercial strategic partners to farm instead
These are not the most important strategic questions facing land reform
Land reform is in flux!
(but where is it heading?!)
MAKE POLICY
Who should get land?

Settlement / Land Acquisition Grant 1997
Poor households

Land Redistribution for Agricultural Devt 2001
Black South Africans not employed by state

Proactive Land Acquisition Strategy 2006
Black South Africans not employed by state

Restitution Amendment Bill 2013
Restoration of land only to those claimants who can use land productively

So what is the policy?
What type and scale of farming?

Reconstruction & Development Prog 1994
White Paper on Agriculture 1995
Land Redistribution for Agric Devt 2001
Strategic Plan for Agriculture 2001
Proactive Land Acquisition Strategy 2006
National Development Plan 2011

So what is the policy?

small-scale?
existing units?
subdivision?
consolidation?
How should land be identified and acquired?

  Demand-led market purchase with grants

- Proactive Land Acquisition Strategy 2006
  In ASGISA corridors, by state

- National Development Plan 2011
  District-level, by state

So what is the policy?

by market?
by communities?
by civil servants?
How is land to be valued?

Office of the Valuer-General (DRDLR)

Expropriation Bill 2013
‘Just and equitable’ S25(3)

Public Works?

Acquisition for land reform vs acquisition for other purposes?

So what is the policy?

history of acquisition?
market value
past subsidies?
current use?
purpose of expropriation
What security for tenants of private farm owners?

Land Reform (Labour Tenants) Act 3 of 1996
Extension of Security of Tenure Act 62 of 1997

ESTA & LTA under review since 2001

National Housing Programme for Farm Residents 2008

Tenure Security Bill of 2011 (withdrawn)

So what is the policy?

expand on-farm rights?
non-evictable occupiers?
subsidise housing stock?
agrivillages without security?
What security for tenants of the state?

- Interim Protection of Informal Land Rights Act 31 of 1996
- Land Rights Bill 1999 (withdrawn)
- Communal Land Rights Act 11 of 2004 (struck down)
- Traditional Courts Bill 2012

women’s rights?

individual vs community?

traditional authorities?

secession from tribes?

So what is the policy?
What security for land reform beneficiaries?

Communal Property Associations Act of 1996
Full ownership to households or communities

Proactive Land Acquisition Strategy 2006
3-6 year leases and ‘production discipline’

CPA Amendment Bill 2013?
Transfer from CPAs to traditional authorities?

So what is the policy?

democratic governance?
community ownership?
‘use it or lose it’?
traditional authorities?
Towards improved policy and practice: choices to be made

<table>
<thead>
<tr>
<th>Questions</th>
<th>Strategic orientation?</th>
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<tbody>
<tr>
<td>Who should benefit from land reform?</td>
<td>‘rural poor’? emerging black commercial farmers? existing farmers? farm workers? entrepreneurs with capital to invest?</td>
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<tr>
<td>What type &amp; scale of farming?</td>
<td>settlement &amp; multiple livelihoods? farming on various scales? farming on existing farming units</td>
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<tr>
<td>How should land be identified &amp; acquired?</td>
<td>no targeting? area-based priorities? state planning? participatory processes?</td>
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<tr>
<td>How is land to be valued?</td>
<td>just &amp; equitable? interpretation of 5 criteria? unified approach?</td>
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<td>What security for tenants of the state?</td>
<td>rights for landholders? rights vest in traditional councils? transfer of title? Or not? governance and administration?</td>
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<tr>
<td>What security for land reform beneficiaries?</td>
<td>transfer ownership to groups? to individuals? retain state ownership?</td>
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White Paper 1997

Green Paper 2011

?
Noble & Wright. 2013. Using Indicators of Multiple Deprivation to Demonstrate the Spatial Legacy of Apartheid in South Africa
Another countryside is possible!