



# 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

7<sup>th</sup> and 8<sup>th</sup> June 2013

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?

White Paper on South African Land Policy 1997

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?



the poor?

the experienced?

the dispossessed?

the creditworthy?



small-scale?

existing units?

subdivision?

consolidation?

# What type and scale of farming?

Reconstruction & Development Prog 1994

White Paper on SA Land Policy 1997

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?

# How should land be identified and acquired?



White Paper on Land Policy 1997

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?



# How is land to be valued?

Office of the Valuer-General (DRDLR)

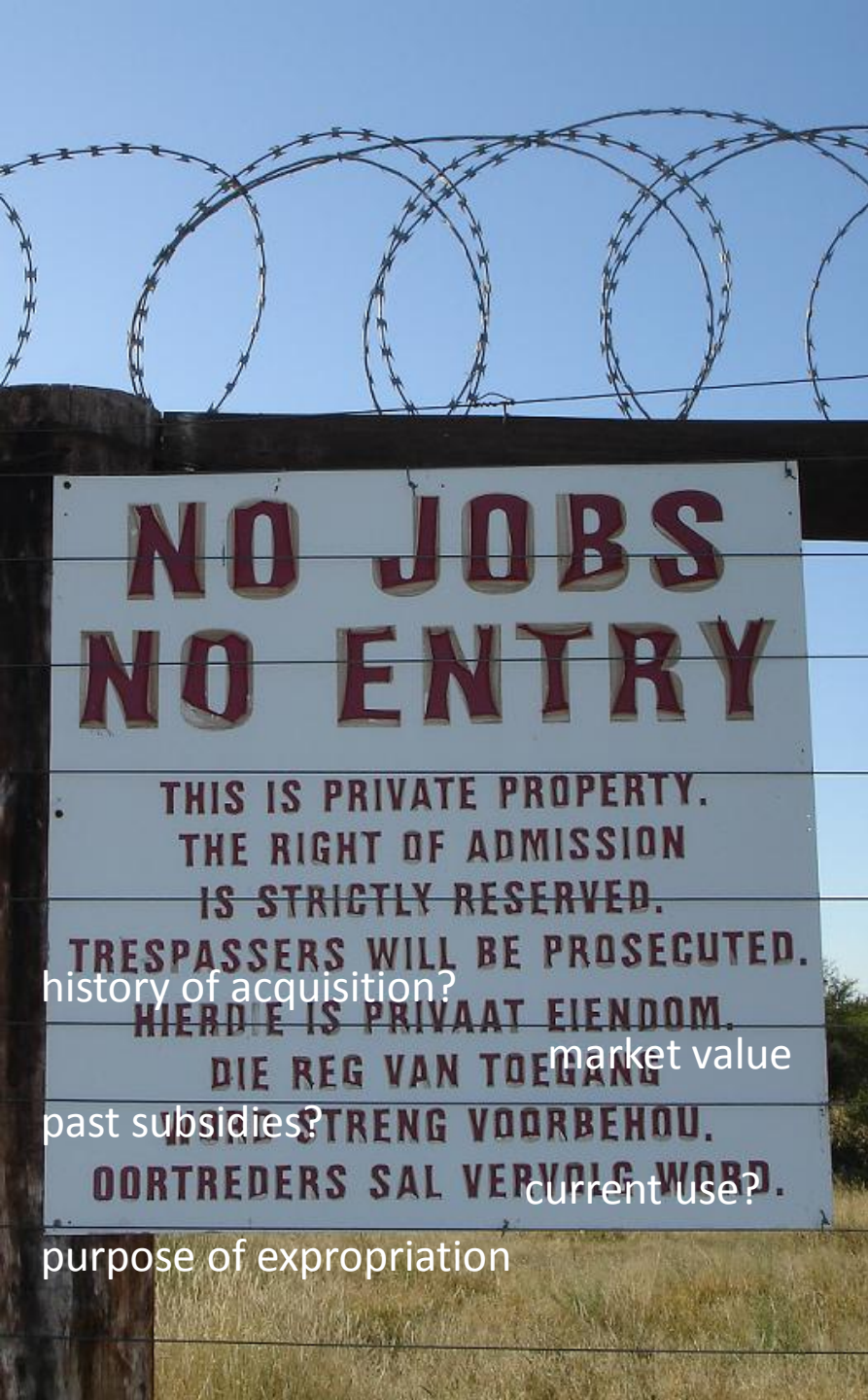
Expropriation Bill 2013

'Just and equitable' S25(3)

Public Works?

Acquisition for land reform vs acquisition for other purposes?

So what is the policy?



**NO JOBS  
NO ENTRY**

**THIS IS PRIVATE PROPERTY.  
THE RIGHT OF ADMISSION  
IS STRICTLY RESERVED.**

**TRESPASSERS WILL BE PROSECUTED.**

**HIERDIE IS PRIVAAT EIENDOM.**

**DIE REG VAN TOEGANG**

**IS STRENG VOORBEHOU.**

**OORTREDERS SAL VERVOLG WORD.**

history of acquisition?

market value

past subsidies?

current use?

purpose of expropriation

# What security for tenants of private farm owners?

White Paper on South African Land Policy 1997  
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?



women's rights?

individual vs community?

traditional authorities?

secession from tribes?

# 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

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

| Questions   | Strategic orientation?   |
|---|--|
| Who should benefit from land reform?              | 'rural poor'? emerging black commercial farmers? existing farmers? farm workers? entrepreneurs with capital to invest? |
| What type & scale of farming?                     | settlement & multiple livelihoods? farming on various scales? farming on existing farming units                        |
| How should land be identified & acquired?         | no targeting? area-based priorities? state planning? participatory processes?  |
| How is land to be valued?                         | just & equitable? interpretation of 5 criteria? unified approach?  |
| What security for tenants of private farm owners? | on-farm security? right to crop & keep stock? own land for farming? agrivillages?                                      |
| What security for tenants of the state?           | rights for landholders? rights vest in traditional councils? transfer of title? Or not? governance and administration? |
| What security for land reform beneficiaries?      | transfer ownership to groups? to individuals? retain state ownership?  |

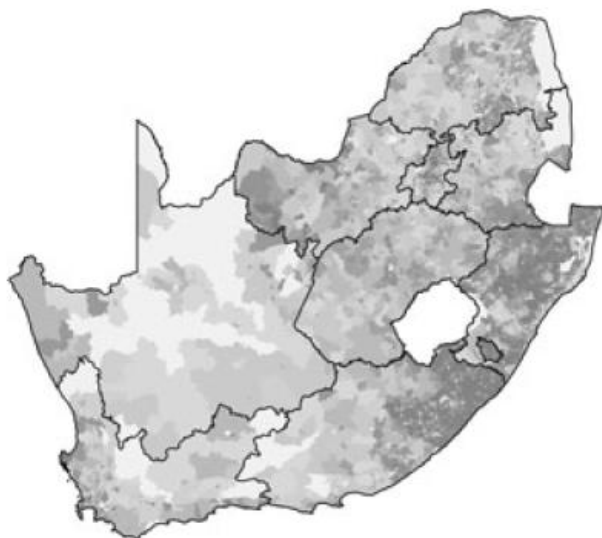
White Paper 1997

Green Paper 2011

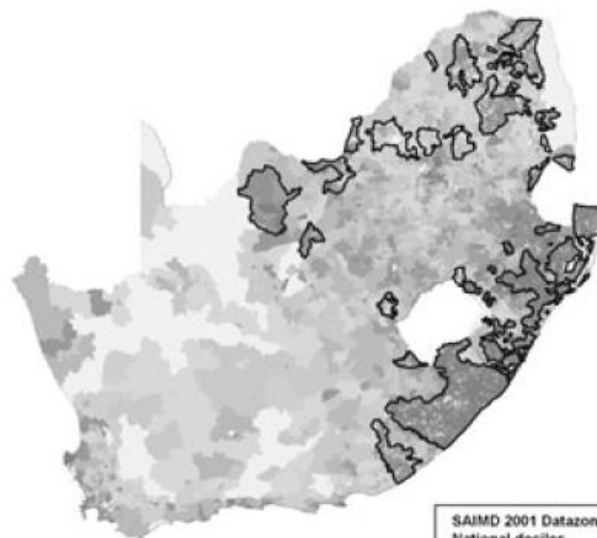
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## Datazone South African Index of Multiple Deprivation 2001 and with boundaries of Former Homelands overlaid

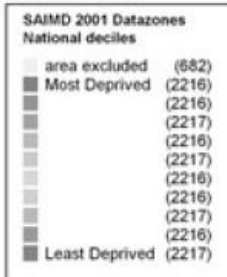
South African Index of Multiple Deprivation 2001 at Datazone Level



South African Index of Multiple Deprivation 2001 at Datazone Level showing boundaries of Former Homelands



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Produced for the Department of Social Development of the Republic of South Africa  
and funded by the UK Department for International Development Southern Africa. Data supplied by Statistics South Africa and  
Chief Directorate of Surveys and Mapping.



Noble & Wright. 2013. Using Indicators of Multiple Deprivation to Demonstrate the Spatial Legacy of Apartheid in South Africa

# Another countryside is possible!

