

A radical departure from colonial and apartheid legacies

By **Gugile Nkwinti**

The author is the minister of rural development and land reform in South Africa. This is the budget speech he gave in parliament on 23 July 2014

The Freedom Charter, a product of the People's Congress organised by the ANC and its Congress allies in 1955, remains the ANC's ideological platform, one which continues to inform and undergird policy and strategic thinking and perspectives. Unlike neo-liberalism, which propagates the invisible hand's trickle-down and ahistorical model of development, or anarchism, which has no real ideological basis, but propagates chaos and social disorder, the Freedom Charter provides for an inclusive redistributive model of development. The drafters of the Freedom Charter took into account the country's colonial and apartheid past.

As part of its work towards the installation of our democratic dispensation, the ANC developed the Ready To Govern document, which has four pillars:

- to strive for the achievement of the right of all South Africans, as a whole, to political and economic self-determination in a united South Africa
- to overcome the legacy of inequality and injustice created by colonialism and apartheid in a swift, progressive and principled way
- to develop a sustainable economy and state infrastructure that will progressively improve the quality of life of all South Africans
- to encourage the flourishing of the feeling that South Africa belongs to all who live in it, to promote common loyalty to, and pride in, the country, and to create a universal sense of freedom and security within its borders.

Informed by this socio-economic framework, the ANC developed its mixed-economy economic policy, premised on the spirit, if not also the letter, of the Freedom Charter.

The mixed-economy policy framework provides for public, private and household participation. The provision for direct public-sector participation comes from the recognition that, given our history of colonialism and apartheid, which used race and class as key determinants in the distribution of national assets and resources, it was not possible to achieve a just



Gugile Nkwinti

and equitable redistribution of our country's wealth, as dictated by the Freedom Charter, unmediated and unmitigated.

Both the letter and spirit of the Freedom Charter find expression in the Constitution of the Republic in that the latter provides for a representative and participatory system of democracy.

The ANC's 53rd National Conference [Mangaung, 2012] confirmed resolutions taken by its 52nd Conference [Polokwane, 2007] on rural development, agrarian change and land reform. The political thread that ran through all the presentations and discussions, including the presidential address, was "radical socio-economic change during this second phase of the transition from colonialism and apartheid to a national democratic society"; a transition from colonial and apartheid system of development, based on institutionalised race and class discrimination, to an inclusive redistributive one, based on the Freedom Charter.



THIRD
QUARTER
2014

NEW
AGENDA



RURAL DEVELOPMENT AND LAND REFORM

In the 52nd Conference, we identified land reform and rural development as a priority. As we approached the centenary year of the 1913 Natives Land Act, the African National Congress recommitted itself to accelerate the pace of land reform in South Africa urgently.

In giving expression to this urgency:

- land reform must represent a radical and rapid break from the past, without significantly disrupting agricultural production and food security
- the state must mobilise resources to reverse both the human and material conditions of those displaced by previous land policies, and, therefore, resolves as follows:
 - transformation imperatives, dealing with the triple challenge of poverty, unemployment and inequality in rural areas ought to be addressed, without further delay
 - equitable land allocation and use across race, gender and class, must be ensured
 - agrarian reform: balancing land transformation with production discipline for food security must be implemented.

Willing buyer, willing seller

We re-affirm the following proposals:

- replace “willing buyer, willing seller” with the “just and equitable” principle in the Constitution immediately, for cases where the state is acquiring land for land reform purposes

- expropriation without compensation for land acquired through unlawful means or used for illegal purposes, having due regard to Section 25 of the Constitution
- expedite the promulgation of the new Expropriation Act.

Land tenure system

A four-tier system is recommended:

- for state and public land: leasehold
- for privately owned land: freehold with limited extent
- for land owned by foreign nationals:
 - no ownership of land by foreign nationals as a principle
 - convert current ownership into long-term lease after land audit has been finalised
- for communal land:
 - communal tenure with institutionalised use rights
 - taxation of under-utilised land, in both communal and commercial areas
 - expedite the Tenure Security Policy and Bill against farm evictions.

The Comprehensive Rural Development Programme (CRDP), which had been adopted by the cabinet in 2009, is based on the Ready To Govern document and incorporates the provisions of the National Development Plan (NDP) on rural development and land reform. The pillars of the CRDP are meeting basic human needs (reference Reconstruction and Development Programme); rural enterprises; and rural industries, sustained by markets and credit facilities.



The strategy of the department is agrarian transformation, meaning “rapid and fundamental change in the relations (systems and patterns of ownership and control) of land, livestock, cropping and community”.

MOVING SOUTH AFRICA FORWARD: VISION 2030

The National Development Commission proposes a differentiated rural development strategy that focuses on:

- agricultural development, based on successful land reform, employment creation and strong environmental safeguards. To achieve this, irrigated agriculture and dry-land production should be expanded, with emphasis on smallholder farmers where possible. To this end, established agricultural industries must be enabling partners
- quality basic services, particularly education, healthcare and public transport. Well-functioning and supported communities enable people to seek economic opportunities. This allows them to develop their communities further through remittances and the transfer of skills, which will contribute to the local economy
- in areas with greater economic potential, industries such as agro-processing, tourism, fisheries (in coastal areas) and small enterprise development should be developed with market support. Special focus is needed to enhance the skills and capabilities of rural women entrepreneurs with access to land and finance.

The strategy should ensure access to basic services, food security and the empowerment of farmworkers. It should also recognise the wide range of opportunities present in rural areas, and develop strategies tailored to local conditions. Institutional capacity is integral to success, especially in the reforms required to resolve contested relationships between traditional and constitutional institutions.

Making land reform work

Land reform is necessary to unlock the potential for a dynamic, growing and employment-creating-agricultural sector. The proposed model is based on the following principles:

- enable a more rapid transfer of agricultural land to black beneficiaries without distorting land markets or business confidence in the agri-business sector
- ensure sustainable production on transferred land by making sure that human capabilities precede land transfer through incubators, learnerships, apprenticeships, mentoring and accelerated training in agricultural sciences.
- establish monitoring institutions to protect land markets from opportunism, corruption and speculation

- bring land transfer targets in line with fiscal and economic realities to ensure that land is successfully transferred
- offer white commercial farmers and organised industry bodies the opportunity to contribute significantly to the success of black farmers through mentorships, chain integration, preferential procurement and meaningful skills transfer.

The strategy of the department is agrarian transformation, meaning “rapid and fundamental change in the relations (systems and patterns of ownership and control) of land, livestock, cropping and community.”

THE PROPOSED MODEL: POLICIES AND LEGISLATION

Each district municipality with commercial farming land in South Africa should convene a committee (the District Land Committee) including all agricultural landowners in the district, as well as key stakeholders such as private sector (commercial banks, agribusiness), the national and provincial departments that deal with rural development, land reform and agriculture (e.g. water) and government agencies (e.g. the Land Bank and the Agricultural Research Council).

The policies that we will be focusing on in the 2014/15 financial year include: Communal Land Tenure, Communal Property Associations, Regulation of Land Holdings, Electronic Deeds Registration and the Extension of Security of Tenure for farm dwellers, tenants and workers. We will continue codifying the exceptions to the 1913 cut-off date with respect to heritage sites, historical landmarks and the descendants of the Khoi and San.

The electronic system that we plan to implement through the Electronic Deeds Registration Bill will allow us to achieve universal, countrywide access to deeds registration and cadastral or surveyor-general’s services. It will decrease turnaround time for approval and registration of property. The Deeds Office processes almost a million registrations per annum, but the current process is manual. We believe this is a progressive piece of legislation that will have an immediate impact, once operational.

The second bill that we will bring before parliament this year is the Regulation of Land Holdings Bill. It will



provide for the establishment and composition of a Land Commission; the appointment, qualifications and remuneration of members of the Land Commission; the classification of controlled land; the determination of land ceilings; and the regulation of land ownership by foreign nationals.

Through this Bill, we seek to provide a legal framework for the disclosure of race, gender and nationality by owners of land and property (both natural and juristic). It will provide a transparent and more conducive regulatory environment for the generation and utilisation of policy-relevant information on land ownership and usage.

Third is the Extension of Security of Tenure Amendment Bill, which in the main attempts to address legitimate aspirations of the vulnerable groups in commercial farming areas, namely, the farmworkers and farm-dwellers. The Bill further proposes the establishment of the Land Rights Management Board, with District Land Reform and Local Land Rights Management Committees. The latter two will provide a participatory platform for stakeholders.

The Bill envisages strengthening, clarifying and protecting the rights of various categories of persons within the commercial farming space. It is strongly believed that the Bill will help bring about a stable, cohesive and conducive atmosphere in the farming communities.



Land reform must represent a radical and rapid break from the past, without significantly disrupting agricultural production and food security.

The fourth bill is the Communal Property Associations Amendment Bill. It seeks to ensure greater efficiency in the registration of Communal Property Associations, improved levels of social stability within affected groups or communities, as well as improved accountability to parliament by the department. This Bill will provide for security of tenure through the registration of title deeds in the name of individual households. This will apply to both farm-dwellers and labour tenants.

The fifth bill, which is the Communal Land Tenure Bill, seeks to:

- reform communal tenure to provide for the institutionalisation of land use rights by individual households, irrespective of gender
- define institutional roles and relationships
- provide for the distinction between governance

and investment and development entities in the communal space

- delineate responsibilities of the governance and investment and development entities
- establish an accountability regime for the governance structures and the investment and development entities
- protect communal land from “land sharks”
- provide for active participation by households in strengthening the capability of the local sphere of government.

You will observe that most of the proposed pieces of legislation are about ensuring that “together we move South Africa forward”. I am confident that, with these policies and pieces of legislation, the ANC-led government will be well poised to accelerate the process of rural development and land reform.

