Press Release

Comment on the newly released Green Paper on Land Reform, from the Institute of Poverty, Land and Agrarian Studies (PLAAS)

The document released yesterday as a Green Paper by the Department of Rural Development and Land Reform is a great disappointment.

After more than two years of vacillation and evasion since President Zuma’s announcement of the need for a new policy framework, the Ministry has produced a document that provides almost no guidance on any of the crucial questions facing land and agrarian reform in South Africa. It fails to offer any serious proposals for public debate on what the alternatives are to scale up land reform. It is bafflingly slight, weighing in at no more than eleven pages. It is in fact surprising that the Ministry is willing to release such an insubstantial and vague document at all.

While the South African government has succeeded in rejuvenating and transforming important areas of our society since 1994, land and agrarian reform has been one of the areas where hopes for transformation have been dashed. Very little land has been redistributed, many land reform projects have failed to help create sustainable livelihoods, rural employment has plummeted and evictions have rocketed. After fifteen years, our rural areas are, if anything, more polarized than before, and generate fewer livelihoods.

At Polokwane in 2007, the ANC declared that reinvigorating rural development and land reform was one of its most important priorities. South Africa has looked to the Department of Rural Development of Land Reform for leadership and guidance.

Above all, for land reform to succeed, the country needs the Minister to engage robustly with the public to find answers to the pressing policy issues facing the nation.

- **How can the racial legacy of forced removals be addressed** without increasing racial polarisation?
- **Who should benefit from land reform?** Is this a programme for the poor, with the aim of rural
poverty alleviation, (as was the case under the Reconstruction and Development Programme) or is its purpose to attract black investors into agriculture to create a black commercial farming class (as was the case under Mbeki)?

- **What changes should land reform bring about** in land uses and farm sizes? Is subdivision going to be pursued to promote a smallholder sector, or is this about transferring whole commercial farms from one owner to another?

- **What land should be prioritised for redistribution**, and how can this be determined? What is the strategic orientation of the programme, and how can priorities be set in participatory ways, including the public and also different spheres of government that need to play a role supporting land reform?

- **How can projects be better designed**, to improve on the dismal performance of the programme to date? How can agricultural policy support land reform? What agricultural and other support services can be introduced to ensure that redistributed land is well used and improves the livelihoods of beneficiaries as well as surrounding communities?

- **How can land reform support sustainable rural livelihoods**? How can the present failures in small farmer support be rectified? How can marginalised farmers be supported into access to competitive markets, and what kinds of markets do they need? How can agro-food systems and commodity chains be governed so that they ensure decent incomes in the countryside – and affordable food for the urban poor?

- **How can the tenure rights of farm workers and dwellers, and residents of the ex-Bantustan areas be secured**? What is the strategy to ensure, not only strong tenure rights for farm workers in law, but also secure livelihoods in reality? How can the complex, contested and fluid arrangements of living customary law in former Bantustans find institutional expression? What is the role of traditional authorities? How can the rights of rural women be protected?

These are the questions land and agrarian reform policy has to answer. Existing policy has been found wanting. Better answers are needed – and these answers need to be bold and visionary.

In this context, the release of the Green Paper is an event of crucial significance. It is a draft policy that is expected to be refined after a two month period for public comment. Thereafter it will become official policy as a White Paper, replacing the White Paper on South African Land Policy of 1997.

Some of the proposals advanced in the ‘Green Paper’ are useful. A Valuer General can bring certainty and clarity around valuations and expropriations processes. The proposal that the state pays just and equitable compensation in cases of expropriation is appropriate and in line with Section 25 of the Bill of Rights in the Constitution.

But for the most part, the Ministry has produced a document that fudges all the important questions. It fails to provide an honest analysis of the nature and shortcomings of land reform policy until now. No guidance
is given as to how the state will acquire land for acquisition. No answer is given on the status of the ‘willing buyer, willing seller’ model. No clarity is given as to when, and under what condition, will the state use expropriation as a way to acquire land. The four tier tenure system proposed by the Green paper will not solve any of the tenure systems faced by poor and marginalised South Africans. No policy justification is given for singling out non-nationals for conditional and curtailed property rights. The paper provides no policy direction on how to solve the conflicts around the tenure rights of the two main rural constituencies: the 16 million people residing under communal tenure in the ex-Bantustans and the 3 million farm dwellers living on privately-owned commercial farms. No clarity is given on how women’s rights to land can be secured. The proposal for a Land Management Commission succeeds only in deferring key decisions and outsourcing the Department’s functions to a Commission: it is unclear how it will resolve any of the existing problems dogging land reform. And no useful guidance is provided as to how the implementation of land reform is to support sustainable livelihoods. The measures that are proposed – a recapitalisation programme, and partnerships with commercial farms – already exist, are implementable only in a few cases and will not resolve the systemic and deep-seated failures of the Government to provide coherent support to smallholder farming.

The Government’s failure to provide any clear policy guidance on these pressing issues is a great disappointment. The Green Paper is the product of a drafting process taking two and a half years. This has been a secretive process in which the South African public has been kept largely in the dark. The Ministry and its Department have shown themselves to be unwilling to look critically at their own policies, unable to learn from their mistakes, and unwilling to consult with civil society, stakeholders and expert opinion. Instead of providing a Green Paper based on an honest assessment of the past fifteen years of policy implementation, it has produced a damp squib.

The Ministry has shown that it is unable to provide the leadership South Africa needs to these urgent questions. It should go back to the drawing board. It should jettison the present Green Paper in its entirety, and seek to develop sensible and coherent answers to pressing policy questions in consultation with all the stakeholders and role players involved.

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