

THE NATION'S COMMITMENT TO LAND REFORM

Partners in an innovative and inclusive
new wave of land reform.

Presentation to Constitutional Review Committee by
Witzenberg PALS (NPC)



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PALS: Partners in Agri Land Solutions

www.wpals.co.za

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PALS' COMMITMENT TO LAND REFORM

In 2015 the members of PALS, adopted a policy statement, which stated as follows with regard to the issue of land reform:

“We recognise that South Africa belongs to all who live here, black and white, and that our country will only become truly prosperous when all who live here enjoy equal rights and opportunities. We recognise further that all South Africans have not enjoyed equal opportunities to achieve success in the agricultural sector in the past. Accordingly we seek to address these issues by allowing and empowering black people to become involved in agriculture in a structured and economically sustainable manner”

EXECUTIVE SUMMARY

Witzenberg PALS (NPC) delivers this presentation to Parliament's Constitutional Review Committee in answer to an invitation to the South African public for written submissions about the following questions:

- Does Section 25 of the Constitution cause any impediment to land reform?
- What mechanisms would South Africans like to see with regards to the implementation of land reform?

The presentation proposes an innovative solution to the vexed issue of land reform, based upon practical experience of successful land reform projects over 4 years in the agricultural sector and its related value chain.

The implementation of Land Reform manifests itself, and is generally understood within the context of, the areas of restitution, redistribution and tenure reform. This presentation focuses on redistribution in the agricultural sector. It only deals with restitution to the extent that it overlaps with redistribution in terms of post settlement support. Tenure reform is only mentioned in the context of PALS members who are prepared to donate land for off-site housing projects or facilitating ownership for farm workers in Witzenberg Municipal housing developments.

Land Reform in the context of this presentation is defined as the transfer of land to black people, the assistance of new land owners to sustainably utilise such land for agricultural production, and the creation of a generational dividend for the black owners.

This presentation proposes a Land Reform framework that has the potential to rapidly change the landscape of land ownership in South Africa through expeditious implementation by the state and private sector in partnership in *a new and unique wave of Land Reform*.

In summary we submit as follows:

- it is neither necessary nor advisable to amend **Section 25** of the Constitution to implement sustainable Land Reform;
- expropriation can be used as a tool to redress spatial inequality. This could be achieved by virtue of legislation that provides for expropriation for purposes of housing and other Constitutional imperatives;
- the National Development Plan (“NDP”) should be elevated to statutory status in order to enable expedited land reform in a manner that would increase agricultural production and food security;
- local knowledge should be utilised to identify land, according to agreed parameters, for transfer of ownership to black farmers and to ensure the sustainable use and protection of the land in black ownership;
- beneficiary selection and human development are key elements in Land Reform and the implementation of Land Reform projects;
- the PALS framework provides the formulae to deal with relevant issues pertaining to Land Reform, such as the protection of land in black ownership (i.e. to ensure that land remains in black ownership) for Land Reform purposes, mistrust, unequal relationships, water rights, management control, access to markets, selecting beneficiaries, dispute resolution and monitoring and regulation of Land Reform projects;
- Land Reform can be expedited by incentives such as those proposed by the NDP and by empowering and enabling the private sector to implement local initiatives;

- better and co-ordinated service delivery by state departments should be overseen and monitored by a committee representing the public and private sectors;
- legislation which creates certainty about the Land Reform policy, will ensure that the nation can deliver on its commitment to land reform;
- Land Reform could be implemented swiftly, effectively and successfully by government in partnership with the private sector;
- this new wave of Land Reform can be achieved by tailor-made solutions for local conditions and incentives for participating private partners;
- regions should be rewarded for achieving land reform targets.

We would appreciate the opportunity to further engage with the Committee by making a verbal presentation and to attend to any queries the Committee may have. We will also make any of the PALS documents referred to herein available to the Committee upon request thereof.

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(Ministers Nkwinti, Zokwana and Tshwete with previous ANC SG Gwede Mantashe and Witzenberg Farmers: (Ceres January 2015)

1. **Introduction**

This presentation is structured as follows. As introduction we provide a brief overview of how and why Witzenberg PALS were formed and we explain why it is uniquely positioned to provide the Committee with first-hand insights and proposals on the stated questions. We also make some general remarks about the issue of Land Reform in the South African context.

We thereafter deal with Section 25 of the Constitution and state why we believe that an amendment of this section would not only be unnecessary, but why an amendment would in fact be contra-productive for purposes of Land Reform. We then deal with expropriation in the context of Land Reform. The NDP as instrument to expedite Land Reform in a manner that improves agricultural production and food security is discussed where-after we explain why the PALS initiative provides a framework of Land Reform that would, if properly implemented, provide a turning point in Land Reform in South Africa. We then suggest some further enabling mechanisms for Land Reform before we make some concluding remarks.

1.1 **Witzenberg PALS**

- 1.1.1 The Witzenberg area includes Ceres, the Koue Bokkeveld, Prince Alfred's Hamlet, Wolseley, Tulbagh, the northern part of the Breede River Valley and the Ceres Karoo.

Witzenberg PALS was established as a private land reform initiative by Witzenberg agricultural producers, the Witzenberg Municipality and the members of the local community during 2014.

- 1.1.2 Having decided that Land Reform had to be expedited in the area, an innovative Land Reform framework, the PALS framework, was devised and developed, with economic growth, job creation and social harmony as its central pillars. The stated goals of the initiative, which still endure, include the establishment of successful black farmers (as owners of the land), to involve the whole community in an inclusive process, to extend the initiative to other areas and agricultural related industries, to establish the Witzenberg Centre as "one-stop-shop" (local land desk) and to focus on mentorship and training programmes. The PALS initiative has rightfully been described as "*a radical departure from past land reform in South Africa*"¹.

- 1.1.3 Witzenberg PALS has more than 100 projects listed that consist of Land Reform, value chain, housing and training projects. To date 20% of the listed PALS Land Reform projects were implemented successfully. This was achieved without government assistance.

¹ Prof Nick Vink; Witzenberg Partnership December 2014;

Witzenberg PALS therefore has practical experience in the implementation of Land Reform and of the specific challenges regarding government enablers needed by the private sector to expedite the implementation of Land Reform. With this practical experience we are uniquely qualified to provide a practical perspective on issues of Land Reform.

- 1.1.4 We make our proposals with a collective commitment to the Constitutional Rights of all the people of South Africa as enshrined in the Bill of Rights.

1.2 Land Reform

- 1.2.1 We submit that the implementation of Land Reform involves the transfer of land into black ownership in a manner that would improve these new owners' livelihood and eradicate poverty. We further agree with the Motion adopted by the National Assembly on 27 February 2018 and which commenced this process of public participation, namely that Land Reform should be implemented in a manner that increases agricultural production and improves food security.² These principles are supported by ***The report of the High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change*** (November 2017)³. ("the **Motlanthe Report**").
- 1.2.2 In order to achieve effective and sustainable Land Reform, it has to be implemented within transparent and agreed parameters with clear identifiable and measurable goals⁴; and with post transfer support as an indispensable ingredient.⁵
- 1.2.3 Notwithstanding the provisions of the Constitution and the various initiatives by the Government since 1994, Land Reform had not been implemented successfully in South Africa. The erstwhile LRAD⁶ policy and subsidies were replaced with the "*Pro-active Land Acquisition Strategy*" and the so-called 50/50 policy in terms of which the state became the owner of agricultural land. This of course infringes upon the rights of all citizens, black and white, as they are hereby being deprived of their Constitutional right to own land.

The ***Motlanthe Report*** states as follows on p54: "*It is of great concern to the Panel that recent policy shifts appear to default to some of the key repertoires that were used to justify the denial of political and property rights for black people during colonialism and apartheid. These repertoires include the assumption that customary and de facto land tenure systems do not constitute property rights for the poor.*" We agree with this concern.

² Paragraph 7 of Parliament's Motion as adopted 27 February 2018;

³ The report of the High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change (November 2017): Kgalema Motlanthe

⁴ JM Pienaar: Land Reform: Juta (2014) with reference to M Lipton: Land reform in developing countries: Property rights and property wrongs (2011)

⁵ Manenzhe, T (2007) Post-settlement support challenges for land reform beneficiaries. (M Phil Thesis) UWC

⁶ Land Redistribution for Agricultural Development

1.2.4 Further development areas in current government policy include the following:

- Government is unable to acquire the best possible agricultural land to settle new black farming enterprises;
- Government does not have the requisite capacity to assist, mentor and support black beneficiaries;
- Financial institutions are unable to provide credit against state owned land, thus depriving black beneficiaries of much needed capital;
- Beneficiaries are chosen or elected on a haphazard basis without proper selection criteria, causing prejudice to those who are truly willing and able to farm.

1.2.5 Land Reform should result in private ownership for black people to improve their livelihoods and eradicate poverty in a sustainable manner. This should be done in a manner that would increase agricultural production and food security.

1.2.6 Land Reform, through private land ownership, should create a generational dividend for black people, i.e. it should create and develop the ability of black people to own and develop land as an asset, increase its value and thereby enable future prosperity, which could be passed on from one generation to another.

1.3 Questions by Constitutional Review Committee

1.3.1 The question whether Section 25 of the Constitution cause any impediment to land reform is dealt with in sections 2 and 3 hereunder.

1.3.2 The question as to what mechanisms South Africans would like to see for the implementation of land reform are dealt with in sections 4 to 7 hereunder.

2. Section 25

2.1 The Nation's Commitment

2.2.1 A history of inequality in South Africa has led to an unequal distribution of land, wealth and prosperity amongst the different races. As PALS members we submit that constructive Land Reform, adopted as a joint enterprise by the public and private sectors, has the ability, not only to correct these wrongs, but also to create unity within a more equal and harmonious country. It has the ability to present South Africa with a more humane, just, peaceful, prosperous and democratic face to the world.⁷

2.2.2 The drafters of the Constitution empowered government, through the *Bill of Human Rights*, to implement Land Reform in accordance with the principles set out in therein. In this regard Professor Mathole Motshekga is quoted in an IOL news article as follows: *"The Constitution and the law have inbuilt mechanisms to resolve the land question and the racial ideology that informs it."*⁸

2.2.3 **Section 25 (4)** of the Constitution refers to the nation's commitment to Land Reform. It follows that it is not only government that has the obligation to implement Land Reform; instead all sectors of South African society have an obligation to support, engage in, and commit themselves to successful Land Reform.

2.2 Section 25 of the Constitution

2.2.1 **Section 25** of the Constitution is not an impediment to the acceleration of land reform. In this regard the *Motlanthe Report* states as follows on page 51. *"Rather than recommend that the Constitution be changed, the Panel recommends that government should use its expropriation powers more boldly, in ways that test the meaning of the compensation provisions in Section 25 (3), particularly in relation to land that is unutilised or underutilised."*

2.2.2 **Section 25 (5), (6) and (7)** of the Constitution provide for the promotion and protection of rights to redistribution, tenure security and restitution of land. We submit that, in order to give proper effect to these rights, black people must become owners of the land, not merely tenants thereof.

⁷ Quinton Johnson: Campus Principal: Strategic Leadership and Management, Nelson Mandela University: The Conversation: A 10-point plan to accelerate orderly land reform in South Africa

⁸ IOL news: Why Section 25 needs to be reviewed urgently, 5 March 2017

- 2.2.3 The empowering nature of the Constitution with regard to Land Reform is eloquently described by Justice Albie Sachs as follows:
“Far from being a barrier to radical land redistribution, the Constitution in fact requires and facilitates extensive and progressive programs of land reform. It provides for constitutional and judicial control to ensure equitable access and prevent abuse”.⁹
- 2.2.4 In this regard we refer to **Section 25 (5)** which places a Constitutional obligation upon the State *“take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.”*
- 2.2.5 **Section 25 (8)** removes any potential impediment to this obligation in providing that *“[n]o provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of Section 36 (1)”*.
- 2.2.6 It is submitted that it is apparent from the aforesaid, and from what is stated hereunder, that it is unnecessary to amend **Section 25** of the Constitution to expedite Land Reform. In fact, we submit that an amendment of **Section 25** will have far reaching and unintended consequences, such as a detrimental effect on those rights enshrined in **Sections 3, 7, 9, 22, 24**, and thus on the *Bill of Rights* as a whole. It is important to uphold and protect the *Bill of Rights* as envisaged in **Sections 1** and **7** of the Constitution.
- 2.2.7 It is therefore not only undesirable to amend **Section 25**, but also unnecessary, as the very purpose of Land Reform can be achieved through other means and without meddling with the *Bill of Rights*, a cornerstone of our democracy. In this regard we refer to the limitation clause of the Constitution, **Section 36**, and the relevant factors mentioned therein. We submit that there are *“less restrictive means to achieve the purpose”* of Land Reform. (**Section 36 (1) (e)**)

⁹ Justice Albie Sachs as quoted on page 206 of The Report of the High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change (November 2017): Kgalema Motlanthe

3. Expropriation

3.1 Expropriation in terms of Expropriation Legislation can be a tool to redress spatial inequality. It is advisable to use parliament's legislative powers to draft new and amend current legislation which would empower government to expropriate land for purposes of housing and similar objectives in line with the Constitution. Such legislation can then be tested against **Section 36** of the Constitution.

3.2 It is submitted that, for purposes of redistribution of agricultural land, expropriation should be a last resort, as there is overwhelming evidence that the private sector is willing and able to partner government to voluntarily relinquish land and assist with the transfer of land to black people in processes that are alternatives to expropriation.

The PALS initiative is one such alternative process. It has the advantage of being a *“more harmonious and efficient method of sustainable agrarian land reform in South Africa. Expropriation may be necessary in some cases. For example, it may be, more necessary when it comes to urban residential property.”*¹⁰

*“Unlike expropriation, the PALS framework does not revolve around relinquishing land, providing tools and then neglecting the other aspects of land redistribution.”*¹¹

3.3 *“In the context of agricultural land reform, identifying the right beneficiaries, training, mentorship and support, to implement the business plan, access to markets and own title to enable finance for development of the land are important factors for success.”*¹²

PALS INITIATIVE IN ACTION – LAND TRANSFERRED TO BLACK OWNERS



The black owned company Thembelitsha Farming (Pty) Ltd received the Title Deed of the 228 hectares farm, Daytona, on 3 June 2018. This land reform project, implemented in terms of the PALS framework, was implemented as a joint venture between Daytona Farming (Pty) Ltd (11 black shareholder farmers) and Elandsrivier Boerdery (Pty) Ltd (mentor and commercial manager).

¹⁰ Rosie Buckland, UCT LLB 2017: Letting go for good

¹¹ Rosie Buckland, UCT LLB 2017: Letting go for good

¹² Key success factors for land reform projects in commercial agriculture, December 2016, Org van der Wath

4. The NDP as instrument to expedite Land Reform in a manner that would increase agri production and improve food security

- 4.1 Parliament's Motion of 27 February 2018 states in paragraph 4 *"that the current land reform programme has been fraught with difficulties since its inception in 1994 and that the pace of land reform has been slow....."*¹³

Paragraph 6 *"recognises that current policy instruments may be hindering effective land reform."* Paragraph 7 states further that there is a commitment by Government to *"continue the land reform programme, making use of all mechanisms at the disposal of the state, implemented in a manner that increases agricultural production, improves food security and ensures that the land is returned to those from whom it was taken under colonialism and apartheid and undertake"*¹⁴

The motion also states that expropriation without compensation must be in the public interest and must be necessary.

- 4.2 We submit that, in order to increase agricultural production and improve food security, the principles of the NDP must be implemented effectively. **Chapter 6** of the NDP provides the necessary principles and framework to expedite agricultural Land Reform and suggests a rural development strategy.¹⁵
- 4.3 The NDP proposes co-operation between the public and private sectors with partnerships to increase agricultural production in rural areas and make Land Reform successful. Central to the NDP's vision is supporting agricultural sectors and regions with the highest growth- and employment potential and the expansion of irrigated agriculture. Creative solutions and partnerships are required to establish support and development structures.
- 4.4 It is suggested that the NDP should be elevated to statutory status by Parliament using its legislative powers. This is in line with the **Motlanthe Report's**¹⁶ proposal that Parliament should do more to own the NDP.
- 4.5 The NDP proposes district or local land committees to identify land for transfer to black farmers. The identification of land by local stakeholders will ensure that local knowledge is used and that the land is suitable for agricultural production. In our experience, community participation and stakeholder involvement are essential elements of successful Land Reform.

The transfer of a substantial portion of agricultural land in any given district municipality (within a specific period as incentivised and enforced by

¹³ Parliament Motion adopted on 27 February 2018

¹⁴ Parliament Motion adopted on 27 February 2018

¹⁵ Chapter 6, National Development Plan 2030

¹⁶ The Report of the High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change (November 2017), Kgalema Motlanthe

government) is further necessary to ensure that the pace of land reform is accelerated.

The NDP's suggested model further proposes, without being prescriptive, ways in which the identified land could be transferred to black owners. These proposals are not compulsory because there are many potential funding and transfer models, all of which could be successful and none of which are essential for the success or credibility of the process.

- 4.5 It is in our view essential to elevate the NDP to statutory status in order to expedite Land Reform. In doing this, regions, districts and local areas could be compelled to implement the NDP. This will create policy certainty and provide measurement tools to evaluate the progress of Land Reform in each region.

The ***Motlanthe Report*** also suggests a Land Reform Framework Bill with integrated district level committees of local stakeholders (***Motlanthe p52***).

It is further proposed that government should allow the private sector to “be co-drivers for change” and to contribute as “partners and co-creators” (***Motlanthe p66***).

- 4.6. Many agricultural producers in South Africa, like the members of Witzenberg PALS, are already involved with, or willing to, proceed with the implementation of Land Reform projects. All that is required to expedite this process, is that government legislate the NDP's principles and create policy certainty about how this process and recognition to participating private partners, will be affected.¹⁷

¹⁷ Gerrit van Vuuren: www.wpals.co.za/news/ Land Reform: The NDP and PALS February 2018

5. **The potential game changer: PALS**

- 5.1 The Witzenberg PALS centre listed Land Reform projects which involves more than 30 000 hectares of high value farmland. PALS implemented 13 new projects on 7 900 hectares in the last 3 years. The ongoing restructuring and improvement of 15 LRAD projects (with larger employee groups as shareholders) covers a further 23 000 hectares. The remainder of listed PALS Land Reform projects, that need certain Government enablers before implementation, will add substantially to the 30 000 hectares mentioned above. Some PALS members who are agri-producers have donated land for Land Reform projects, but implementation is delayed by DRDLR's failure to utilise Act 126/93, as amended, to approve subdivision of this land in circumstances where there ought not to be any reason for the prevention of the granting of such subdivision.
- 5.2 The PALS initiative invested substantial human and intellectual capital in refining the PALS framework to avoid the mistakes of previous land reform models. In this regard the PALS initiative:
- 5.2.1 corresponds with the provisions of the NDP pertaining to Land Reform and supports the goals of economic and employment growth, measurable and tangible economic transformation, coupled with black empowerment and ownership;¹⁸
 - 5.2.2 differs from other land reform models with regards to the contractual options available to the black owner to become majority shareholder or sole proprietor, compulsory mentorship, monitoring and progress analysis by the PALS Centre and benefits to both the black farmer as well as the farmworkers as group, the latter through a process of profit share;
 - 5.2.3 provides black farmers immediate access to the best available resources, intellectual capital, networks and markets through the PALS partnership and the involvement of experienced successful commercial farmers.
- 5.3 Several proposed Housing projects on land that had been made available by private land owners also form part of the PALS initiative and these tenure reform projects can be implemented in conjunction with the various levels of government.
- 5.4 The following essential characteristics of the PALS framework address issues of transparency, mistrust and ensure that there can be no hidden agenda or fronting in PALS Land Reform projects:
- 5.4.1 The PALS Company affords protection and veto rights in terms of the Companies Act to the Black Beneficiaries.

¹⁸ Prof Nick Vink: Report on Witzenberg Partnership: December 2014

- 5.4.2 On the first day of implementation of the project a signed option is given to the Black Beneficiaries who do not hold all the shares in the company, to become majority or sole shareholders.
 - 5.4.3 A compulsory mentorship agreement is implemented to the satisfaction of the rights holders. “Human Development is a key to all land reform projects.”¹⁹
 - 5.4.4 The shareholders agreement contains a right of first refusal and other terms and conditions that protect and preserve the property and business for Land Reform purposes and to ensure that these remain in the hands of black people.
 - 5.4.5 Minimum profit sharing for the larger employee group through an employee’s trust. This has the effect that a PALS project benefits people who work the land as well as creating individual black commercial farmers.
 - 5.4.6 Black beneficiaries are also indemnified from debts incurred by the PALS Company until such time that they hold the majority of the shares.
 - 5.4.7 Access to markets are also provided by marketing agreements which are facilitated by the participating commercial farmers.
 - 5.4.8 Beneficiaries are selected by using transparent objective criteria agreed to by the participating farm workers and the strategic partner.²⁰
- 5.5 The Witzenberg Mediation and Arbitration Centre was established to assist the PALS centre in its “watchdog role” and providing a platform for black beneficiaries to freely express any concerns regarding unequal relationships or problems with the strategic partner, implementation of the project or interpretation of the legal agreements.
- 5.6 The PALS framework is based in a sound legal and structural background to ensure sustainable black agricultural businesses.
- 5.7 The PALS initiative has been described as “...an innovative and inclusive approach to land reform was formalised by the establishment of the Witzenberg PALS office and management funded through membership by the commercial farming community in the Witzenberg municipality.”²¹

¹⁹ Key success factors for land reform projects in commercial agriculture, December 2016, Org van der Wath

²⁰ www.wpals.co.za: Frequently asked questions (FAQ)

²¹ Key success factors for land reform projects in commercial agriculture, December 2016, Org van der Wath

6. **Enabling mechanisms for Land Reform**

With the following definitions of the word *mechanism* in mind: “*the mode of operation of a process*”; or “*a system of parts working together as in a machine*”; or “*a means*”; we propose that the following mechanisms be implemented in order to effectively implement and facilitate Land Reform.

6.1 **Legislation**

- 6.1.1 Current ***Expropriation legislation***²², which passes Constitutional muster, and which can be used to expropriate unused land for housing purposes.
- 6.1.2 A new Land Reform Framework Bill which also addresses the role of local stakeholders and problems with subdivisions in terms of ***Act 70 of 1970***²³ and ***Act 126 of 1993***²⁴ as amended.
- 6.1.3 Amending ***Act 126 of 1993*** and ***Act 70 of 1970*** to enable a more speedy process for subdividing agricultural land for land reform purposes.
- 6.1.4 A new act to elevate the NDP to legislative status.
- 6.1.5 An Agricultural Development Plan as suggested by the ***Motlanthe Report***²⁵.

FURTHER MECHANISMS

- 6.2 Implementation of the recommendations and consideration of the lessons learned from past mistakes as per the ***Motlanthe Report's***²⁶ findings on pages 214 to 231.
- 6.3 Institution of a Land Reform Co-ordination Committee, consisting of the relevant Director Generals and independent experts from the private sector, to report directly to the Presidency and DPME and to ensure co-ordination among the service delivery of state departments and evaluation of the state of Land Reform on a continual basis.
- 6.4 Incentivise commercial farmers to implement and support Land Reform projects by granting the recognition as envisaged in the NDP. Improved BEE status is one possibility.

²² Expropriation Act No 63 of 1975 and Expropriation Act No 45 of 1992 as amended

²³ Subdivision of Agricultural Land Act No 70 of 1970

²⁴ Provision of Land and Assistance Act No 126 of 1993

²⁵ The Report of the High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change (November 2017): Kgalema Motlanthe

²⁶ The Report of the High Level Panel on The Assessment of Key Legislation and The Acceleration of Fundamental Change (November 2017): Kgalema Motlanthe

- 6.5 A Land Reform Fund into which all members of the public can donate in support of the cause. Tax exemptions in terms of *section 18A* of the Income Tax Act²⁷ may be considered as an incentive for such donations. This fund can be managed jointly by Treasury and the commercial banks.
- 6.6 Rewarding local areas for achieving Land Reform targets and make such targets part of the Auditor General's audit of municipalities.
- 6.7 Consideration of the PALS framework and concept of local land committees to empower and oblige local municipalities to expedite rural land reform.
- 6.8 Utilisation of grants and subsidies to leverage cheaper finance of prime less 6% for land reform projects.
- 6.9 Invitation of the private sector as co-creators and partners with regard to the consideration and implementation of policy pertaining to Land Reform.

²⁷ Income Tax Act 58 of 1962

7 Moving forward / Conclusion

We, the members of Witzenberg PALS, consider the promotion of a society, based on democratic values, social justice and fundamental human rights as one of those duties and responsibilities of our citizenship, referred to in **section 3(2)(b)** of the Constitution. We believe that Land Reform, in the manner discussed herein, is indispensable for the creation of such a society. A society that recognises and heals the injustices of the past, that respects and promotes human dignity, equality and the human rights and freedoms of all its citizens.

We submit that the effective implementation of the PALS framework on a large scale would foster conditions that would enable citizens to gain access to land on an equitable basis. In particular, it would enable black people, previously deprived thereof, to become land owners, to gain access to the agricultural value chain, to acquire wealth and prosperity and to create a generational dividend.

