

15 June 2018

**SUBMISSION ON THE AMENDMENT OF SECTION 25 OF THE CONSTITUTION IN
SUPPORT OF LAND EXPROPRIATION WITHOUT COMPENSATION BY AFRICAN
FARMERS' ASSOCIATION OF SOUTH AFRICA (AFASA)**

Dear Sir/Madam,

The African Farmers Association of South Africa (AFASA), hereby submits its response to the Constitutional Review Committee on the eve of June 16, 42 years after Soweto uprising, when black school children sacrificed their lives against oppression.

AFASA's response is based on the dilapidating impact of slow land reform perpetuating inequality, land evictions, poverty, food insecurity and economic exclusion. The black farming community has been patiently waiting for the peaceful resolution of land issues since the dawn of democracy. In October 2016, AFASA members marched to the Union Building to handover a Memorandum to the President highlighting matters needing urgent attention. At the centre was slow land reform progress, in particular high land prices, title deeds and post-settlement support. In the petition farmers called for

well-coordinated, systematic and comprehensive support from all relevant government departments and institutions to enable them to own land and agribusinesses that are profitable and sustainable.

Following the 2016 March, AFASA engaged in District and Provincial Roadshows to understand specific farmer experiences with regard to land and water. Our submission is thus premised on these real experiences. Whilst we were not surprised, it was disheartening to read the Land Audit Report by the Department of Rural Development and Land Reform (Dec 2017). The report presented a seriously skewed land ownership picture with Black Africans owning 4%, Coloured 15%, Indians 5%, with the majority of the land (72%) in white hands. As AFASA we are hopeful that this process will facilitate the urgent correction of the status quo.

The Review of Section 25 of the Constitution with specific focus on expropriation without compensation is timely. The 24 years since democracy has demonstrated that addressing legislated land invasions by colonial and apartheid laws can only be possible if we implement a systematic transformative change agenda. This has to be enabled by a clear constitutional dispensation with a transformative legislative framework. In this regard, whilst we appreciate the failure of the State to deliver a just and equitable outcome as instructed by the Constitution, we are convinced that there are constraining structural factors that can be

address by a Section 25 amendment. AFASA views such as an enabling amendment for transformation. Just to cite an example, Section 25 (3) highlights that

The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances...

AFASA believes that existing legislation fall short of enabling expropriation without compensation as far as land for agriculture is concerned. Attempts through the previously presented Public Works Expropriation Bill also raised further questions in terms of "public interest" versus "public purpose". The current formulation in the Constitution is open to various interpretations in terms of "just and equitable" compensation, where clearly there is a need for zero compensation or expropriation without compensation as presented in our submission.

In conclusion, property is the legal machinery for ownership of land. Unfortunately, land reform thus far has denied majority of Africans their right to property ownership. The protection of property rights, in this review of Section 25, has to consider those whose rights have been denied and deprived. Correcting the system has to address the backlogs and the contributing factors. This should consider the barriers for accessing rights by the landless, and the burden of proof placed on the previously dispossessed in land restitution cases. The overall land reform approach with poor administration and State capacity has also contributed to the huge backlog in resolving land claims and missing targets for land transfer (land redistribution). There is no doubt that enabling legislation is urgently required. Therefore, the Constitution has to be clear and minimize diverse interpretations to protect all including the vulnerable, and not advantage those with big pockets who can pay for expensive legal assistance. As part of mitigating this, AFASA calls for an appointment of a Land and Agrarian Ombuds. The attached submission expands on all these issues.

Yours sincerely



DR VUYOKAZI MAHLATI
AFASA, PRESIDENT

DATE 15 JUNE 2018

SUBMISSION ON THE AMENDMENT OF SECTION 25 OF THE
CONSTITUTION IN SUPPORT OF LAND EXPROPRIATION WITHOUT
COMPENSATION

BY

**AFRICAN FARMERS' ASSOCIATION OF SOUTH AFRICA
(AFASA)**

4 June 2018

TO:

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Parliament of RSA
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FROM:

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AFRICAN FARMERS' ASSOCIATION OF SOUTH AFRICA - NPC
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Reg: 2011/007448/08

1. INTRODUCTION

- 1.1 The National Assembly has adopted a motion to investigate the feasibility of land expropriation without compensation and possible review of Section 25 of the Constitution in its entirety which deals with the right of property ownership.
- 1.2 We, the African Farmers' Association of South Africa (AFASA) state our unequivocal support for the amendment of Section 25 of the Constitution of the Republic of South Africa as a constitutional mechanism to, once and for all, address the land question in South Africa in a just and equitable manner.
- 1.3 We, the African Farmers Association of South Africa (AFASA) are unapologetic and steadfast in our support for the expropriation of land without compensation.
- 1.4 We categorically state that the land question in South Africa is not just a legalistic, but a human rights issue. It is a fundamental issue of justice and equity. It is time to settle the land question in South Africa once and for all. We can neither afford to miss this historical opportunity nor betray its significance in the history of our country. And the time is now!
- 1.5 AFASA is a registered entity representing 300,000 **black farmer members**, with an outreach to over 3 million players in the farming community across South Africa in all 9 provinces. Membership is also extended to commodity organizations as associates. Our membership comprises of men and women who are in commercial, smallholder and subsistence farming across the nine provinces of South Africa.
- 1.6 AFASA has consulted widely outside its membership on its stated position in support of amending the Section 25 of the Constitution to allow for the expropriation of land without compensation. It is critical to point out that we have engaged organizations such as South African Council of Churches, Khoisan (IFNASA – Indigenous First Nation Advocacy South Africa),

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National Assembly, Agricultural Organizations (AgriSA, Grain-SA, TAU, NAFU), and commodity associations (SASA, NERPO) and many other formations with an interest in the land question in South Africa.

- 1.7 AgriSA and TAU have outrightly stated their objection and opposition to the parliamentary motion to amend Section 25 of the Constitution, whilst NAFU supports it. We fully understand the position taken by these organizations. In fact, we would have been pleasantly surprised if they (AgriSA and TAU) had come out in support of expropriation of land without compensation. These organizations represent most beneficiaries of the racially skewed landholding in South Africa.

2. BACKGROUND AND CONTEXT

- 2.1 The land question in South Africa is an emotive issue. Land is a matter of identity. Land is spiritual. Land is symbolic. Land is economic, and land is political.
- 2.2 Land in South Africa is at the centre of inequality – racial, spatial, gender, exclusion of the most vulnerable i.e. farm labourers and dwellers.
- 2.3 To the indigenous South African, land is a symbol of disenfranchisement, oppression and subjugation. Land is an unresolved injustice
- 2.4 Mandi Smallhorne writing in the Fin24 edition of 27 December 2017 quotes from the 1936 epic novel *Gone with the Wind* by Margaret Mitchell to capture the deep emotions the Irish had over their land and the resentment towards the English for an injustice perpetrated against them over 300 years ago. She quotes Margaret Mitchell: “DO YOU mean to tell me, Katie Scarlett O’Hara, that Tara, that land, doesn’t mean anything to you? Why, land is the only thing in the world worth work-in’ for, worth fightin’ for, worth dyin’ for, because it’s the only thing that last”.

- 2.5 Just like the Irish, indigenous South Africans have a vivid memory of past wrongs. Roundabout the time the English were dispossessing the Irish of their land a similar injustice was being perpetrated against the indigenous people of South Africa by Dutch settlers. Our national archives house volume upon volume of the injustices perpetrated against indigenous South Africans by white settler administrations through state sponsored dispossession of their land and identity. It is a historical fact that the land dispossession was brutal and genocidal. The scars remain vivid on the psyche of the indigenous South Africans. The wrongs and pain felt have been told from generation to generation for the past 300 years. This deep colonial wound is festering.
- 2.6 The National Assembly has adopted a motion to investigate the feasibility of land expropriation without compensation and possible review of Section 25 of the Constitution in its entirety which deals with the right of property ownership.
- 2.7 Twenty-four years into our democratic dispensation the State has failed dismally in addressing the land question in South Africa. South Africa is still one of the most unequal societies in the world. Poverty has increased among the rural poor as indicated by the *Gini Co-efficient* of 0.65. The post-apartheid State has carried on with the 'forward march' of capitalism as part of the social and spatial engineering rooted in settler colonialism. The social and spatial engineering anchored by land ownership through disenfranchisement of the indigenous population shaping social relations, distorting and disarticulating possibilities for accumulation.
- 2.8 Land relations in South Africa "reflect much more than the value extracted and the GDP figures they generate – they form a critical part of the basic structure and dynamics operating against social change." (Andrew and Jacobs 2010). This is the fundamental point that, we as ASAFA, inform our steely resolve of expropriation of land without expropriation.

3. LAND OWNERSHIP IN SOUTH AFRICA CONTEXTUALISED

- 3.1 Present land ownership in South Africa bears stark testimony to the disenfranchisement of the indigenous peoples of this country.
- 3.2 The Land Audit Report (2017) glaringly shows the land ownership patterns in South Africa as skewed towards whites and corporate entities who continue to own 82% (93,799,163 Ha) of land in South Africa with 17% (19,916,582 Ha) of the land in the hands of the State.
- 3.3 Of the agricultural land, 39% (37,031,283 Ha) is in the hands of private individuals, 25% (23,199,904 Ha) in the hands of private companies, Trusts own 31% (29,291,857 Ha) with the remainder of the land under co-ownership.
- 3.4 A further breakdown of the agricultural land ownership in South Africa by race reveals that 72% (26,663,144 Ha) of the land is in the hands of the Whites and 23% (8, 718,046 Ha) is owned by Blacks. The remainder falls within the “other” category of ownership.
- 3.5 A closer look at ownership patterns by province further reveals the racial nature of land ownership in South Africa. There is no single province in which Blacks own the majority of land. We are a minority when it comes to land ownership.
- 3.6 We, as AFASA, find this quite disturbing. It begs the question, why is it that 24 years into our democracy the majority of the land still remains in the hands of a minority racial group in a country where Black people are in the majority? Obviously, the prevailing land status quo is untenable to us. It is a gross injustice.
- 3.7 In our quest for redress, we are invariably reminded of the government’s land reform and restitution programme whereupon government promised in

1994 to redistribute 30% of land to the landless blacks. For us, the land reform in its current format has been a gross travesty of justice. It is a utopian political dream peddled to assuage the land hungry black South Africans. It has taken government 24 years to transfer a paltry 5 to 10% (4.8 - 7.9 million Ha) of the available land to Black beneficiaries at a cost estimated to be R55 billion.

- 3.8 It cannot be that 30,000 white farmers and a handful of agricultural conglomerates continue to own more than 80% of the land in South Africa. AFASA is unapologetically opposed to this status quo.
- 3.9 It is ironic that a considerable proportion of the black population, estimated at almost at one-third, live in the “white” agricultural areas under appalling and sometimes inhumane conditions.
- 3.10 Most of rural black land owners **have access to less than one hectare** of land compared to **white commercial farmers who, on average, own about 1,500 hectares per farming unit**. It is also important to note that through the process of consolidation with the commercial agriculture sector the average white farming unit has increased, up from about 750 hectares prior 1994 to the current 1,500 hectares. The argument put forth by white-dominated agricultural conglomerates is that of **economies of scale** to allow them to remain competitive against their counterparts in Europe and North America.

4. LAND REFORM FAILURES AND ROOT CAUSES

- 4.1 We categorically state that there is **no single country in the world** that has successfully implemented land reform by solely relying on the market to redistribute land.
- 4.2 Our position as AFASA is that the land reform approach has been piecemeal, fragmented and there has not been a genuine intention to settle the land question via land reform by both the State and the markets.

- 4.3 Most of the land availed on the market and bought by the State is unproductive and marginal land. If anything **this land is a mere expansion of the “former Bantustans”** as the land bought for land redistribution lies on the fringes of the former homelands.
- 4.4 We argue that the Constitution has no clause referring to the often quoted “**willing buyer willing seller**”, a principle promoted by the World Bank (Ngcukaitobi 2018). This principle has evolved over the years and found its way into South African land transactions. We recall well that this is a principle enshrined in the 1979 Lancaster House Agreement on the independence of Zimbabwe and the settlement of the land question in Zimbabwe.
- 4.5 The Constitution only refers to “**what is just and equitable compensation**” under the *Property Clause*. The question which the nation must answer and find agreement is: What constitutes a just and equitable compensation?
- 4.6 Just and equitable compensation places responsibility on the titleholder to be fair, moral, honest and transparent in his or her dealings with the buyer. This has not been the case for the past 24 years as there has been massive collusion, inflated land and property valuations, extortionist asking prices, double-dealing, hedging and corrupt practices in dealing with land reform:
- 4.6.1 **The farmer** – desperate to sell due to a variety of reasons that have absolutely nothing to do with land reform (old age, no successor, debt, etc.);
- 4.6.2 **Estate Agent** – interested to make as high a commission as is possible from land transactions;
- 4.6.3 **Property Valuer** – chasing the next transaction and thus inflate the land valuations and price; and,

4.6.4 **Government official** – failing to apply due diligence and corruptible.

4.7 The State lacks the capacity to effectively implement, monitor and enforce the land policies.

4.7.1 No strategic targeting of productive agricultural land towards justice and agrarian reform. Instead a reactive farm by farm approach, driven by willing buyer willing seller principle, is followed. This results in slow and misdirected land reform with mostly marginal land transferred.

4.7.2 The capacity includes limited legislation for the implementation of Section 25, leading to the object of transformation not adequately addressed.

4.7.3 This extends to the current use of apartheid legislation - Provision of Land and Assistance Act 126 of 1993.

4.7.4 Whilst land reform strategy is premised on three pillars: land restitution, land redistribution and land tenure, a big gap is the lack of a clear, transformative redistribution legislation.

4.7.5 Generally weak institutions, with poor alignment to land, water, and agricultural institutions.

4.7.6 Evidence of decreasing budget allocation for land and agricultural reform (since the 2007/2008 financial crisis), coupled with a problematic reallocation of the land reform budget. This makes finance an added obstacle for land reform.

4.7.7 Ineffective implementation of land reform programmes (recap, 50/50, CASP), with poor post settlement support especially for hard working deserving farmers. This is complicated by corruption with a small band of politically connected farmers who have benefitted from the land reform process. These failures have

resulted in land reform beneficiaries failing in fully penetrating the white agricultural hegemony.

4.7.8 Central to the failure is clarity on criteria for selecting land reform beneficiaries, leading to inconsistencies and manipulation of the system.

4.7.9 Continuing of land related injustices including evictions by state and private sector.

4.7.10 No legislation addressing expropriation without compensation.

4.8 The liberalization of the agricultural sector without effective and efficient alternative support mechanisms, left new black entrants without meaningful State support. This includes:

4.8.1 Deregulation of agricultural markets (e.g. the repeal of the Agricultural Marketing Boards);

4.8.2 Abolishing of State agricultural credit lines (the dissolution of the Agricultural Credit Board);

4.8.3 Financial remodeling of the Land Bank (non-existent to minimal State support); and

4.8.4 Reduction of budget of critical State agricultural entities (ARC, OBP, etc.)

4.9 This is in sharp contrast to the apartheid era where **the State was an active “financial broker for white minority interests** beyond its role as a social, institutional, political, legal, and repressive central apparatus. It organized tax incentives and large subsidies for foreign and local companies through state corporations, facilitating links between different industrial sectors in order to lower their costs, subsidizing the white farmers over decades and keeping many out of bankruptcy.” (Andrew and Jacobs 2010)

4.10 In addition, the transfer of land acquired through the land reform process has left the **water rights** in the hands of the former white owners rendering

the transfer of the land meaningless; as the new black owners are exposed to **extortionist water use tariffs**.

- 4.11 The **neoliberal policies** characterizing the South African post-apartheid dispensation have entrenched white commercial agriculture's hegemony under the guise of not wanting to disturb the economy as agriculture is seen as a major contributor to the country's GDP. The market fundamentalism of such a macro-economic framework is a major drawback to progressive land transformation, because it invariably subjugates the land question to just an economic rather than a social justice and equity test.
- 4.12 **We want to debunk the myth that transformative land redistribution will harm South Africa's economy.** Black farmers, with very limited support have demonstrated the potential capability of contributing to food security and the economy. Focus therefore must be on the enablement through land reform and property ownership, to catalyze economic mainstreaming. The critical issue is to address the obstacles that inhibit participation. This includes the structural inequalities that perpetuate discriminatory biases which are mutually reinforcing i.e. no land, no title deeds, no access to finance, no training, no access to water rights and no access to markets).
- 4.13 . Land reform has not improved the life of the ordinary rural poor black South African qualitatively or quantitatively. Subsistence farmers, rural women, sharecroppers, and labour tenants continue to eke out a living from some of the harshest conditions with little support other than social grants from the State. The fact that no meaningful land has been transferred to the indigenous South Africans 24 years into the democratic dispensation is an affront to the dignity of our people. It is **a lethal cocktail** for social upheaval. **The De Doorns protests were a litmus test of what is to come over the land question.** Land ownership defines who we are. This is a festering wound that needs to be attended to urgently.

5. ARGUMENT FOR LAND EXPROPRIATION WITHOUT COMPENSATION

- 5.1 AFASA is vehemently opposed to the market-basis of land reform and redistribution and the principle of blacks having to buy back the land that was taken from us in the most diabolical circumstances.
- 5.2 The **willing buyer willing seller** policy (whose origins we have challenged in preceding sections) leave regulation in the hands of supposedly neutral market forces in a highly unequal and distorted economy. The market has only served to worsen the geo-political and socio-economic inequalities present in modern day South Africa.
- 5.3 We further argue that the speed of land reform and redistribution has been painfully slow.
- 5.4 Whilst acknowledging that there has been transfer of land to black South Africa, we, however, express our dissatisfaction with the lack of transparency and adequate resources of the reform process.
- 5.5 The seriously unequal land ownership and transfer of marginal land has had a negative effect on food security. Millions of South Africans remain food insecure, with increase in hunger. According to Statistics South Africa the poverty levels have increased to more than 50% of the population.
- 5.6 The lack of alignment of land reform with agrarian reform has resulted in negligent development of black commercial farmers in food production.
- 5.7 Most of the land acquired by the state is in the densely populated former homeland areas, perpetuating the spatial inequalities.
- 5.8 The Food and Agricultural Organisation (FAO 2012) voluntary guidelines on responsible land tenure emphasize that: “Where state choose to

implement redistributive reforms, they should develop policies and laws, through participatory processes, to make them sustainable and ensure equal treatment of men and women in redistributive reforms. States should revise policies that might inhibit the achievement and sustainability of the intended effects of the redistributive reforms.”

5.9 We are, therefore, in support of expropriation of land without compensation due to the following reasons:

5.9.1 The need to speed up land redistribution and land reform in general.

5.9.2 To enable a focused targeted strategic approach to land reform considering agro ecological zones, geographical / area-based opportunities that are commodity driven. This allows the consolidation of publicly and privately-owned land for transformative inclusive growth and development. It further addresses issues of fragmentation and isolated farm by farm acquisitions enhancing sustainability.

5.9.3 Markets have failed to efficiently and effectively facilitate land access to landless blacks;

5.9.4 It is an opportunity, to once and for all, redress the land imbalances occasioned by colonial and apartheid dispossessions;

5.9.5 It is the only means of deracializing land ownership patterns in South Africa;

5.9.6 Avail land to landless rural people, sharecroppers, subsistence and smallholder farmers to reduce poverty and improve food production and security;

5.9.7 Increase the participation of majority black people in food production and value chain in particular;

5.9.8 To deal with and address the simmering discontent over land ownership patterns in this country; and,

5.9.9 An opportunity to do away with apartheid era land policies window-dressed as redistributive and reformative land policies whereas the actual intent was to maintain the status quo.

6. WHAT LAND MUST BE EXPROPRIATED?

6.1 Categories of land for expropriation must address and include: spatial equity, dispossession, productive land and target underutilized and unused commercial land. This includes corporates, state owned enterprises and land under the ownership of mines.

6.2 The government must apply **land ceilings** when the finalization is being determined and agreed upon.

6.3 Land that has already been acquired by the State must be redistributed with **title deeds** or **99 leases**.

7. WHO MUST BENEFIT FROM LAND EXPROPRIATION?

7.1 The following are the proposed beneficiaries:

7.1.1 Current black farmers (from subsistence to commercial);

7.1.2 Qualifying farm labourers and labour tenants.

7.1.3 People who own farms and smallholdings with interest in farming;

7.1.4 People who studied agriculture;

7.1.5 People who work the land with intention to farm;

7.1.6 Agricultural entrepreneurs with interest in farming;

7.1.7 People with agricultural skills and capabilities;

7.1.8 Women with interest in agriculture; and,

7.1.9 Youth with potential and interest to farm.



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8. CRITICAL CONSIDERATIONS

8.1 We propose **three critical goals** in the expropriation of land and its distribution:

8.1.1 **Goal 1: Transformative comprehensive land resettlement plan for socio-economic and sustainable development (NDP & SDGs):**

8.1.1.1 Moving away from the current farm by farm approach to a district geographical, agro-ecological and commodity-based approach of land acquisition;

8.1.1.2 Address the object of Section 25 of the Constitution by enacting new progressive land legislation and moving away from apartheid era legislation such as the Provision of Land and Assistance Act 126 of 1993;

8.1.1.3 Presidential Powers to designate land earmarked for the new transformative comprehensive land resettlement programme;

8.1.1.4 Establishment of a Land and Agrarian Ombudsman to look into land malpractices and ensure that the spirit of land redistribution is adhered to;

8.1.1.5 Abandoning the market-driven corruption-riddled **willing buyer/willing seller** approach for a proactive designated (ring-fenced) land for transformative redistribution;

8.1.1.6 The valuation of land must place emphasis on productive capacity rather comparable sales;

- 8.1.1.7 Current PLAS farms to be immediately transferred to current leaseholders with full title and government to scrap the 50/50 provision;
- 8.1.1.8 Enact a progressive developmental financing model by repositioning the land and agricultural financing institution such as the Land Bank and Industrial Development Corporation to give favorable payment terms to emerging black farmers and beneficiaries of transformative land redistribution, and promotion of agricultural value chains; and,
- 8.1.1.9 Water rights must be linked to property not individual. Government to repeal current water rights and allow water access to all landholdings as part of transforming the agricultural sector.
- 8.1.1.10 Institutional reform covering the land claims court, land reform facilitation, and post settlement support with handholding. Effective public-private partnerships to form part of institutional reform.
- 8.1.1.11 The transformative comprehensive land resettlement program must be transparent with accountability, monitoring and evaluation.
- 8.1.1.12 The integrated resettlement program should prioritize finalizing land tenure policies and gaps in communal land.

8.1.2 Goal 2: Restoring food production and food security

- 8.1.2.1 Productive land allocation, not third grade land;
- 8.1.2.2 Transformation of the food production system:

- 8.1.2.2.1 Mechanization support;
- 8.1.2.2.2 Setting up of enabling infrastructure (roads, storage facilities, logistics, etc.); and,
- 8.1.2.2.3 Implement 30% set aside for black farmers in the food value chain across the board (private and public sector) with requisite enforcement instruments.
- 8.1.2.2.4 Supporting community driven nutrition and local food trade initiatives (especially women driven).

8.1.2.3 Preferential procurement (off-take):

- 8.1.2.3.1 The National School Nutrition Program;
- 8.1.2.3.2 The Social Relief Programme;
- 8.1.2.3.3 Hospitals procurement;
- 8.1.2.3.4 Correctional services; and,
- 8.1.2.3.5 Military, etc.

8.1.3 Goal 3: Alignment of Land Reform with Agrarian Reform

The alignment of land reform with agrarian reform is at the centre of transformative change. The land reform strategy must be juxtaposed with agrarian reform that addresses the AgriBEE charter, principles of inclusive growth, principles of radical economic transformation and sustainable development across agricultural sub sectors and value chain; in both communal and freehold land. Such a strategy must influence budget allocations and institutional reforms, addressing the following considerations:

8.1.3.1 The livelihood status of households and their ability to withstand shocks to their wellbeing is dictated by their access and control over assets. Asset deprivation is a fundamental driver of long-term vulnerability of households.

8.1.3.2 It is clear that land plays a critical role in sustaining rural livelihoods. It forms the productive base for crop and livestock farming, making land probably the most important production resource.

8.1.3.3 In the transformative comprehensive land resettlement plan we acknowledge the role of farm dwellers, labour tenants, subsistence farmers, smallholder farmers, emerging and commercial farmers in the attainment of agrarian reform in South Africa.

8.1.3.4 We propose a land reform and food security continuum. Farm dwellers and labour tenants should be State-assisted to use the skills gained from years of sharecropping to transition into full scale commercial food production;

8.1.3.5 Subsistence, emerging and smallholder farmers should be anchored on communal and freehold land; and,

8.1.3.6 Commercial farming should be anchored on commercial freehold.

9. Recommendations

- 9.1 Establishment of a Land and Agrarian Ombudsman to investigate land malpractices and ensure that the spirit of land redistribution is adhered to;
- 9.2 We urge parliament to proceed with the amendment of Section 25 of the Constitution to enable restorative and comprehensive land redistribution in South Africa.
- 9.3 Immediate attention must be focused on finalizing the land expropriation bill and introduce land redistribution legislation.
- 9.4 Land is a fundamental right and the piecemeal approach of the years gone by is unsustainable and must be abandoned;
- 9.5 The festering wound of the land ownership in South Africa must be settled in a fair, just and equitable manner; and,
- 9.6 The **willing buyer/willing seller** concept not enshrined in our Constitution must be done away with forthwith.