The Presidency on Advisory Panel on Land Reform Colloquium

10 Dec 2018

The Advisory Panel on Land Reform hosted a Colloquium on 7-8 December 2018 at Birchwood Hotel, Boksburg, Gauteng Province of South Africa. The Colloquium was attended by close to 200 delegates from across the public sector (including parliamentarians), private sector, civil society, academia, and other concerned citizens.   
   
The Colloquium consisted of participants with diverse views as the Panel is framing discussion papers towards formulating policy proposals. The latter will be presented to a bigger, more representative audience in February 2019, prior to the submission of the Final Report to the Presidency in March 2019.   
   
In attendance were also Members of the Inter-Ministerial Committee (IMC) on Land Reform, which are - Minister in the Presidency for Planning, Monitoring and Evaluation, Dr Nkosazana Dlamini-Zuma and Minister Maite Nkoana-Mashabane of Rural Development and Land Reform. The Deputy Minister Andries Nel of Cooperative Governance and Traditional Affairs, and Deputy Minister Sindisiwe Chikunga of Transport were also present. Minister Dlamini-Zuma acknowledged the important work of the Panel its contribution towards refining the modalities of an effective Land Reform process in order to secure the dignity of the landless and the restoration of the birth-right of all South Africans.  
   
Dr Vuyo Mahlati, Chairperson of the Panel indicated that; “We have no formulated positions or scenarios as yet. We have been engaged in data collection and analysis, and were only presenting questions and emerging conceptual ideas from inputs considered. The Colloquium was used to solicit responses to these, and learn more about international experiences, as well as fill-in data gaps.”   
   
The Coloquium acknowledged the Parliamentary process and deliberated on Panel presentations. Emphasis was on the following gaps in data and approaches:

* Sources of knowledge and evidence considered by the Panel must include the lived experiences of the voiceless and under-represented communities. This includes the transformation of the tenure system that requires discussion with the communities.
* Land Reform Policies will not be effective without effective and efficient Land Administration Framework and Land Governance Systems. This includes the establishment of the Land Observatory that must record a continuum of rights, land use, water, minerals, leases, usufruct.
* More work to focus on Compensation models (Including Zero compensation) In line with developments on Expropriation without Compensation.
* A Private Land Acquisition Strategy to be urgently developed to fasttrack redistribution. The willingness to donate land by Churches, Mining Industry and white commercial farmers must be guided by a clear policy to avoid unintended consequences.
* Prioritize the Redistribution Policy and National Spatial Development Framework
* Beneficiary Selection Strategy and Women Land Ownership
* Agricultural and Urban Models
* Land evictions to be stopped.

Mahlati highlighted that the spirit of collaboration and addressing land as a justice and rights issue framed conversations in plenary and breakaways. “Speakers affirmed the view in the 1995 White Paper that without reform we will not have peace and stability”.   
   
**Background**  
   
The Expert Advisory Panel on Land Reform was appointed by President Cyril Ramaphosa to provide independent advice to the Inter-Ministerial Committee (IMC) comprised of 11 cabinet ministers, convened by Deputy President David Mabuza.  
   
The ten-member Panel includes farmers, lawyers, agricultural economists and academics. The Panel is chaired by Dr Vuyo Mahlati, a National Planning Commissioner and president of the African Farmers Association of South Africa. Other members are Advocate Tembeka Ngcukaitobi who is at the Johannesburg Bar, Bulelwa Mabasa at Werksmans Attorneys, Wandile Sihlobo from the Agribusiness Chamber, Professor Mohammed Karaan of Stellenbosch University, Professor Ruth Hall of the University of the Western Cape, Dr Thandi Ngcobo of the University of KwaZulu-Natal, Dan Kriek who is president of Agri South Africa, Thato Moagi who is a farmer in the Western Cape and Limpopo and Nick Serfontein who is a farmer in the Free State.  
   
The Panel’s mandate is to provide a unified policy perspective on land reform in respect of restitution, redistribution and tenure reform. Its work is partly informed by the resolution of Parliament to consider expropriation of land without compensation. Focus is on the circumstances in which the policy will be applied, the procedures to be followed and the institutions to implement and enforce.  
   
The Panel will advise government on how to use its constitutional mandate for land reform and its powers to expropriate in the interests of land reform. Its role is distinct from and does not duplicate the role of Parliament’s constitutional review committee which is considering whether or not to propose an amendment to the Constitution to alter or clarify the terms on which expropriation is allowed.   
   
Since appointment in September 2018 the Panel has been engaged in critical analysis and intensive research of diverse aspects of rural and urban land reform as well as agriculture. The Panel also engaged with the Director-Generals of key government departments, the Valuer-General and the Chief Land Claims Commissioner to address questions and clarify strategic legislative/ policy positions, programme plans and implementation.