**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

**THURSDAY, 10 NOVEMBER 2022**

***PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES***

The Council met at 14:00

The House Chairperson (Ms W Ngwenya) took a chair and requested members to observe a moment of silence for prayers and meditation.

**ANNOUNCEMENT**

Hon delegates before we proceed I would like to make the following announcement the hybrid sitting constitute a sitting on the National Council of Provinces that the delegates in the hybrid sitting enjoy the same powers and privileges that apply in a sitting of the National Council of Provinces. For the purpose of the quorum, all the delegates who are logged on to the virtual platform shall be considered present. Hon delegates must switch on their videos if they want to speak.

The delegates should ensure that the microphones on their gadgets are muted and must always remain muted. All delegates

in the chamber must connect to the virtual platform as well as insert their cards to register on the chamber system. Hon delegates who are physically in the chamber must use the floor microphones. All delegates must participate in the discussion through the chat room and the interpretation facility is active and that permanent delegates, members of the executive, special delegates and Salga representatives on the virtual platform are requested to ensure that the interpretation facility on their gadgets are properly activated to facilitate access to the interpretation services. Permanent delegates, special delegates, Salga representatives and members of the executive in the Chamber should use their interpretation gadgets on their desk to access the interpretation facilities.

Hon delegates in accordance with Council Rule 229(1) there will be no notices of motion or motions without notice. Hon delegates before we proceed to the subject for debate, I would like to take this opportunity to welcome the MECs, all permanent and special delegates to the House. Hon members, we shall now proceed to the subject for debate, *Debate on land Reform: Complete ownership, title deeds to land reform beneficiaries as well as ownership to those living on trust land within communal areas*. Hon members, I will now call upon the hon R Jankielsohn from DA to open the debate.

**DEBATE ON LAND REFORM: COMPLETE OWNERSHIP TITLE DEEDS TO LAND REFORM BENEFICIARIES AS WELL AS OWNERSHIP TO THOSE LIVING ON TRUST LAND WITHIN COMMUNAL AREAS**

(Subject for Debate)

Mr R JANKIELSOHN: Good afternoon colleagues in the National Council of Provinces. House Chair, thank you for the opportunity to open this debate on an important issue regarding land. Issues of land restitution, land reform and land tenure reform are not divorced from each other, but remain interlinked and must be discussed together in order to complete the somewhat contentious puzzle on the issue of land in South Africa. Debates on the past and contemporary history on issues relating to land in South Africa emphasise our diversity. While some politicians abuse this to sow division and hatred, if discussed and managed in a mature and realistic manner, progressive land policies have the potential to become a source of development, food security and unity. In his book *Feeding Frenzy the New Politics of Food* Paul McMahon correctly states that, and I quote:

Especially in Africa, land has cultural, sentimental and political meaning. It is a reminder of past dispossession, a symbol of present dignity and a source of future security.

We must view land within its historical context, and in these discussions we cannot ignore the colossal upheaval, carnage and massacres during the Mfecane in the late eighteenth and early nineteenth centuries. Similarly, our discussions about land must also reflect on what Sol Plaatje referred to when he indicated in his political tract *Native Life in South Africa* that, and I quote:

Awakening on Friday morning, June 20, 1913, the South African native found himself, not actually a slave, but a pariah in the land of his birth.

This quote was referring to the notorious 1913 Natives Land Act. This Act was preceded by a history of race-based dispossession that includes the 1897 Zululand Annexation Act in the Natal Colony, the Glen Grey Act in the Cape Colony, an 1853 Volksraad Resolution in the Transvaal Republic and a ban of freehold for black people in the Free State Republic. And, of course, this was followed by the 1927 Native Administration Act, the 1939 Bantu Trust and Land Act, the 1937 Marketing

Act, the 1946 Coloured Persons Settlement Act, the 1959 Promotion of Bantu Self-Government Act, and the 1971 Homelands Constitution Act, to name but a few. This most prominent pieces of legislation only formed the part of the 60 racially discriminating laws passed between 1913 and 1948 and a further

161 between 1948 and 1991 that resulted in the uprooting of about 3,5 million South Africans of various races. This is a short summary of the historical legacy that we inherited in 1994, and have had to grapple with since then.

I hope that the legacy of our children and grandchildren inherit from us will be a different one, hopefully one that is based on both redress for past injustices, but that also constructively addresses the current national and international demographic, economic and food related realities. The Restitution Act was implemented to deal with the constitutional imperative of land restitution, which allows individuals who lost their property as a result of post 1913 discriminatory legislation to submit claims for redress. Redress through land restitution has been delayed by administrative backlogs in dealing with restitution claims by the state.

Furthermore, the fact that about 92% of claimants opted for cash in the place of land should be an important guideline for policies relating to redistribution. The cash claims enable individuals, many of whom currently reside in urban areas, to purchase property and build homes and livelihoods in our towns and cities. This is also an indication of a realisation among restitution claimants that land in South Africa is not an instant source of wealth. Without ignoring the words of Paul Mc Mahon that I quoted earlier, we must approach the issue of land in a manner that takes into account our current realities of rapid urbanisation, the need for food security and economic challenges with the only certainty being the uncertainty of an unpredictable future.

Land reform, what is also referred to as redistribution, and security of tenure are not restricted to rural areas, but should be an important part of our urban planning. In this respect we support policy proposals that will optimally enhance land usage and productivity in rural and urban areas. Such policy options must create an environment that is socially just and fair an in which existing rights are carefully aligned with our national objectives of redress through pragmatic, constructive and productive redistribution. I have outlined the historical need for redress and would now

like to deal with some important environmental and economic issues relating to land in South Africa.

A 2015 World Wildlife Find, South Africa report indicates that while 69% of land in South Africa is estimated to be good for grazing alone, only 13% of land is arable, good for cultivation and 3%, only 3% is considered to be high potential agricultural soil. This implies that South Africa is not conducive for the type of agriculture envisioned in multi- beneficiary corporative land reform projects that government has tended to implement and that are set up for failure. How does our agricultural sector survive in a country that is not agriculture friendly? This is explained by Jeffrey Herbst and Greg Mills in their book *How South Africa works and must do better*, in which they state like, and I quote:

Like any other sectors, those who survive and prosper will be the better farmer, marketer and entrepreneur, improving yields and technology, and inserting themselves into local and global value chains. Farming requires a combination of skills and expertise, capital, modern infrastructure an equipment, and of course land which may be owned or rented by agricultural entrepreneurs.

The success of commercial farming in South Africa is based on economies of scale which has resulted in about 20% of commercial farms supplying 80% of all food in our country.

This is supplemented by small-scale and subsistence farming. Despite some incremental improvements over the past 27 years, equitable access to land remains out of reach for most South Africans. Untransformed historical spatial arrangements ensure the entrenchment of inequality. Approximately 17 million South Africans still live in the former homelands, which are in some instances on the most fertile land in the country. Last week the DA Shadow Minister of Agriculture, Land Reform and Rural Development, hon Thandeka Mbabama, emphasised comments by the Ministry that citizens living on 10,5 million hectares of land in rural areas still live on property owned by apartheid era state institutions. This statistic, supplied by the Ministry, is an admission that the ANC-run government flagrantly violates the fundamental rights of rural communities to own their property, as stipulated in section 25 of the Constitution. While the Constitution does not instruct the state to give everyone land. The Constitution instructs the state to foster conditions which enable citizens to gain access to land on an equitable basis.

Control over much of the land in communal areas rests in the state. Individuals and families occupying this land are subjected to various forms of land rights that are in the most cases informal, uncertain and vulnerable. Therefore, we can ask, what can be done to remedy this situation and ensure that our rural populations have access to security of tenure, in other words to own their own property?

Allow me to propose, among others, a few of the most important DA proposals in this regard. Firstly, we must create a proper land registry by surveying all currently unsurveyed land in communal areas. Understanding where the boundaries between properties are is the first step in improving tenure security. Secondly, we must provide security of tenure through private title to all landholders who want it. This approach addresses the distinction between individual and communal title, as it would be up to land owners to decide for themselves whether they want to own the land individually, or whether they want to form a Communal Property Association. However, if a land owner opts for individual rather than communal title, they must get it. Thirdly, include communal use rights, such as for grazing or accessing water points as a condition in the title deed, as it is already standard practice for servitudes in many cases. Fourthly, couple the process of surveying and

titling individual plots of land with an infrastructure needs assessment and development that focusses on access to roads, water, financing, training and mentoring. This will ensure that those private landowners who want to enter agriculture are able to do so successfully.

Fifthly, undertake to protect the rights of beneficiaries to participate in the cultural life of the traditional community of their choosing. In other words, with the exception of assigning control over land ownership to private owners instead of traditional authorities, all other rights of traditional authorities would remain undisturbed and protected. Sixthly, a comprehensive land audit needs to take place with a proper land registry. Provision must also be made for protection against predatory buyers through the provision of minimum land values by the office of the Valuer—General.

These aspects will form part of a DA Private Members Bill that will be tabled in the National Assembly. There is no provision anywhere in the Constitution that provides for any individual to be barred from owning property. In fact, section 25, the property clause, makes it clear that no one may be deprived of property and that a person or community whose tenure of land is legally insecure as a result of past racially

discriminatory laws is entitled to tenure which is legally secure or to comparable redress.

A recent High Court judgement indicates that people living on customary land under control of the Ingonyama Trust are the true and beneficial owners of that land. The court also found that the Minister of Agriculture, Land Reform and Rural Development has neglected her legal duty to respect, protect and promote these informal land rights. The courts will similarly rejects legislation that infringes on the constitutional rights of individuals to own property and have such property arbitrarily taken away from them by the state. The ANC’s treatment of people in rural areas as second class citizens by banning individuals from owning their land, violates these provisions of the Constitution, as well the right to equality.

The Ministry confirmed that land remained registered in the name of the apartheid state. Listen to this story, because no legislation currently existed to transfer land held in trusts by the government to rural communities, 27 years after 1994. As hon Mbabama correctly indicates that this too is nothing less than an admission of an outright failure by the ANC government to enact legislation to provide tenure security and

ownership rights to rural communities. Contrary to its own Freedom Charter, the ANC-run government has been fixated on preventing people in rural areas from owning land and on expropriating current land owners, rather than focussing on land reform models that are based on redistribution and economic empowerment.

Venezuela and Zimbabwe are examples of where the legislated nationalisation of land and other property has devastating impacts on the economy and food security of these countries. In Venezuela the economy collapsed due to policies of nationalisation, which included expropriation without compensation, leading to massive famine. It was reported that by 2017, more than three-quarters of Venezuelans had lost an average of 12,5 kilograms in body weight due to national food insecurity and 61% of the population were going to bed hungry. Similar policies regarding expropriation of land in Zimbabwe led to the collapse of the economy and currency, an unprecedented 90% unemployment, and famine. The many economic refugees in South Africa from Zimbabwe attest to this. All economic and political commentators, as well as international precedent, indicates that giving a government powers to arbitrarily expropriate property without compensation creates economic uncertainty and new threats. Such threats include an

unwillingness by international investors to invest in a country with their property rights are not secure.

The further capital flights and disinvestment and unwillingness to invest in agriculture, especially by banks. Agricultural economist, Wandile Sihlobo, indicates that agricultural debt was R187 billion in 2019. What will happen to this debt if we have expropriation without compensation? We must also acknowledge the High-Level Panel’s report, the conclusions that indicated that the reason for the failure of land reform is a result of corruption, the channelling of resources to the elites and the lack of support. We were in the Free State have experienced that in the Gupta-linked Vrede Dairy project where for nine years beneficiaries were excluded from the project. There was massive corruption and channelling of resources to the elites. The DA fought for the rights of these beneficiaries in Parliament, legislature, we went to the Public Protector, the Zondo Commission and to the courts.

Land redistribution in South Africa must be individual and family-based with tenants and farm workers given priority and support in order to give them access to the necessary markets and enable them to become active in the commercial farming sector. Property rights must be legally secure as envisioned

by the Constitution. Land redistribution must not be restricted to rural areas. Policies and legislation must make provision for inclusive urban development that includes residential, commercial, cultural and recreational land to cater for the rapid urbanisation that is a characteristic of our modern societies.

When it comes to justice for our most marginalised rural and urban communities the DA will fight to free our people who are still enslaved in apartheid style property arrangements that the ANC continues to protect. Thank you, House Chairperson. [Time expired.]

Mr E M MTHETHWA: Thank you, Chairperson, for the opportunity to address this House in this important debate. Hon Minister, hon Deputy Minister in the House, the media and fellow South African, good afternoon. The DA has called for this debate on the complete ownership through title deeds to the land reform beneficiaries, as well as those living on trust land within communal areas.

This is an important debate. Safe to say that we, however, need to expose this hypocrisy of the DA in them having to call for this debate by the House. I heard the previous speaker

even distorting the issue of the Menace War and other matters quoting Section 25(a), he must read that section completely.

especially Section 25(6). In exposing them that the organisation has failed, we are also going to highlight areas

... what the ANC has done, as he has quoted that the ANC has collapsed and he has totally failed ... for dealing with this matter, I'm going to highlight all those issues and expose this issue of the DA.

This is a highly opportunistic topic that they wanted to come and grandstand on as he was distorting some of the facts in this. In exposing the DA, these hypocrites, I will also reflect briefly on the progress and the policies of the ANC, as I have said, since the dawn of our democratic dispensation.

In so doing, we need to remind ourselves that homelessness and landlessness was the creation of the colonial and apartheid regime. The ANC was, among other things, established to ensure the restoration of the African people’s dignity by restoring to them their land which was taken away from them through the might of guns and swords.

The kind of inhuman land dispossession of the Black African majority by an illegitimate and illegal government of the colonial Britain and apartheid was a very traumatic experience whose memory lingered on the minds of many Black African even today. The legacy of colonialism and appetite gave us the current challenge of power of poverty, inequality, unemployment, and with the wo women facing the tribal oppression on the basis of their race, class, and gender.

The African National Congress. In adopting the 1955 Freedom Charter that was misquoted by now, um, boldly asserted that South Africa belonged to all who live in it and black and white. And this declaration, the African National Congress still stand by it. Even to this day, we still stand for that one. The idea and this in the freedom.

Have been enshrined in our Democratic constitution under the Bill of Rights, and these are the guaranteed rights to, for example, adequate housing, including access to ownership of land and parties, section 25 C, section 25. Subsection six. This is the one chair that I was saying it was Misquoted of the constitutions of Republic guarantees the security of land, including security of LAN to the most vulnerable, uh, vulnerable members of our community, such as labour, tenant

farm workers, people living in the urban in formal sectors, supplements.

During the period that the, the ANC was Ben towards, its unending, played a very important role in the developing of the ANC constitutional guideline for a liberated new Democratic South Africa that will be based on the constitutional. It is the ANC policy that of the government to ensure that the land is redistributed to all those who need and work it.

The ANC acknowledge that under the apartheid people had, uh, had their land taken away and would not allow to own land or proper. In the 1992 ready to govern policy guidelines, the ANC said the state should play an active and important part in obtaining the redistributing land, and it should have the power to take the land in a number of way, including through expectation.

The anc. Agriculturally must be organized in such a way that it should save the interest of all the people and equal distributed amongst the people. The ANC, hon Chair, Mongo. Has a balanced the approach towards the radical land reform

programme, and this is the base on the three pillars of restitution, redistribution, and security of land tenure.

The DA right now has chosen to focus on the security of land tenure for opportunistic purpose, as I've stated my debate, but this is not unfamiliar with their opportunistic tendencies. Same with, uh, uh, same with what it has been being, people have been confused with the grouping of the ANC embrace the mix change approach to our land reform property historically.

The impact of colon, of colon and apathy, destruction of African families are their lives will, will continue to become a topical of great importance for many police uh, politician and legislators and academic, uh, scholars. Of one of the golden threats that will emerge from such exercise is the hypo classic of some, like the horrible member of the DA that he has just raised this matter this morning that hypo classic is to deal with the reality of South African situation.

What is this? What is the reality of South African Situation Jail? This question need an honest reflection answer. Lend ownership patent within the country are very skewed towards a white minorities and white males for, for that matter in terms

of the 2017 land audited report. I've noticed the other figures that were there, 90, 94% of the total 121,924,800 880, uh, he of the land in the country is registered in the de of, in the de office.

This means chair that today is about 6%. Of the total haters in the land that is not Ed with the DE office, and this is State Land in the Eastern Cape and Limpopo. Provinces. Honor. Trust on about 889,000,520 3044 haters of the 114 million two hundred and twenty-three, two hundred and twenty 3,276 sectors, which is 94 Ed within, within the D.

Individual own about 37,800,986. Hes, which is all plus minus eight 39% of the total reaches that blend. We trust, we, we trust at 29,029 million two hundred and ninety-one, eight hundred and fifty-seven, uh, um, hectares, which is 31%. And companies at 23,199,904. Hes of 25% at, um, CPOs at uh, 3,000,549 and 489.

Hes the co-ownership. 883,000,005 hun 883,580. He on 1%, the same individual owns the most of these companies. Trust on the CPOs in the Western Cave chair, the total reaches that HECS of land is 12 million, uh, 12,946,300. 11 million five hundred and fifty-five hundred and two, four hundred and twenty-seven

hectares on a private own, and the state owns 1 million and 40,801 hectares while people on the.

Only 2,000,764. 652 hectares of land with African at 53,287 is that disgrace, HETA and coloured people at 561,315 Heat and Indian. It's 174,865 hectares. These pictures share I have.

Purposely giving you the correct figures ass per research because I wanted to, to, to clarify this fact that this picture is much more concentrated concentration on the Northern Cape and the biggest province with a total of about 37,288,800.

30 is 5 million two hundred and ten, nine hundred and ninety- eight hectares. He's in private, own and white owned or owned. 11,000,498 and four. 498,444. 449 Hectares African on only 69,000. 350. Hes the state own land. The state owns less than

20 million hectares of. The land ownership pattern is even much more skewed when it comes to the percentage of women accessing the ownership of the land.

Given the, the patriarchy nature of our so society, the landless of women, was further exacerbated. Um, by the provocation of the 1930 Native Land Act and other racial discriminatory piece of legislation that empowered the state

to remove and forcefully relocate the entire African community under the lost, uh, loose idea of betterment.

It seeks honourable chair to reverse this legacy, the ANC government has developed a special planning and land use management act that created an overarching legislative framework for the special planning policies and land uses man um, management for the entire country, including brutal and informal.

This piece of legislation is applicable to all three spheres of government. And unlike the a, um, the Apartheid Laws puts an emphasis on the redness of social justice equity. And also inclusion of inclusion, public participation and transparent decision making, an awareness of the role of the properties, housing and environmental management in creating a. Uh, functional, uh, functional and efficient and human sacrament. We know that the ATE government has created better town planning in the formal whites’ areas, and inferior planning for formerly Homeland and Black Township. And this was evident in the recent flood that took place. We early, we took place early this year in the province of Kale.

We have experienced that even in the Eastern Cape and some parts of the Northwest. What the DA's hypocrisy would not tell as chair today is the fact that when the union government decided to reduce the African population to the formal homeland, they did. They did do out of the. Of the desire to occupy for themselves prime land and to deprive them of any sources to improve and develop their areas that we find a huge infrastructure chair I'm not on. Yes, chair, your time is up. Honourable member. Let, let me conclude. No, the

Oh, 15 ... check. No. And I don't want you to do like that. No, no, no. I'm not arguing with you. I thought my 15 minutes was not over. 15 minutes. Thanks very much honour.

Ms N PIETERS (Eastern Cape): Good afternoon House Chairperson and hon members of the Council. Hon House Chairperson, hon Deputy Chairperson of the NCOP, hon members of the Council, delegates from provinces, distinguished guests, ladies and gentlemen, Nelson Mandela, in 1995 said:

With freedom and democracy, came restoration of the right to land. And with it the opportunity to address the effects of centuries of dispossession and denial. At last we can as a

people, look our ancestors in the face and say: Your sacrifices were not in vain.

Twenty-two years later hon Chairperson, we are virtually connected to advance the debate that Nelson Mandela and his peers spearheaded to finalise what they started and that we are able look at them as brightest stars and say:

Be assured, the baton you left with us with regards to land reform is in good hands. We will do whatever we possibly can to ensure that your dream is fulfilled and that your sacrifices are not in vain.

*IsiXhosa:*

Sisawuphethe lo mgaqo.

*English:*

We thank you most sincerely that you have invited the Eastern Cape to debate about the topic of national importance, land reform which is very close to hearts of our people. We specifically discuss:

Complete ownership / title deeds to land reform beneficiaries as well as ownership to those living on trust land within communal areas.

I am certain that our people are patiently waiting for this matter to be taken to its logical conclusion, especially in communal areas. Hon Members, communal areas are characterised by severe poverty, overcrowding and isolation from economic growth and opportunity. One of the issues that inhibits development, is the lack of clarity on the status of land rights in communal areas. Our constitution clearly articulates our mandate in section 25(6) of the Constitution that:

A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.

Furthermore, the guidance from the 1997 White Paper on land reforms was that the aim of tenure reform, is:

To bring all people occupying land under a unitary, legally validated system of landholding so as to secure

different forms of land tenure, resolve tenure disputes and provide alternatives for people who are displaced in the process.

The common challenges facing communal land users or occupants are as follows: With land being a shared resource, there is no incentive to conserve land. It is difficult to make sound agricultural land use and planning. It is also difficult to implement sound livestock and grazing management, leading to over use and degradation. Land disputes are common, especially with regards to boundaries and an individual cannot use land as a collateral to get loan.

The current challenges on communal land tenure system can be traced back to the wars of colonial dispossession and were entrenched through the system of apartheid and legitimized through various legislation such as South Africa Act of 1909, Natives Land Act of 1913, Black Administration Act of 1927, the Native Trust and Land Act of 1936, Group areas Act of 1950, the Promotion of Bantu Self-Government Act of 1959, the Bantu Authority Act of 1951 and the Bantu Homelands Citizenship Act of 1970.

Communal land is governed by various pieces of legislation of which some were enacted prior to the democratic government and are still in existence such as Deeds Registries of 1937, State Land Disposal of 1961, Sectional Titles of 1986, Expropriation Act of 1975, Upgrading of Land Tenure Rights Act of 1991, Land Titles Adjustment Act of 1993 and Distribution and Transfer of Certain State Land Act of 1993, Provision of Land and Assistance Act 1993, KwaZulu-Natal Ingonyama Trust Act of 1994, Ordinances and Proclamations.

Hon Chairperson and members, after 1994, the democratic government enacted several pieces of legislation to redress inequity in land ownership as follows: Restitution of Land Rights Act 22 of 1994, Land Administration Act No 2 of 1995, The Land Reform (Labour Tenants) Act 3 of 1996, Communal Property Associations Act No 28 of 1996, Interim Protection of Informal Land Rights Act No 31 of 1996, Land Survey Act 8 of 1997 and all other pieces of legislation.

Government framed the Communal Land Rights Act as legislation that would help people secure their land rights. The law was enacted in 2004. However, as many rural people argued, the Communal Land Rights Act in fact would have undermined their security of land tenure because it gave traditional councils,

tribal authorities under apartheid, wide-ranging powers, including control over the occupation, use and administration of communal land. It therefore bypassed all other forms and levels of authority related to land – elected and customary. After a lot of opposition from rural people, the Constitutional Court struck down the Communal Land Rights Act its entirety in 2010.

It should be noted that our country has a dual land administration system. Secure tenure system is supported by cadastre; and insecure tenure system is largely administered by traditional leaders where land is either registered in the name of the state or remains unregistered and the state is considered to be the legal owner. The insecure tenure system is characterised by unregistered land tenure rights that is protected by Interim Protection of Informal Land Right Act, the right holders are either issued with Permission to Occupy PTO, leases, receipts and some of the rights are not documented.

Land ownership in the Eastern Cape still demonstrates that most of the land is in the hands of the whites as shown in the following: 40% is owned by whites, 28% is communal, 12% is owned by the so-called Coloureds and Indians, 7% is state

owned, 7% is municipal land and 6% is owned by Blacks. The Department of Agriculture, Rural Development and Land Reform in stating that although communal land is either registered in the name of the state or is deemed as unregistered state land, it is not actually state land. And as such communal land will play no part in land redistribution but will rather be transferred to the people who live on it.

The Department is developing policy and legislation in line with the recommendations of the Presidential Advisory Panel on Land Reform and Agriculture, adopted by Cabinet in December 2019. This will clarify the government’s position and provide the necessary institutional framework for future administration of communal land. Relevant stakeholders, including traditional leaders, will participate in the process.

The extent of informal land tenure rights tends to be contested and are sometimes vulnerable to confiscation on the basis of lack of use. There are households that bought land in freehold, but were prohibited from taking ownership, hence it was registered in the name of a holder of a public office in trust for a tribe instead of such households. The informal or off register land tenure rights deprive the holders of such

rights opportunities to participate in the economy and hamper effective land administration. The majority of rural and urban communities that live in informal settlements, backyards, inner-city buildings whose occupation is sometimes unlawful and or insecure. ... [Inaudible.] 12:30 – 15:00 Hon House Chairperson, all of us need to work hard to ensure that the above becomes a really. In our quest to make it a reality, we need courage and determination. As an African titan, Kwame Nkrumah once wrote:

Countrymen, the task ahead is great indeed, and heavy is the responsibility, and yet it is a noble and glorious challenge ...

Thank you, Chairperson. [Time expired.]

Mr L MAILLE (Gauteng): Thank you very much, hon Chairperson, hon delegates to the NCOP, hon members, colleagues, and comrades, in the introduction to Cedric Nunn’s book, unsettled: One hundred Years War of Resistance by Xhosa against Boer and British, Zakes Mda makes the following comment about the historical relationship between the African majority and communal land ownership, which is profoundly germane to us as we debate these important topics today:

These landscapes are storage places of memory. Embedded in these rocks, these dongas, these trees, these hills, these rivers, these valleys, these ruins, these monuments, these cities, these cairns are generations of narratives that continue to haunt the present.

Needless to say, the question of land dispossession and land ownership for the African majority, is one that has still not been adequately addressed, despite the Expropriation Bill having been recently adopted by the National Assembly. Tenure reform remains an existential necessity in order to address the historical injustice to use a phrase from a famous speech by former President Thabo Mbeki. This is crucial so that we can secure the land rights of the black majority, specifically when it comes to offering different options for collective land holding, where tenure options are often limited to communal property associations and trusts as things stand. The question remains whether these two options are the most effective institutional arrangements in order to give communities security of tenure?

It remains a common cause that insecurity of land tenure remains a serious problem for most communities, even as they may be experiencing de facto security of tenure on a daily

basis. This lack of legal certainty pertaining to securing land rights for communities, remains a bottleneck towards attracting investment and stimulating economic activity that has benefit for local communities in rural areas.

The challenge remains before us to democratise land tenure rights for communities, in line with constitutional principles, in a manner that will empower rural communities to take charge and be in control of their own developmental trajectory, in line with our stated aim as a people’s government of giving power back to the people and in all things putting people first.

Recent cases, such as the one in Xolobeni, in the Eastern Cape, give us relevant examples of the dire need for a jurisprudence that puts communities first on issues of land tenure, even as we pursue a developmental agenda that can often conflict with immediate community interests and aspirations. Of course, these are some of the growing pains of building a modern state with a progressive Constitution that considers common law and customary as complimentary and equal sources of our jurisprudence.

Even as we promulgate the Communal Land Tenure Bill, we must ask ourselves certain questions about the impact and consequential nature - both intended and unintended - of this Bill: Are we eradicating the dualistic apartheid land tenure system in doing so? Are we giving communities sufficient, varied tenure options in promulgating this Bill? Are the principles that underpin the Bill in line with constitutional principles of equality, human rights (both individual and group rights) and of course, democracy? These are but a few of the things to consider as we debate this most important of subjects for the health and well-being of our nation state and ultimately, what we must be able to answer for ourselves as we seek to advance the rights of communities to land ownership and security of tenure, is the question whether this is all in line with our mantra of:

*Sepedi:*

... matla ke a batho,

*IsiZulu:*

... amandla ngawa bantu ...

*English:*

... and consistent with the batho pele principle of governance that we have embraced as a progressive government of revolutionary democrats. We want to take this opportunity to thank you, Madam Chair, of the session. Thank you very much.

Mr W A S AUCAMP: Hon House Chairperson, members of this House and people of South Africa, when we talk about land reform, many people mistakenly think that we are only talking about agricultural land. It is however important to note that not everybody in South Africa wants to be a farmer. There are people who want to be doctors or teachers. Some people want to be mechanics. Other people want to be lawyers. I don’t know why but they do. The fact is that the one thing that all South Africans have in common is that they do want to own the land that they live on. Rural development and land reform is arguably one of the most sensitive topics in our country and if it is not handled correctly it will have dire and long- lasting consequences for everyone in South Africa.

The vision statement of the Ministry of Agriculture, Land Reform and Rural Development states that it wants vibrant, equitable and sustainable rural communities. How can this be achieved when millions of hectares of land are still owned by the state instead of it being owned by the people who live and

work on those areas? It is a shame that 28 years since the advent of democracy, those land areas are still in the name of the state and does not belong to the people who live on it.

Successive ANC governments have promised to address the issue of landownership in communal areas but they have failed dismally to follow through on their promises. The problem with land reform is not the Constitution nor is it the unwillingness of farmers to assist in making land reform a success. It is the corruption and poor governance inside the ANC that stands in the way of the successful implementation of land reform.

It is not only I and the DA that says this. This statement was also supported by the National Development Plan, NDP, as well as the high level panel under the leadership of former President *Kgalema Motlanthe***,** which stated that the Constitution was not the reason for the failure of land reform but that the failure was due to poor implementation of policy, corruption and a lack of urgency by this government.

Now, that is evident again today. In this debate, we do not have one member of Cabinet taking part. Not one Minister is here. They are not even attending this debate. Not one Deputy

Minister is here. When the MEC of the Eastern Cape hon Pieters addressed us, she did it from her car. How serious is the ANC about addressing these issues if this is the urgency with which they handle this?

Due to this failure by the various ANC governments, the DA will shortly introduce the land justice Bill. This new Private Member’s Bill will be groundbreaking because it will empower the estimated 16 million people living on trust and state- owned land, as well as land reform beneficiaries, to decide for themselves if they would personally want ownership of the land they live on. This Bill of the DA will, for the first time in the history of a democratic South Africa, enable at least 16 million people to truly get the most out of the land due to the fact that they will now own the land instead of being mere occupants thereof.

To give an example of the potential that can be unearthed if one owns your property, we can look at what most commercial farmers do with their property. They give it as security in order to borrow money to invest in their property. They do capital investments in order to get better harvests on the land and to improve their herds quality and quantity. Many homeowners use their homes as security for loans to make

improvements to their homes. One of the problems that all of these people that live and work on communal land have is that they cannot use that land as security in order to obtain capital to make improvements on that land. These land occupants are furthermore very reluctant to do capital investments on the state-owned land because very few people will make improvements and put money into something that does not belong to them and that they do not own.

This Bill of the DA will enable people coming to live on communal land to make improvements on their farms and homes with the knowledge that they are not improving the property that does not belong to them but that they are improving their own property and thus increasing the value of their personal estates, which they can in the future pass on to their children.

This Bill of the DA will also ensure that the right of individuals to own their land will not affect any cultural rights and associations that these individuals want to exercise in their communities. Land does not have to belong to a trust or to the state in order for the people who live on that land to form part of their cultural and traditional structures.

The hon Mthethwa gave a lot of figures. When he gave his figures he reminded me of our former President Jacob Zuma, but in listening to all the figures that he gave it is important to note that a land audit must be done with urgency. There are no reliable figures reflecting the true state of landownership in South Africa. Perception and emotions rather than facts drove policy formulation for far too long and without a reliable land audit it will continue to do so.

Instead of changing our Constitution to allow for the expropriation of commercial land and other properties without compensation, it is time to turn landholders who still live on land owned by the state into private landowners. Again, landholders must be turned into landowners.

By stopping to treat people on communal and state-owned land as second-class citizens without the right to own the land they live on, we will improve food security, lower the unemployment rate and malnutrition figures and at the same time create a sense of pride in humanity for these new landowners**.**

In this regard, the Private Member’s Bill that the DA is proposing will therefore create a win-win situation and will

be a great step forward in the history of democratic South Africa. I thank you.

Ms M DLAMINI: Thank you, Chairperson. The debates about land in its multiple manifestations is not merely about land as a physical entity, but it is about the reconstruction of society. It is about rethinking power and how power is held, by whom, for whom and for what purposes, which is why, as the EFF, we have since inception been clear on what needs to be done regarding land holding created by the colonial disposition and apartheid.

The EFF’s approach to land is that all land should be transferred to the ownership and custodianship of the state. The state should, through its legislative capacity, transfer on land to the state, which will administer and use then for sustainable development purposes. The transfer should happen without compensation and should apply to all South Africans. Reclaiming South African land is essential to the EFF in empowering black South Africans. This is a task which can only be achieved through the expropriation of land without compensation.

We have, in the past, made calls for the review and amendment of section 25 of the Constitution, to make it possible for the state to expropriate land in the public interest without compensation, as millions of our people live in frustration at the slow pace of land reform, with farm workers still being victims of legal and illegal evictions from farms, by farm owners, and their desperation for land they call their own.

Here, today, there are those who argue that private titling of land is the cornerstone of democracy and that amendments that seek to undermine private ownership of land could violate the principle of constitutionalism. This claim is nonsensical and you should dismiss it as the idea of privatising of land is an ideological one, not a constitutional principle.

Tenure to land can be secured and even be transferable through a proper system of recordable land use rights and registration. This does not have to be in the form of title deeds.

The idea also that a free whole system of land tenure is necessary requisite for development and investment is also not anything new. In South Africa, privatisation of land has long achieved its inevitable consequences. The vast majority of

lead is in the hands of a few. Social relations have been disequalibrated and access to and control of property is subject to mitigation processes.

We know this for the truth, as in the year 1993 there were about 58 000 commercial farmers in the country. This was reduced to 45 800 in 2002, and at 39 000 by 2007. Reasons for a decline being a number of reasons, but the main one being the buying off of smaller farms by larger and more capitalised farms.

Chairperson, we have a situation of unprecedented privatisation of land in this country, which is largely powered by racism. It is also the reason why South Africans remain the most inequitable society in the world. Our people have been waiting for years to have their land restored and the ruling party has failed to ensure that there is thorough decision and a resolution on the land question.

Power and liberation does not exist for our people, without ownership of property. Political power has not translated to economic power. The ANC has not led the country into a rise to economic equality for black South Africans. Socioeconomic

redress is needed for black South Africans who have been systematically oppressed for generations in their own country.

The idea of being able to claim land without ownership ought to be challenged, for it does not make sense for black people, who are in the majority in this country, not only live in but protect and care for spaces owned by the white man. We, therefore, call on South Africans to know that they must stop putting their trust in the ANC. The ruling party has demonstrated before that they can do nothing to give them the land back.

It is only through the EF where our people can reclaim what was stolen from them. Ours remains and will never change.

Expropriation of land without compensation for equal redistribution. We want the state to be the custodian of the land. Thank you.

Mr I NTSUBE: House Chair of the Council, it is quite refreshing to be here, and let us welcome hon Jankielsohn to the NCOP. And say that, hon Jankielsohn, all of us must appreciate and understand the project of near colonialism is still alive in Africa and all other parts of the world, particularly on the progressive forces. So, the issue of the

land, particularly you mentioned Venezuela and Zimbabwe, is not about the policy position, it’s about the imperialists using the economic force to disadvantage those countries. It’s like in Cuba; we know now that the economic Embargo was voted, but America use it as economic strength to out vote it. So, that is what we wanted to pass there, Chair.

House Chairperson, the DA has called a debate on the complete ownership of the title deed to the land reform ownership beneficiaries as well as those whose living on trust land within communal areas. While this may appear as a noble endeavour and something worthy of support, in form of substance for the DA call requires a closer scrutiny as it entrenches apartheid relations in form and in guise. Complete ownership and title deeds are important for the development of an asset base for those who were deprived of the land and property under the apartheid regime.

It is the ANC government which unfolded a programme for the development of housing in the urban areas and reducing informal settlement, as well as the development of a land reform programmes in rural areas. This programme has been holistic as it saw development of settlement programmes based on infrastructure development in order that the majority of

first time home owners do not receive a devalued asset. In the rural areas, the ANC has sought to ensure that the land reform includes creation of small and medium farms which increases food security, create employment and economic development.

Again, the ANC has a holistic approach to land reform and land ownership in the country for those who require the correction of the historical injustice of apartheid era through economic exclusion. It is holistic as it seeks not only restitution and security of tenure, but also seeks to consummate an inclusive economic development against the backdrop of apartheid economic exclusion of the black majority from participation.

Moreover, the problem with the narrow focus of the DA on a complete ownership and title deed is that it does not seek to negate apartheid spatial planning and therefore the value of title deeds without concomitant services to ensure a decent standard of living is devalued. So let us rather spend time in this debate ... Am I protected Chair? [Laughter.] So let us rather spend time in this debate on a value added ownership and title deed, rather than one which entrenches inequality, unemployment and historical exclusion.

Over a number of years, the South African economy has experienced low levels of growth and this was compounded by

the COVID-19. This had a negative impact on the increasing level of unemployment, poverty and inequality. The land reform is the fundamental part of transformational programme of the ANC government. It has important political, economic and social implications in a country like South Africa.

The historical injustice of the past was exercised through the land deprivation of the majority of the people in this country, if land tenure only possible through the former homelands. This impacted negatively on the economic development of the majority of the people in the country and force the people of the land to become part of the cheap labour system. This had a disruptive social effect on a family structures and a family life of the majority of our people.

Deprivation of the land simultaneously meant the deprivation of the political rights. Therefore, the corrections of the historical injustices of apartheid through the land reform programme is a critical transformation of the South African society. The lack of economic activity and land reform in an outflow of people from rural areas into urban areas seeking better economic prospects.

Land reform is critical component to accelerate inclusive economic growth and development. It has the potential to increase economic productivity in the rural sector and food security in our country. This will have the effect of boosting economic growth and lowering unemployment in our country. It empowers people and communities within micro economy where jobs are created and needs to be created. It also builds the local economy and allow the development of other services which are related to the development of small and medium holding farms.

This kind of micro economic development prevents pressure from the rural areas to the urban areas through the concomitant pressure on social services. Access to the land by small holders and subsistence farmers is not just a simple issue of title deeds but ensuring that there is sufficient support of structures to ensure the success of development of these projects. The first critical issue is to ensure that there is a low cost funding available for the development of small and medium farms which does not reinforce debt in project that may not necessarily realise the profit in the first financial year after a start-up.

Whilst the title deeds allow the collateral to raise funding, this enabling for functional and existing farmers for further development and does not assist emerging farmers which requires financial support. The blended financial model for the funding for the development of emerging farmers does not assist as it is difficult to access by emerging farmers and have conditions which emerging farmers find difficult to fulfil.

It is imperative that the building asset base of South African citizens occurs as it will ensure a reduction in inequality and this can only occur through the land ownership in both urban and rural areas. But for this to have economic value and meaning, it must not be viewed in isolation of the overall development required for the land reform and special development. Emerging farmers and residential settlements in urban areas also requires infrastructure development as it is critical for the development of vibrant, small and medium scale farming sector and functioning of urban communities.

This in terms of water and electricity has farming and urban settlements are depended on these two important inputs for its success.

Moreover, in a technological economy, it is imperative that telecommunication exists in those areas. Therefore, the land reform programme has important dependencies for its success. The ANC government is not intending to engage in a land reform to create dumping grounds for the people as it was in the apartheid era. The development of government of dams in different parts of the county and the development of water infrastructure by municipalities is a critical part of ensuring that small and medium scale farming can succeed.

In urban areas, water supply ensures a dignified and modern level existence and improves quality of life of people. Whilst farming is a labour intensive activity, it also requires electricity for its success as produce which are harvested are required to be kept afresh for the market. The development of urban settlement requires adequate electricity supply of modern living. Therefore, it is critical that the spatial development through land development programme is coupled with infrastructure which will enhance the value of the land programme.

It is imperative small and medium scale emerging farmers have access to the transport infrastructure in all forms of rail and road access to domestic and exports markets. Therefore, it

is important that infrastructure development under the economic reconstruction and recovery plan occurs as it will provide a positive ... [Inaudible.] ... for the success of the land reform programme. Therefore, the urban settlements developed for blacks far away from employment opportunities which resulted in higher cost of black workers whose labour was already promised on a cheap labour system. This was a global anomaly as international most working and middle class people based in the urban areas, are allocated in areas close to the employment with the rich occupying the suburbs in outer urban areas.

Apartheid spatial planning still exists in urban South Africa. Therefore, the development of Spatial Planning and Land Use Management Act, which seeks to ensure integrated spatial planning urban sector which benefits communities. This development is coupled with emphasis of micro economic development for food District Development Model, in both urban and rural areas. This means the development of Special Economic Zones Industrial Parks in the areas and Agri-parks and Agri-villages. This will allow for the development of both rural and urban industrialisation and manufacturing to occur near the settlement areas of small or medium skill farms. This

legislation will fundamentally change the face of our rural townships communities as it based on integrated development.

Therefore, it is incorrect to view the development of small and medium farmers or new urban settlement through the land reform programme purely through the lens of title deeds and issues associated with communal land tenure. Rather, the ownership and creating asset which possesses economic value is more important than just ensuring a title deed which becomes part of the asset based on financial institution through the home loan books and farm loans rather than people’s ownership.

The DA, in its so called intention to seek, to entrench apartheid, social relations in new forms such as ensuring that title deed without accompany value. International example about that is; the land reform can and should become engine of local economic growth and job opportunities. In conclusion, the ANC is committed to land reform ownership and title deeds, but not in poverty, inequality, unemployment and historical and economical exclusion of our people. Thank you very much.

Mr M R BARA: Hon House Chair, hon members, fellow South Africans, good day, it is quite sad that we don’t have anyone from the Ministry to take part in this debate, which we think

is central to the development of this country probably that is not seen by our Ministry.

The DA support a lame reform process that among other things achieves redressing rural communities, which promotes economic inclusion to relieve rural people out of poverty and supports growth and prosperity in the agricultural sector.

Many South Africans live on land that they do not own and about 16 million people are looking up to government to give them land and empower them.

One of the key outputs when one considers the issue of land ownership is food security, which will be alleviated significantly if the land question will be resolved. One of the issues that inhibits development is the lack of clarity about the status of land rights in communal areas. These are characterised by severe poverty, overcrowding and isolation from economic growth and opportunity.

Section 25 (6) of the Constitution states that: A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled,

to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.

This forms the basis for which the DA interns to go to SA Human Rights Commission to lay a complain over the failure to accede to the law and the Constitution.

The Department of Public Works and Infrastructure decided to evict farm occupants who were making a living on their home. Instead of following the correct route we have noted with dismay how the Nonkebhotani Agricultural Primary Cooperative from Hopefield Farm in the Eastern Cape were evicted from the state-owned farm land they have occupied for almost two decades. They lost their livestock, grain, equipment and ultimately their livelihoods. These all happened in the height of COVID-19.

The ANC government does not care for the people. Poverty and hunger induced the rural poor to deplete land and forest resources. If landlessness is not corrected the rural poor are likely to remain poor for almost the whole of their lives to pass on their poverty to the children and grandchildren and to die of easily preventable diseases.

The single biggest step forward for sustainable land reform would be to provide title and ownership to the 16 million people living on trust land. It is unacceptable that the poorest people in our country still do not enjoy equal rights to property ownership. Instead of plunging our country into chaos through expropriation without compensation empowering people in communal areas will ensure justice, dignity and economic development.

AgriBEE is also supposed to support farmers to purchase stakes on agricultural value chain. This may succeed to some but to many South Africans it is not succeeding at all. Like with all BEE projects of this government only a select few are empowered.

Blended finance between land and government also failed to deliver the positive result Pedro walk away from this agreement. Pedro bought on a commercial bank because the Land Bank was failing to support land reform and the frustration that they were going through in accessing and approving deals.

The poor status of Land Bank with its lack of capital and the risk appetite to support black farmers has led to many farmers not being able to receive land reform support.

In our current economic order when no one is keen to creates unskilled jobs, access to land for livelihoods and work and simple as part of the social safety neck is vital important. Poor people need land but poor people do not feature in our government’s land reform plan. Instead of providing equitable access to the many millions of rends are spend on glamorous and impractical vanity projects for the few.

Land reform must be part of a meaningful local economic development plan that can help the poor and diminish in equality. If you want to embark on massive land redistribution responsible to create jobs and reduce poverty, we need a functioning government. And that’s what we as a country do not have at the moment. We must shift the focus of land reform from meeting targets to meeting needs.

The land reform programme must look beyond rural land and truly address the land needs of South Africans who have historically been excluded from land and property ownership, including the need of access to urban land and housing opportunities.

We need comprehensive data on land reform projects that will allow for the identification of common failures that must be

addressed and the duplication of models that have been successful.

State holders in the private sector and civil society can make an invaluable contribution to the success of land reform and government departments must actively pursue partnerships collaboration to achieve shared goals.

Twenty-eight years after transition to democracy and commencement of land reform there is a great deal of lived experience to reflect upon and reach literature to draw on. Access to land through redistribution programmes is not just a right but the state must take reasonable measures within its available resources to foster conditions and enabling equitable access to land. I thank you, House Chairperson.

Mr M A P DE BRUYN: House Chair, Nelson Mandela said in 1995, and I quote: *With freedom and democracy, came restoration of*

*the right to land*. Chair, 28 years later the right to land is still not with the opening in last 1994. And the reason for this is the ANC government. So, the Africa Land Reform Programme has suffered many failures and the beneficiaries have in many cases see little or no improvement in their livelihoods.

*Afrikaans*:

Vir vier dekades word meer beloftes en vals hoop van grondeienaarskap soos ’n wortel voor die neus van die armes gehang om vir die ANC steun te werf en vir dekades lank word die armes van Suid-Afrika vol hoop vir ’n beter toekoms en beter lewe mislei deur ... [Onhoorbaar.] ... van die ANC ... [Onhoorbaar.]

Grondhervorming kon deur middel van nasiebou, versoening en ekonomiese welvaart gewees het, sou dit billik en regverdig toegepas word, maar die ANC het eerder verkies om haat en rasseverdeeldheid te skep met die wyse waarop die grondkwessie benader en bestuur word. Die skokkende ... hiervan is die feit dat die meeste mense wat hierdeur benadeel word arm burgers is en in die meeste gevalle ANC kiesers is.

Enige logiese mens se verstand kan tog vir homself indink dat ’n blote plakkie aarde alleen nie rykdom kan verseker nie.

Grond moet bewerk word om ’n wins te kan wys en stedelike eiendom moet ontwikkel word om van waarde te kan wees. Om dit te doen kos geld — geld wat bitter min mense in Suid-Afrika in sy agtersak meer rondloop. Om grond — landelik of stedelik — te ontwikkel het jy sekuriteit nodig om fondse te kan bekom en sonder ’n titelakte vir jou grond is daar geen sekuriteit nie.

Dus is daar ook geen fondse nie en hierdie is die kringloop waarin duisende begunstigdes van grondhervorming hulself bevind sonder enige hulp of bystand vanaf die regering wat enigsins van waarde is.

*English:*

Hon Chair, since the beginning of land reform the beneficiaries of land reform should have received title deeds in order to empower them to successfully and sustainable utilised the land they received but instead it was a set up for failures. And the only ones who benefited from land reform is the political parties that abused hope of the poor to gain support only to abuse that same support again when elected.

House Chair, giving people land and still deprive them for ownership of that land is regressive. And as much as land reform is justified by some it is self-befitting for the government dumped people on land without sufficient or relevant support and title deeds.

*Afrikaans*:

As die ANC werklik ernstig is oor die bemagtiging van almal in Suid-Afrika ... wat grondhervorming kan bied, sou hy verseker het dat die begunstigdes hiervan ’n realistiese kans

toegestaan word. Hy sou verseker het dat die begunstigdes van grondhervorming sekuriteit in terme van eienaarskap het om homself volhoubaar te kan onderhou en by te kon dra tot voedselsekerheid in die land. Hy sou ook verseker het dat die mense van Suid-Afrika die vrugte hiervan sou kon pluk en nie net die regerende ANC nie. Dankie.

Ms B P SHIBA (Mpumalanga): Hon House Chairperson let me greet you, as well as the Deputy Chairperson, Ms Sylvia Lucas, hon members and MECs present, sanibonani (greetings.)

In direct response to the segregationist law passed by the Union of South Africa in 1913, the Natives Land Act of 1913, the democratic dispensation led by the Rpublic’s first democratic President, Dr Rolihlahla Nelson Mandela formulated the Reconstruction and Development Programme, RDP policy.

The RDP policy on land set to the goal of redistributing 30% of the farmland taken brutally from our people, within the first five years of the dispensation in 1999. The Natives Land Act of 1913 confined to the majority of the natives into 13% of South Africa’s total land, while reserving 87% of the land for the white Europeans minority.

In the process of this mass land theft legalised by the Natives Land Act of 1913, not only did our people leave their livelihood, but also lost their property in terms of cattle which were either forcefully taken or taken from our people in lieu of useless bracelets despite their protestation, in particular by the KhoiKhoi community in the Western Cape.

Hon House Chair, the redistribution process under the democratic dispensation faced severe headwinds of opposition as evidence in the unreasonable affordable market prices, which were asked for by the sellers in addition to the not so successful, willing seller, willing buyer policy. It is therefore correct that, the President when handing over the title deeds to 50 households of Ebenhaeser, Beeswater in the Western Cape in 2019 when he said, I quote:

It is in the ownership of land that we find ourselves in the independence as a people. It is land that we rely on to live to work and to eat. It is land that holds firmly, the roots of our ancestors. Land is the one thing that endures the passage of time.

Whereas government through the Commission of Restitution of Land Rights, has made a significant advance in restoring land

to significant masses of our people, we equally acknowledge that, there is still more for us to do. It is also

...[Inaudible] ... to this stage to recall the ultimate advice of our former President Mandela that, after climbing one hill we discover that there are more hills to climb. The current situation is not good, and unfortunately, it cannot be left unattended.

As stated in the ANC Land Reform Policy Document, the evidence from reported and unreported cases of evictions, land invasion, irregular land uses and other activities are an indication that, the majority of South Africans continue to be landless, or with insecure land rights. For an example, in Mpumalanga, eviction of farm dwellers and labour tenants is the order of the day.

This committee is aware of the plight of the people who are facing evictions from mining houses and farmers mainly in Gert Sibande and Nkangala districts. People are evicted from farms where they have been living in for many decades. The unfortunate part of this is that, they are not only removed from the residential and livelihood land, but they are also deprived of the access to the graves of their people.

Hon House Chair in some cases, this committee heard in the past the stories of farmers removing remains to bury them in mass graves, without following legal processes for grave relocation. Extreme cases are where people were shot, injured or killed.

House Chair, it is an empirical fact that, any other intervention to these challenges that we are talking about has failed. Therefore, the only solution is for these people to get a secured tenure which will give them a complete ownership of the land they are living in. It is known as that on third of citizens in our country live in communal land areas of which in majority are the ...[Inaudible] ... of poverty.

The Majority of these people have no security of tenure thus relying on rights to occupy to documents which form a receipt of conflicts. Insecure or illegal tenure makes it not possible to make meaningful investment decision or land development.

The fact that some of the chiefs or tribal authorities have in the main, embarked on selling and or leasing pieces of land without community consultation and consent, reflect the need to secure tenure rights via a title deed.

Currently, people with insecure tenure are relying on Interim Protection of Informal Land Rights Act, Act 31 of 1996 from losing their right to learn. That piece of legislation remains the main legislative instrument to deal with the development decision in the communal areas. However, we need to review our available different policies that are striving to address the issue of land ownership and security of tenure, to allow the country to give land reform beneficiaries complete ownership.

This will allow these beneficiaries to use their safety to advance their livelihood. While various forms of official tenures were crafted to institute property rights for one aspect of the South African society, the African majority has no right to such tenure and it is our duty to move towards full or complete tenure security. *Aluta continua* on land rights restoration to the masses of our landless people in our lifetime. Thank you very much hon House Chairperson.

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon members, now I would like to invite the Deputy Chairperson of the NCOP to take over on hon A P Van der Westhuizen. Over to you, hon Lucas.

Mr A P VAN DER WESTHUIZEN (Western Cape): Hon Chair ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Van der Westhuizen, can you just allow me to properly accept the chair. So, we will now allow you, hon Van der Westhuizen, to continue the debate. Thank you.

Mr A P VAN DER WESTHUIZEN (Western Cape): Thank you, hon Lucas. Hon Chair, the National Development Plan, NDP, asserts that, land reform is necessary to unlock the potential for a dynamic growing, and employment creating agricultural sector. Unfortunately, despite South Africa’s best efforts of land reform, the end result has most often, not being to grow agricultural output, nor to create more employment opportunities.

I’m grateful to say that, the Western Cape has been able to overcome this trend, and to achieve the goals of the National Development Plan, NDP. The Western Cape government, is committed to making a success of the land reform programme, and we continue to provide effective support to land reform beneficiaries through our Department of Agriculture. Our programme is fostering regress and equity through land reform. I welcome the opportunity to share some of the innovative approaches of our province with you.

Our programmes succeed, as we value the knowledge and support of existing farmers and commodity organisations. We also value property ownership. For an example, we have 11 signed Memorandums of Understanding, MOUs, with industry partners, focusing on key value chains in our province. One of the major obstacles for beneficiaries of land reform projects, has always been access to markets. The MOUs that we have signed with the commodity organisations, facilitate access to markets and mentorship support by these commodity organisations, at no cost to the department, nor the farmer, thereby contributing to the commercialisation process.

Furthermore, it was through this commodity approach that the department also awarded the jobs fund projects, valued at R120 million for the commercialisation of farmers in the

deciduous sector. Through this project, we have added over 300 hectares of fruit for land reform farmers since 2016. The Western Cape, is by far, the only province that has a proven model for successful land reform and job creation. No wonder that, while we have been able to create 71 000 new agricultural jobs since 2012, the total growth in primary agricultural jobs for all eight remaining provinces, comes to only 40 234 jobs.

The land reform success in the Western Cape, is not just a matter of statistics, it represents people that are proud of their own success stories. Numerous of our land reform farmers are already playing big in the economy with the support of the Western Cape government. We have some well-known in the agricultural economy, such as farmer Andre Cloete, who has mixed farming, mostly fruit, Mr. Ismail Motala and Errol April, also fruit, and numerous others that farm with grain, livestock, rooibos, etc. The list goes on.

These farmers form part of the 50 commercial farmers that the department has identified since 2017, and that received dedicated support to deepen their commercialisation, and their products are sold both locally and in the export markets. You know the old adage, “you can only manage what you can measure.” The performance of the Western Cape government on land reform, was measured during two studies in the last decade, to gauge the success rate.

These studies revealed the success rate of 62% in 2014, with an improvement to 72% success in 2019. This is very important for us, given the reported success rate of only 10% elsewhere. It is important, however, to note that one of the main challenges facing land reform, is the availability of funding.

International studies have shown for every R1 spend on land acquisition, there is a need for R2 to be able to provide support.

This is unfortunately a challenge, hence our partnership arrangements with the private sector in the Western Cape to help stretch the limited resources. In our experience, the private sector is a friend of land reform in South Africa. This is amply demonstrated by the following: The Partnership in Agri Solutions, PALS, is an exciting initiative which works towards enabling communities seeking to successfully implement land reform. The collaboration between the Western Cape department and PALS is an exciting initiative, as the department provides PALS with support to roll–out PALS Projects.

Farmers such as Gerswin Louw and Raymond Koopstad are two great examples of the success of the PALS way of land reform. We are excited to note that PALS is now being extended to other provinces. Recently, Hortfin, the blended finance scheme created to facilitate and enable transformation in the fruit, table grape and wine industries value chain, announced a new partnership with First National Bank, FNB. The collaboration between FNB, Hortfin and the jobs fund, has resulted in an

innovative funding structure that includes commercial funding from FNB and patient funding from Hortfin and the Jobs Fund, which has favourable funding terms for emerging farmers.

This agreement provides the ability to grant emerging farmers greater access to commercial financing in the agricultural sector. The approach to be followed is to focus on market-led and district based commodity value chains and corridors.

Chairperson, I have highlighted the exceptional contribution of the Western Cape in creating new jobs in the agricultural sector through land reform. Yet, we want to do even better. Unfortunately, this requires the national Department of Water and Sanitation to invest in critical projects, for water infrastructure in the Western Cape.

We believe that the following projects are critical, to unlocking opportunities for land reform beneficiaries and the Western Cape has therefore submitted the following projects for inclusion in the Agricultural and Agri-Processing Master Plan. Firstly, increasing the water available from the Brandvlei Dam by 33 million cubic metres. This will increase the area under irrigation farming by 4 400 hectares, which will increase the value of agricultural production from

R4,2 billion to R7,2 billion, direct employment from 28 800 to

47 700 and the achievement of 56% of the land reform target in the Langeberg and Breede Valley Municipalities.

Secondly, increasing from 12 million cubic metres to 23 3 million cubic metres, the water from the Buffeljags Dam. This will allow irrigation production to increase by 1 852 hectares, which will increase the value of agricultural production by R1,2 billion and create another 2 850 jobs in the area. Thirdly, the raising of the Clanwilliam Dam will ensure water allocation reform and socio-economic development in the Matzikama and Cederberg Municipalities of the West Coast District.

Raising the dam by 13m will increase the yield of the dam to a total of 169 million cubic metres per year, making water available for the development of more than 6 000 hectares, additional irrigation of high value crops. The biggest percentage of this water, has been allocated to the emerging farmers. This project is launched as far back as 2013, and it has seen serious delays. The project has been repeatedly relaunched, first by Minister Mokonyane and again earlier this year, by Minister Senzo Mchunu.

Travelling on the N7, you will see the construction equipment of the Department of Water and Sanitation, where they have been standing idle for years. The fourth project aims to increase agricultural production in the Little Karoo and surrounding areas to the value of R110 million per year, and the creation of another 1 000 additional jobs in the value chain. In addition, a 2 500 hectares increase in the area of high value crops under irrigation.

Hon Deputy Chairperson, farming depends to a large extent on the weather, and particularly rainfall. Droughts are a reality, and climate change will bring changes in this regard, which means that almost all farms, sometimes need financial support to survive the unfavourable years. In the modern economy, a farmer submits his or her farm to the bank, which then lends money against the value of the farm. This can, however, only be done if you have ownership rights to that farm.

New farmers, without a property right, against which money can be borrowed, are in a disadvantaged position and cannot access loans in order to fund the next season’s expenses. [Interjections.] Thank you. The transfer of full ownership of land to carefully selected, well trained, and financially

supported land reform beneficiaries is the way to go, in order to see real redress. I thank you.

Mr N M HADEBE: Thank you, Deputy Chairperson, land reform and the restitution of land of the people of our country have taken far too long, to effect change in the lives of millions who were destitute and disfranchised.

Section 25 of the Constitution clearly states that:

No one may be deprived of property except in terms of law

of general application, and no law may permit arbitrary

deprivation of property.

This brings me to the issue of the turnaround time for the issuing of title deeds. Ideally, the deeds office should not take more 10 days to deliver a title deed to the conveyancer after registration. However, this has not been the case which has resulted in a backlog of thousands of land claims.

The Land Claims Court and its commission has been reported as extremely dysfunctional and vastly under resourced. This leads me to question: Why the human resources and finance department

of these entities are not being capacitated to clear backlogs of land claims at a faster rate?

It is quiet alarming that the ruling party has failed to settle land claims, dating as far back as 1998. This has led to the now looming R65 billion needed for clearing the thousands of outstanding restitution land claims. This is a failure the government’s own making. If it was not for the revelation as seen in the Zondo Commission of widespread government corruption, the resolution on land claims could not have been resolved by now.

Unfortunately, considering the government’s incapacity to manage the current rate of water and electricity collection. We are fearful that the additional land ownership will not be met with a responsible revenue collection by the government for these parcels of land.

The revenue collection for this land is vitally important for the development of communities. They should not be left to their own devices as supporting infrastructure development needs to be rolled out at an equal pace.

Public confidence in the government to safely and responsible administer public funds, is at an all-time low, with scandal after scandal, affecting our communities at local level.

Communities in some cases have resorted to taking matters into their own hands. Even though they are rate paying communities, because they can longer wait for the government to address the country’s electricity, water and road infrastructure needs. I thank you, Deputy Chairperson.

*Afrikaans*:

Mnr J J LONDT: Agb Ondervoorsitter, ek sien u word die afgelope tyd elke keer toegelaat, om na my te kyk die. So, ek waardeer dit opreg.

*English:*

Mr J J LONDT: Deputy Chairperson, I would have said hon Ministers, but have none here online or in the House. And hon members, before I get to my speech I do wanna say that today is the last plenary that hon Sileku is with us. His name was submitted today to the Independent Electoral Commission, IEC, to go to the provincial Parliament. So, I do think on behalf of the NCOP we can wish him all the best.

And the hon Maille, I think you remember the name, hon Sileku because he warned you that you will get beaten in court with your decision Tshwane but you didn’t listen ... [Interjection.]

Mr L MAILLE (Gauteng): You don’t know what you are talking about, so don’t talk about things you don’t know. If you want a debate about Tshwane let’s talk about Tshwane, don’t smuggle it... [Interjection.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Order,

order, order hon Maille order hon Londt! You may continue hon Londt, order!

Mr J J LONDT: ... I will continue in the dark Deputy Chair. So hon Maille just to make sure, hon Sileku warned you, that you you gonna get beaten in court and you were and then you went and lost an internal election as well. So, you on a losing streak and yet again today you come and stand here and choose the wrong side of history, hon Maille. You gonna lose the Gauteng government as well and gonna sit in opposition benches

... [Interjection.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon Londt,

can you address hon Maille through the Chairperson, don’t make it a discussion between the two of you.

Mr J J LONDT: ... through you Deputy Chairperson, I’m sure ... [Interjection.]

Mr L MAILLE (Gauteng): He doesn’t have a speech that is why he just is talking about me.

Mr J J LONDT: ... and my reaction I am sure is landing very close to home and in his heart. Then, it’s an absolute honour and a pleasure to participate in this debate. And hon Jankielsohn I wanna thank you for carrying in this critical important debate but also very sensitive topic that needs to be addressed.

And is important that we do not shy away from having these difficult conversations that will take our country forward. And hon Jankielsohn, your participation in constructive inputs, the same as those from hon Aucamp, hon Bara and hon van der Westhuizen, is in stark contrast to those ANC members and even the hon Minister Didiza who is not even in the House

or online. That shows the absolute disregard and disrespect that she has for such a critically important topic.

Hon Mthethwa, you said that the ANC have a balance view ... [Interjection.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon Londt,

I think at this stage I really, really must come up for the Minister who is not present, but who have explained that.

Unfortunately, at the last, the President ... [Interjection.] I am doing it because it has been said already we take note

... [Interjection.]

Mr W A S AUCAMP: Deputy Chairperson, on point of order!

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): ... hon

Aucamp, I am the Chairperson, I am determining the order in this House ... [Interjection.]

Mr W A S AUCAMP: Deputy Chairperson, I am rising on a point of order, please!

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): ... the

Minister is in Egypt, accompanying the President, I am

explaining to hon Londt because I can see it is really important that we must know, when we begin to criticize... [Interjection.]

Mr W A S AUCAMP: Deputy Chairperson, I rise on a point of order!

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): ...and your

order is?

Mr W A S AUCAMP: Deputy Chairperson, I rise on a point of order: I think everybody in this House is confused at this moment. Because we have got the House Chairperson sitting in this Chair and you are budding in from the side. You are not in the Chair at this time, even though you might be the Deputy Chairperson ... [Interjection.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): ...if you

were listening you would have known... [Interjection.]

Mr W A S AUCAMP: ... House Chairperson, are you going to vacate the seat and let her go on or who is in charge at this House sitting?

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): ...

[Inaudible.] ... A P van der Westhuizen was debating, I started presiding and that is what... [Interjection.]

Mr W A S AUCAMP: [Inaudible.] ... somebody in this House Deputy Chairperson then hon Ngwenya should vacate the seat ... [Interjection.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): ... no the

problem is that you didn’t even listen when she gave the presiding... [Inaudible.] ... [Interjection.]

Mr W A S AUCAMP: ... Deputy Chairperson, we’ve got two Chairs at the moment, we’ve got two Chairs at the moment ...

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): ... hon

Londt, I am sorry for that. We will allow the few minutes that is still available and you may continue.

Mr J J LONDT: Thank you Deputy Chair, I am glad that you pointed it out, that the hon Minister is out of the country, but it also shows that not a single member of this bloated Cabinet, takes this matter serious enough to be here. Not a single deputy Minister of this bloated Cabinet, takes this

matter seriously enough to be online, not even in the House, just to be online. So, that is the disrespect that this Cabinet shows to the Members of the NCOP and to the South Africans that need to have the legislatures take this matter to heart.

Hon Mthethwa, you said that the ANC have a balanced approach to land reform and I have seen your balanced approach. I mean you were trying to balance between outright theft and corruption through tenderprenuers. That is the balance that you apply in land reform. And the same way your time was up for your speech because you didn’t deliver it well, the same way the ANC’s time will be up at the next elections because you did not deliver at all.

Choices, every single day we have choices that we make. Even just starting off by choosing what you will wear. You have choices that you make in life that has a longer impact. And we as Members of Parliament, we have choices to make that impact the lives of millions of people. Today we standing in front of such a choice. And you have that choice to adhere to the Constitution, the Constitution that allows you to choose who to associate with, where to live, who to love. That Constitution that millions died for?

The Members of Parliament have a choice to fight for that Constitution. Because millions of South Africans want the choice to own the land they live on. They want the choice to own the land they work on. And that is the job of Members of Parliament to make sure that we give them that choice and do not take that away from them.

Hon Bara, ANC members like I said you have the choice to go the disaster’s route of expropriation without compensation, as your ... [Inaudible.] ... have been advocating, since the inception. Hon Bara said it best, the single biggest step forward for sustainable land reform would be to provide title and ownership to the 16 million people living on trust land, at least give them the option and the choice to take that.

Thank you, Deputy Chair.

It is therefore unacceptable that the poorest people in our country, still do not enjoy equal rights to ownership. And hon members you have the choice to continue supporting the current trajectory of the ANC government or you the choice to support the DA’s Land Justice Bill. You have the power to empower millions of South Africans by giving them a choice to own their own land. I thank you.

Mr Z MKIVA: Good afternoon, Deputy Chairperson, let me take this opportunity to greet you and all the members of this House as well as the MECs that are here and all millions of South Africans that are watching this debate. It is rather very strange that the DA has taken to propose a debate on the issue of the complete ownership and the title deeds. One would not have expected them to want to romanticise the issue of title deeds because I think the most important thing that should come ...

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Hon Mkiva.

Hon Mkiva, your microphone please.

Mr Z MKIVA: My microphone is on.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): We can hear him on the platform. [Interjections.]

Mr Z MKIVA: Yes

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): We can hear him on the platform, Chairperson. So, I don’t know, maybe the problem should be in the Chambers.

Mr Z MKIVA: Okay. I was saying that it is rather strange that the DA has proposed the debate on the complete ownership and title deeds. One would not have expected them to want to romanticise the issue of title deeds before the restoration of the land ... [Interjections.] While the issue of title deeds is a crucial one for land reform, it is being proposed in a one-sided way as title deeds are crucial only for land security but in itself does not constitute restitution and economic development of people and communities.

Land reform is critical to ensure inclusive economic development in both the urban and the rural areas. So, I am saying and I want to underline this point that the issue of the title deeds cannot be put forward as if it is the only preoccupation of land reform. The starting point is the full restoration of the land that was dispossessed from the African majority brutally by people of European origin. And where we stand, the DA is still an organ and a remnant of an apartheid structure and it represents the interests of those who want to maintain the status quo in so far as the land ownership in South Africa is concerned.

We should reject its posture with the scorn that it deserves. This is not dissimilar to the DA handing out the title deeds

in a piecemeal manner after the African people have been paying for those homes over many years, many times over the value of the development of those homes. Complete ownership and title deeds which the DA has been granting have come to the African majority too little too late. What do I mean by this – in simple terms, it is the ANC government that has embarked on a programme to ensure that South Africans are not afforded quality and affordable housing, but they get to have ownership of their land and property.

I just want to inform you that the people in the rural areas who constitute a significant percentage of the population of this country that represent the African majority, they are not so much worried about the issue of title deeds because the homes that they live in are not bonded homes, they are not mortgaged. They own them; they have built them with their own sweat and energy and their own resources. Therefore, they don’t own any financial institution and you think you are trying to trick the majority of our people so that they can get mortgage in the final analysis.

The apartheid government built houses as some kind of compounds for labour reserves in the black townships and made Africans to pay rent for such houses. So, when rolling out

title deeds, it must be done against the backdrop of knowledge of our history and that the Africans have already paid their houses through sweat and blood.

It is critical that there is focus on more than just complete ownership in a narrowest sense of the word, and that is through the title deeds. The ANC has committed itself to accelerate the transfer of title deeds to the rightful owners as part of the rapid release programme that makes parcels of land available for those who want to build houses for themselves. Furthermore, the ANC is committed towards ensuring the security of tenure through adequate recognition and protection of the rights of the long-term occupiers – women, youth and labour tenants under the communal land tenure system.

Hon Lindiwe Bebee spoke about this in detail and in a very progressive and constructive manner. Since 1994, the ANC has built over 3,2 million houses, something that the apartheid government has failed to do for the African majority even during the height of the country’s economic boom under apartheid capitalism. The backlog in terms of issuing the title deeds to the beneficiaries is being attended to with urgency.

We on our part wouldn’t like to see a regression in terms of transforming the skewed land ownership patterns and urge our citizens not to sell title deeds to other third parties. And we know that you are lining up and you are advocating the issuance of these title deeds so that you can have an opportunity of standing on the other side of the counter and be ready to push money in order to sell the very same properties you seem to be advocating that our people must own.

Land reform is the critical tool for economic development and it is important that there is an appreciation of the fact that many Asian tigers developed on the basis of land reform and rural economic development. For us in the ANC, we will keep emphasising that our land reform is about redressing historical injustices and dispossession of the African majority. That is also a vital opportunity to unlock growth and promote socioeconomic transformation and that it provides the sustainable but radical way of addressing the land question.

We will use it to build productive assets for our people and unlock agricultural productivity, secure food security and address the persisting reality of apartheid spatial separation. The DA does not even have a policy on the land

reform except to underline sentences which talks to complete ownership and title deed ... [Interjections.] ... That is the only thing that they know because they know for a fact that they want to protect the land that remains in the hands of the few who are the minority in our country. And at the expense of the majority of this country ... [Interjections.] ... such a people who behave as if ... [Interjections.] ... [Inaudible.]

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): ... order.

You can heckle but not so loud. [Interjections.] You cannot drown the speaker.

Mr W A S AUCAMP: Hon Deputy Chairperson ... [Interjections.]

... will the speaker take a question, please.

Mr Z MKIVA: No, I am not going to take a question. We are discussing a question that we have already put ... [Interjections.] ... [Inaudible.]

*IsiXhosa:*

ILUNGU ELIHLONIPHEKILEYO: Sukuyithetha into ongayaziyo.

*English:*

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): Continue

... [Interjections.] Continue, hon Mkiva. [Interjections.]

*IsiXhosa:*

ILUNGU ELIHLONIPHEKILEYO: Yiyeke into xa ungayazi.

Mnu Z MKIVA: Apha siqubisana nabantu abangenazo iintloni, Sekela Sihlalo. Abantu abayaziyo into yokuba yinkqubo yobungqondo-gqwirha eyenza ukuba kohluthwe umhlaba kwisininzi sabanini beli lizwe. Kunamhlanje nje, umhlaba usesezandleni zegcuntswana. Sithi ke sifuna ukulungisa loo nto ngenlela echubekileyo kwaye eza kuqinisekisa ukuba kuhlala kukho uzinzo kunye nemveliso ukuze kubekho ukutya, ikati ingalali eziko.

Sililizwe apho thina siphila ngendlela engeyiyo. Apho abantu abambalwa bahleli xazalala phezu komhlaba omninzi baze bangundanisele abantu abasisininzi emhlabeni omncinci. Eyona nto siyithethayo sithi, inkululeko eyiyo yeyokuqinisekisa ukuba lo mhlaba ubuyela ebantwini ngendlela esemthethweni kwaye siqinisekise kuba bonke abantu beli lizwe bafumana ukufikelela nokwabelana ngomhlaba ngendlela eyiyo. Hayi le nto yenziwa ngala maxhwili asaxhaphileyo lilifa lengcinezelo eyabanika igunya, besebenzisa imipu mayo yonke into ekhohlakeleyo ekuthatheni umhlaba ebantwini bakowethu.

*English:*

The centrality of land reform is critical to growing our economy and creating job opportunities for all. Therefore, land restitution is the first process to ensure redress of the colonial and apartheid injustices and that land reform occurs within this historical context within our own country. Our land reform programme is designed to promote rural economic development. The development of rural infrastructure is critical to the industrialisation of rural economy with potential growth in the agricultural processes value chain industries.

Land reform cannot occur in isolation in the form of ownership and title deeds without appropriate infrastructure to boost rural economy and ensure food security for our country. The COVID-19 pandemic and the conflict between Russia and its neighbour Ukraine clearly indicates the social and economic value for the need for increased food security, as under those conditions being dependent on other countries for food imports impacts on availability and results in higher prices which increase the cost of living for our people. This means that the development of water and electricity and transport infrastructure to ensure the economic success of the rural

land reform which are intended to create small and medium farms.

Water and electricity are critical inputs for ensuring the development of the rural economy as this will ensure the success of land reform in rural areas and ensure that there is an increase in food production in the whole country. Food security will enable the pricing food not an import parity pricing basis but rather on a cost-plus basis which will enable the domestic market to set prices on a cost-plus basis, thereby keeping the cost very down.

Therefore, it is imperative that there is a development of transport infrastructure in terms of rail and road, which links the different markets and enables rural production to reach both the domestic and export markets. In the past, the apartheid regime utilised the rail system to keep the country in a transport neutral position. This enabled industrialisation to occur throughout the country and avoid market concentration and develop in only certain parts of the country, a sit gave access to markets on equivalent rail tarrifs.

The ANC government has resolved on the movement of goods and freight from road to rail. Therefore, government is restoring rail infrastructure as part of the economic reconstruction and development plan. The same applies to increasing water supply and electricity generation capacity through independent power producers, IPPs, and other forms of clean energy. South Africa has historically been faced with the challenges of poverty, inequality, unemployment and historic economic exclusion.

Therefore, creating food security through land reform by creating small and medium farms is geared towards reducing poverty, inequality and unemployment.

In conclusion, the opposition develops pedestrian views on the issue of ownership through title deeds as being the essence of land reform. The choice that they are talking about, it is not our first choice and it is also not our fundamental choice.

Our fundamental choice is for the land to be returned to its rightful owners. The restoration of land is a key factor and people must stop using it as a weapon to play politics and play around and try to deflect us from the real issue by placing the issue of title deeds and ownership as if it is the main trust of what we went to struggle for.

Please, if the DA wants to address the issue of land in South Africa, they must start off by encouraging those individuals who are standing on huge tracts of land. They are doing nothing about that and all we need is for that plan to be returned and therefore the issue of the return of land is a priority to ensure that we get the country to move forward and ensure that there is stability, not only now, but for the future. If you stick to land ownership that is only concentrated to the minority, you are trapping the country into instability and a civil war that can break out as a result of young people who are frustrated with the economic trajectory which is based on land ownership that is in a few white hands. I therefore wish to say I thank you.

This results in the opposition not having a holistic economic and developmental perspective on land reform as positively and also contributing in inclusive economic development. It is hard to understand why the opposition does not seek to want to grow the domestic market and the buying power of the majority of the population to create a better life for all and a better future for all. Thank you very much, Chairpersons.

Mr R JANKIELSOHN: Thank you hon Chair. The more we listen to ANC politicians, the less we expect from an ANC government and this was shown again in this House this afternoon.

The reason why the former national government fail and the reason why the ANC government is going to fall is because they believe they own rhetoric. [Interjections.]

Mr M DANGOR: Hon Chairperson, is the hon member willing to take a question?

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Jankielsohn, hon Dangor is asking if you would take a question? Hon Jankielsohn, will you take a question from hon Dangor? Can you hear me hon Jankielsohn?

Mr R JANKIELSOHN: We cannot hear you. I did not hear what you said, hon Chair.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Dangor is asking whether you will take a question?

Mr R JANKIELSOHN: No Chair, I do not have time for questions because the ANC’s questions are just more rhetoric and I already explained that.

The DEPUTY CHAIRPERSON OF THE NCOP: Continue.

Mr R JANKIELSOHN: Thank you hon Chair. We have heard about financing this afternoon. Chair, I hope this is not my time that the person is wasting on the virtual platform.

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Jankielsohn, can you please continue.

Mr R JANKIELSOHN: I heard some people this afternoon talking about the costs of land reform. Hon chairperson, in 2013, agricultural economist Nick Fink estimated that by then and this is ten years ago, government must have spent about

R69 billion and we are expected to spend another R14 billion in the MTEF, Medium-Term Expenditure Framework, after that.

That money was supposed to be spent on land reform but where is the land reform that this money was spent on? I think we explained it during this debate when we referred to the High Level Panel Report often referred to as a Motlanthe Report.

The money was stolen; the money was challenged to elite and was never even to support the beneficiaries of the so called land reform projects. I explained the Vrede Dairy Project during my initial debate as an explanation of this.

Hon Chairperson, unlike the other members who debated in this House today, the DA members at least came with positive policy proposals. I did not hear any policy proposals from other members.

The hon Mthethwa started off by talking about the Freedom Charter and he said South Africa belongs to all who live in it and we know and understand this because most of us here perhaps unlike him, have actually read the Freedom Charter from the beginning to the end.

The Freedom Charter also says the land would be re-divided amongst all who work on it. The Regional Charter’s promise was not strict private ownership but race based ownership. That was the original purpose of that clause in the Charter. The ANC has distorted their own Freedom Charter in this country.

Hon Chair, the problem with the ANC is that it regards land as a ... [Inaudible.] ... that must be vetted instead of a problem that must be resolved.

The hon Peters from the Eastern Cape says that people are patient with the ANC’s efforts and that this is not a problem. The problem is that there is no urgency in the ANC’s approach to empower people in former homeland areas, many of which are in the province where that MEC comes from and we spoke about this, this afternoon during this debate.

The hon Aucamp emphasized the call the DA has approached to urban and rural land which is that land dwellers must become land owners. That is the only way to empower people.

The hon Dlamini of the EFF wants people who are previously enslaved by colonial and apartheid governments to become permanent slaves of a fascist state that will entrench poverty, unemployment and further inequality in South Africa. That is in fact what the EFF will bring to this country and that is what they are proposing

Ms M DLAMINI: On a point of order Chair?

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Jankielsohn, there is point of order. Hon Dlamini your point of order?

Ms M DLAMINI: The member must not distort the EFF’s stance for their own gain. He must not do that. He must not distort the EFF’s stance. Do not do that!

The DEPUTY CHAIRPERSON OF THE NCOP: Hon Dlamini, thank you very much. That is not a point of order.

Ms M DLAMINI: Carry on with your speech but do not distort us.

The DEPUTY CHAIRPERSON OF THE NCOP: Let us continue, please. Hon Jankielsohn, you may conclude. You have half a minute so you can conclude.

Mr R JANKIELSOHN: Hon Chairperson, I hope you are keeping time with all these interruptions.

Chairperson, my colleague from the Free State in the ANC spoke about the importance of water in land reform projects. Well, I encourage him to actually go to the Free State and see how the ANC is managing water in that province.

Parys is sitting on the Vaal River but the people in that town do not have access to clean and regular sources of water. He spoke about agri-villages as a way of dealing with land reform but I dare him to go back to the Free State and go to the Diyatalawa Agri Village, the village that I have been to in the last ten years and I have photographs to show how this R150 million invested has deteriorated. And now the beneficiaries of that project are now to date unemployed and in poverty.

Hon Chair, there is nothing worse for a politician to do and no greater crime that to create expectations and steal those expectations from the people. Thank you. The ANC has stolen half my time.

The DEPUTY CHAIRPERSON OF THE NCOP: I gave you all your time back hon Jankielsohn. You started at 16:24 and what is the time now? I gave you all your time back. Thank you hon members that concludes the debate.

I gave him almost five minutes more. I wish to thank the MECs, all permanent and special delegates for availing themselves for the debate. Hon delegates, we are concluding the business of the day. The House is adjourned.

I am still speaking, give me the necessary respect. Hon delegates, can you please remain for the briefing on the Taking Parliament To The People programme. It will be done by the administration and Advocate Nonyane will indicate how it is going to happen. With regard to the House, it is adjourned, just stay behind for the briefing.

Debate concluded.

The Council adjourned at 16:32.