

Land reform in South Africa is a spectacular mess

By Annette Steyn MP – DA Shadow Minister of Agriculture, Land Reform & Rural Development

Chairperson,

Let it be clear, the Democratic Alliance supports land reform and would keep on fighting for just and equitable land transformation.

This speech is in recognition of Mr David Rakgase who was brave enough to walk hand in hand with the Democratic Alliance in a legal battle with the state over property ownership. The brave stance taken by Mr Rakgase has opened the door to many other black farmers who are now fighting the same battle for land ownership in South Africa.

The Bill of Rights in our Constitution guarantees existing property rights but it simultaneously places the state under a constitutional duty to take reasonable steps to enable citizens to gain equitable access to land, to promote security of tenure and to provide redress to those who were disposed after 19 June 1913.

This was agreed to by a majority of South Africans when we adopted the Constitution on 8 May 1996. When we agreed on our Constitution, we placed a big responsibility in the hands of the state by asking the state to put measures in place to deal with land transformation. These measures must be appropriate and must be reasonable in conception and implementation.

And it is exactly here where the pawpaw hits the fan.

Chairperson, the implementation of land reform needs a capable state with clear and implementable policies. The chopping and changing of policy direction has caused havoc in the land reform space. No-one is even clear what policies is currently used for beneficiary selection. We have no proper and updated database of current land reform beneficiaries or even a list of available state land. Land administration is in chaos and it can be seen in the current examples of farmers being evicted from state land.

The publication of the much talked about 700 000 hectares of supposedly 'vacant or under-utilised' state land that is made available for redistribution is another clear example of the chaos in the land administration. The publication of the Nooitgedacht farm of Mr David Rakgase, who won a court case for ownership of his land after a long drawn out battle with the state as well as the list of farms where the Gwatyu community who have been battling for years to get the 42 000 hectares of land transferred into ownership of the Gwatyu CPA, clearly shows examples of a government that is out of touch with realities on the ground.

The portfolio committee also recognised that the inadequate support to CPA's and trusts of farms already transferred under the land reform process is contributing to the collapse of land reform farms.

This ANC government keeps on saying that it will transfer title to beneficiaries but keeps on signing lease agreements with farmers who have been leasing for years. The only reason could be that the ANC wants to keep farmers' dependant on the state. In this system of "patriarchal order" no one will query the status quo because they are scared if being kicked of the land. I found a perfect example of this during a recent visit to Melmoth in Northern KwaZulu-Natal. Community members asked me to investigate why they have to take the state to court to get land transferred into their name. This after years of long court battles in a restitution case. It has cost millions of rands in restitution and court cases only to be back in court to fight the state, to get access to the land.

Minister Didiza, why is your department involved in a court case against the Mtonjaneni community? Just transfer the land into the names of the successful claimants. They also want to know why your department appointed service providers as caretakers on their land?

We can only begin to address land ownership disparities occasioned by our colonial past if it takes into consideration the current realities of its mismanagement and enabling of corruption in the state land administration process.

To jump to the conclusion that the property clause in the constitution is the cause of all the land reform trouble we are dealing with is shifting the attention away from the years of government mismanagement of state responsibility. This is why I wrote the speaker to request a debate on land reform.

Land reform is a national competency but the Western Cape government is prepared to take over that responsibility to show how a competent state would ensure successful land transformation in South Africa.