

Development key to effective land reform

[Eddie Rakabe](#) 22 Jun 2018

LAND REFORM

South Africa is at loggerheads with itself over land expropriation without compensation.

The debate has largely focused on whether the current legislation provides sufficient leeway to expropriate land without compensation, and whether it can be done with minimum disruptions to domestic stability and agriculture output.

In the racially and politically charged debates, the issue of land reform as a fundamental development imperative is often missing.

Land expropriation is not the ultimate goal but rather an important component of broader land reform objectives to achieve equitable access to land, asset redistribution and an end to poverty and inequality.

A sensitive developmental land expropriation programme should promote meaningful participation of economically marginalised communities in the agricultural economy, stimulate an active rural land market and improve access to urban land.

Many have questioned the practicality of implementing sweeping land expropriation, asking how beneficiaries will be identified, security of land tenure will be assured and, importantly, what the criteria for selecting and allocating land will be.

These questions are pertinent: expropriating land and redistributing it must be fair and just. Resolving these questions could avoid potentially adverse coalitions between politicians and wealthy elites and multi-class tensions among beneficiaries.

Finding solutions is possible. South Africa has experimented with many means-tested redress policies, which should make it easier to identify eligible land beneficiaries. Section 25 of the Constitution gives some guidelines regarding the circumstances under which land may be expropriated, which includes redress and ensuring equitable access to land. Thousands of outstanding land claims provide a useful base from which public-interest-driven expropriation can start, albeit with compensation, in line with the Constitution.

But determining equitable compensation that satisfies public and commercial interests is an arduous task. It has even proved difficult for the land claims court, and its below-market-value compensation awards have been overturned by the higher courts because they lacked valuation rigour and fairness.

Although this debate is settled, politicians and policymakers alike need to start mulling over the developmental aspects and sustainability of land reform. Land beneficiaries must hold on to restored land for future generations and maintain productivity.

Most land reform beneficiaries prefer restitution over restoration. This must change as it places national redistribution goals in jeopardy and could trigger unending intergenerational redistribution demands.

To be fair, the land reform programme is beleaguered by poor presettlement education and post-settlement support, so many communities opt for restitution or post-settlement sale of the land, usually back to the previous owners.

In cases where communities are unable to operate a farm, the government should appoint skilled people who can manage the farm on behalf of the community. In the case of a sale, government should reserve the right of purchase in order to reallocate the land to land-seeking emerging black farmers.

The land reform programme should also stimulate active rural land markets by converting communal tenure into private or tradeable (leasehold or freehold) tenure.

Rural communities are trapped by dead capital, with serious implications for the rural property market and overall development. Private rights would confer value to communal land, even without improvements, thus allowing trading and unlocking development. The government is in any case required to provide legally secure tenure for historically prejudiced communities.

But communal or traditional land is mired in political and cultural sensitivities. The government will have to work closely with traditional leaders and communities. The first step towards stimulating rural land markets should be to extend land-use and spatial development planning policies in rural areas to guide the current pattern and future distribution of land use. The government could use the site and serviced stand programme, within the broader housing programme, as a starting point for rural (residential) land redistribution based on secure tenure.

For this approach to gain traction, local chiefs should be allowed to allocate sites while government oversees its fairness.

Improving accessibility to the urban land market is another important aspect of land reform. South Africa is fast urbanising and the townships are full to the brim, as they are the only accessible points of entry for many job-seeking rural migrants.

Urban land markets are dominated by private property developers, who are able to afford land closer to opportunities, which excludes the urban poor and land-hungry.

Opportunities for access to land are mainly available through government subsidy housing programmes on the urban fringes.

Urban land reform needs to place the government at the centre of development. Its options include active acquisition of land on the township fringes, earmarking land for low-value use and promoting compact and mixed-use developments.

Achieving such a holistic and developmental approach to land reform will require a national consensus for the orderly release of land and a government commitment to quality and consistent execution.

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These are his own views

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