

# FOREWORD

**Noxolo Kiviet**

Premier of the Eastern Cape



As we emerged from an intense battle for freedom and justice in 1994, we knew that the legacy of apartheid, characterized by land dispossessions and the deliberate neglect of the countryside, would require a concerted programme of intervention for a while. Such an intervention programme would respond, among other things, to a number of issues

pertaining to the impact of landownership patterns in the country generally and in the Eastern Cape in particular. These issues include the negative impact of intractable land claims; landownership and the role of traditional leadership; landownership and the role of women; and the role of subsistence farming in poverty alleviation.

Recognising and acknowledging vexing challenges facing the programme of land reform in the Province, the Provincial Executive Council decided to convene a land summit to create a platform for a broad discussion and consultation on how to tackle these challenges. The summit was also seen as a necessary step towards the development of a rural development strategy for the Province. Given the nature of the Eastern Cape, and the thrust of the Provincial Growth and Development Plan it was anticipated that that land and agrarian transformation would be the main thrust of the rural development strategy, hence the need to convene the land summit ahead of the development of the strategy.

Many of the challenges that were openly discussed during the summit emanate from the slow pace of the land reform programme, previous attempts to address challenges facing the programme, bottlenecks in implementation and consideration on recent debates on land and agrarian reform issues.

The process followed in convening the summit was exceptional. Government, civil society organisations, organised labour, agriculture etc were consulted ahead of the summit to input, guide and shape the thinking of what the summit should entail. The different ideas from various stakeholders were synthesised during a pre-summit consultative workshop and consolidated for endorsement at the summit. Another unique feature emanating from the summit is a multi-stakeholder post land summit mechanism set up to monitor the implementation of the resolutions. The same stakeholders that shaped the content of the summit will in turn monitor the implementation of the summit resolutions.

The implementation of the land summit resolutions will be embedded as a key component of the rural development strategy when it is finalised, demonstrating the willingness of the Province in the processes • resolutions of land related issues and an implementable rural development strategy.

On behalf of the Provincial Executive Council I hope that we can collaborate as stakeholders and rally behind the implementation of the resolutions. The unity we demonstrated ahead and during the summit must not be lost, instead it must be strengthened to face as a collective the bigger challenges of implementation.

A handwritten signature in black ink, appearing to read 'Noxolo Kiviet', written over a horizontal line.

**Noxolo Kiviet**

Premier • Eastern Cape Province

June 2009

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# Acronyms

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<b>ABP</b> .....	Area Based Planning	<b>HSRC</b> .....	Human Sciences Research Council
<b>ANC</b> .....	African National Congress	<b>IDP</b> .....	Integrated Development Plan
<b>BRC</b> .....	Border Rural Committee	<b>LM</b> .....	Local Municipality
<b>CLRA</b> .....	Communal Land Rights Act	<b>EXCO</b> .....	Executive Council
<b>COSATU</b> .....	Congress of South African Trade Unions	<b>GDS</b> .....	District Growth and Development Summit
<b>DEDEA</b> .....	Department of Economic Development and Environmental Affairs	<b>LRAD</b> .....	Land Redistribution for Agricultural Development
<b>DoA</b> .....	Department of Agriculture	<b>MEC</b> .....	Member of the Executive Council
<b>DoE</b> .....	Department of Education	<b>MPRA</b> .....	Municipal Property Rates Act
<b>DoL</b> .....	Department of Labour	<b>OTP</b> .....	Office of the Premier
<b>DLA</b> .....	Department of Land Affairs		
<b>DPLG</b> .....	Department of Provincial and Local Government	<b>PGDP</b> .....	Provincial Growth and Development Plan
<b>DM</b> .....	District Municipality	<b>PLAAS</b> .....	Programme for Land and Agrarian Studies
<b>DME</b> .....	Department of Mineral and Energy		
<b>ECARP</b> .....	East Cape Agricultural Research Project		
<b>ECSECC</b> .....	Eastern Cape Socio Economic Consultative Council		
<b>ESTA</b> .....	Extension of Security of Tenure Act		

## Executive Summary

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On 26 and 27 June 2008, the Executive Council of the Eastern Cape Province hosted a land summit at Walter Sisulu University in Mthatha. The summit was organised by the Land Summit Project Task Team and attended by more than 400 delegates.

### **The objectives of the summit were:**

- To identify land-related obstacles precluding development (e.g. rural development, housing provision and land and agrarian transformation) and provide implementable solutions;
- To develop a single provincial coordination mechanism for the handling of land, rural development and agrarian-related issues;
- To identify capacity gaps and reach agreement on mechanisms to address them and;
- To agree on an approach to incorporate the resolutions taken at the summit as part of the Provincial Growth and Development Plan (PGDP) assessment.

The summit was preceded by a pre-summit consultative workshop, which was held at the Regent Hotel in East London on 12-13 June 2008. The consultative workshop was intended to give direction on issues to be discussed at the summit. The workshop was attended by a significant number of stakeholders including government, civil society organisations, organised labour, organised agriculture, organised business and community members.

In the conceptualisation of the issues, it was agreed that a land summit which focused only on the land reform programme will not address the many unique challenges facing the Province. Instead these challenges demand an approach which will suit the Province and its dynamics, mindful of the fact that land access alone does not result in sustainable livelihoods nor reduced poverty and inequality. A debate on land should be complemented by a discussion of a range of key issues and embrace a holistic view of how to tackle development more broadly. Similarly, yet more discussions between key role-players are also insufficient to push forward this agenda. Rather, in order to deliver on the resolutions taken, the process must necessarily ensure the careful formulation of mechanisms, the allocation of adequate funding, the setting of clear targets, and the facilitation of proper institutional coordination to reduce institutional gaps and overlaps.

Various stakeholders were consulted ahead of the summit. These consultations took two forms: direct, one-on-one consultations with key stakeholders and the hosting of a pre-summit consultative workshop. The purpose of these consultations was (i) to understand land-related challenges preventing stakeholders from delivering on their mandate and (ii) to ensure that the summit would address the many expectations of the stakeholders as closely as possible. In the consultative sessions, stakeholders were afforded an opportunity to propose solutions to the challenges they themselves identified.

These issues were further discussed at a pre-summit consultative workshop to afford stakeholders who could not be reached during the direct consultations the opportunity to contribute to the process. The pre-summit consultative workshop made recommendations and drafted resolutions to be considered and endorsed at the land summit. These recommendations emanated from the five commissions that were set up at the consultative workshop viz (i) land administration in communal areas, (ii) land and food security, (iii) land use and management, (iv) rights of farm workers and dwellers, and (v) land claims and investment.

**The recommendations and draft resolutions made at the pre-summit consultative workshop** can be grouped as follows: (i) those dealing with legislation and its enforcement, (ii) projects to be prioritised, (iii) intergovernmental relations and (iv) the monitoring of resolutions.

### **Legislation and its Enforcement**

- a) Support for the implementation of the betterment redress programme must be prioritised;
- b) Implementation of the newly strengthened Expropriation Act, especially in those cases where the land is underutilised, the current land owner has a history of abuse and ill treatment of farm dwellers or the land owner already owns multiple farms;
- c) Land claims must be prioritised for resolution, particularly those affecting development and investment opportunities;
- d) Land reform grants must be linked to agrarian transformation and settlement;
- e) A moratorium must be placed on the sale of land to foreigners;
- f) Legislation which guides and controls the conversion of agricultural land into game farms and golf estates must be enforced;
- g) A moratorium must be placed on the sale of state land until the land needs of people living on the land and other landless people are addressed.

All state land must go through the State Land Disposal process;

- h) A moratorium on evictions of farm workers and dwellers while the ESTA legislation is being overhauled and until strategies are in place which would secure access to land and houses for displaced farm dwellers;
- i) Legislation on the use of fallow land must be prioritised to ensure its productive use;
- j) A revamp of agricultural policies and processes to promote a wide range of land uses;

### **Priority Projects**

- k) Conducting a land audit and land survey in the province must be prioritised;
- l) The promotion of small scale sustainable agriculture must receive priority attention;

### **Intergovernmental Relations**

- m) Development in communal areas must be properly coordinated and managed by all affected stakeholders and not entrusted to one stakeholder or group of stakeholders;
- n) More focused attention on creating access to land and addressing congestion through increase of land reform grants;
- o) Local authorities need to play a central role in land reform with the Area Based Planning (ABP) function falling within the scope of IDPs and;

### **Monitoring of Resolutions**

- p) A committee, consisting of all stakeholders and chaired by the Premier or the MEC for Agriculture must be properly constituted to monitor the resolutions of the summit.

The participants in the summit, who in the main were the same as those in the pre-summit consultative workshop, endorsed deliberations from the pre-summit consultative workshop, but were also at liberty to introduce for discussion new issues that were not discussed in the workshop.

**The resolutions of the summit** are presented in the report according to the key issues which emerged from the five different commissions:

### Land Administration in Communal Areas

Key to this commission is the recognition of both democratic and undemocratic institutions in the Communal Land Rights Act, 2004 which is contentious and the fact that most communities affected by the Act have not been properly consulted about the Act itself nor about the draft regulations published in 2008.

#### **The summit resolved that:**

- a) The issue cannot be addressed without first exploring the following three key issues; who owns the land, who administers it and who controls resources on the land;
- b) A process should be elaborated to enable further discussions of these matters in which rural residents, women and youth should play an integral part;
- c) The rights in land must revert back to the State and;
- d) Any developmental initiatives that are to take place on communal land must be inclusive of the broader community members.

### Land and Food Security

The focus for this commission - in light of the high food prices - was on both land as it relates to the production of food and land redistribution for agricultural development. High food prices have seriously worsened the living standards of workers and the poor and are thus a major cause for concern. The main issue for the Province is the land lying fallow vis-à-vis food production and the disregard of land reform as a key contributor to reduction in food prices, among other imperatives.

#### **The summit resolved that:**

- a) Clarity on who owns land and the suitability of the land for productive uses needs urgent attention;
- b) Communities should be consulted and agree on how land should be utilised particularly land that is lying fallow and the state should play a regulatory role in ensuring that land is not underutilised;
- c) In cases where land is insufficient for food security, it should be made available through land reform programmes;
- d) The state must support agricultural institutions to encourage agricultural entrepreneurship and also benefit farmers who are without formal education;
- e) The State should step-up its agrarian reform programmes to support productive utilisation of the land and;
- f) The State should ensure participation of producers in the market.

## Land Use and Management

In the Province there are different pieces of legislation governing spatial planning. The Land Use Management Bill will replace all the different ordinances. It is also not uncommon to find land used for something for which it is not suitable. Central to the commission was the conversion of agricultural land for use in non-agricultural purposes and enforcement of land use legislation.

### The summit resolved that:

- a) Legislation guiding and controlling the conversion of agricultural land into game farms and golf estates must be enforced;
- b) A land audit must be prioritised and;
- c) Intergovernmental roles, responsibilities and relations in respect of land use and management must be enforced.

## Rights of Farm Workers and Dwellers

Living conditions on farms are often very poor. Evictions and displacements continue with the resulting further impoverishment of vulnerable people. Farm dwellers are the first to experience the negative effects of the ongoing conversion of agricultural land. Farm dweller skills are not considered congruent with elite tourism resorts which results in large scale eviction and displacement. Despite the repeated assurances that game farms provide employment opportunities, it is often not the farm dwellers who benefit. Farm dwellers are faced with eviction from state land as institutions such as the Eastern Cape Parks Board purchase agricultural land for conservation purposes and immediately seek ways to remove those living on the land. Eviction and forced urbanisation impoverish farm dwellers, lead to the breakdown of family ties and compound dependency amongst the urban poor. Farm dwellers whose rights are abused are often unable to access legal redress.

### The summit resolved as follows:

#### a) **The Extension of Security of Tenure Act (ESTA)**

Contravention of the Extension of Security of Tenure Act (ESTA) should be recognised and acted upon by the South African Police Service (SAPS) and the Justice System to prevent illegal evictions in the short term. In the short to medium term, ESTA must be reviewed to increase protection of farm workers and dwellers and prevent evictions of farm workers and farm dwellers.

#### b) **Land access for farm workers and dwellers**

To ensure a dignified life for farm workers and dwellers, their working life on the farm should be separated from their home and private life. This can best be addressed through a strategy for land acquisition for farm workers and dwellers. Such a strategy should be developed and implemented by the end of 2008 and should address the various land needs of the farm workers and dwellers and be based on advancing women's rights to land.

#### c) **The property clause of the constitution**

First, in the medium to long term, the question of security of tenure, land access, housing and other rights of farm workers and dwellers cannot be resolved outside of removing the property clause of the constitution. The removal of the property clause in the constitution is regarded as central to all elements of land reform and redistribution.

Second, a process to remove the property clause of the constitution should be put in place by Parliament in order

to accelerate the restoration of the right to land by the majority of South Africa's previously dispossessed citizens including farm workers and dwellers.

## Land Claims and Investment

Two issues drew the attention of this commission, betterment claims and investment opportunities that cannot take off because of land claims. The issue regarding betterment claims is that of affording victims of betterment the opportunity to lodge their claims. This opportunity has been prevented in the past and the proposal to re-open the lodging of claims has been with the national cabinet for the past several years. The situation regarding compensation for betterment claimants is unique to the Eastern Cape Province and if resolved, could have positive financial spin-offs for rural development.

Investment opportunities that are earmarked for Mthatha have been brought to a standstill by land claims to the land in question. This has prompted calls for the speedy resolution of the situation which has proved to be complicated and very sensitive, with government institutions taking the matter to the courts of law for arbitration.

### The summit resolved that:

- The Eastern Cape government must endorse and be actively involved in the Vulamasango Singene Campaign aimed at securing rights of victims of betterment dispossession in the Eastern Cape;
- The property clause in the Constitution, and restitution Act be reviewed and alternative or additional approaches to acquiring land be pursued;
- The Office of the Premier and the Regional Land Claims Commission establish Claim Resolution Forums in land claims hot spot areas by August 2008. This will comprise of OTP, RLCC, municipalities, communities, claimants and other key stakeholders to deal with urgent matters that contribute to delays in the land claims process and;
- The Department of Local Government and Traditional Affairs develop a capacity development programme that supports municipalities with project management, monitoring and evaluation in land post-settlement processes.

In addition to the aforementioned resolutions, the summit resolved to establish a funded post-summit mechanism to be known as the Eastern Cape Land Working Group, chaired by an MEC who is to be appointed by the Premier. The Land Working Group will be constituted by political principals, government, civil society, the youth, disabled, organised agriculture, organised business, organised labour, institutions of higher learning, etc. The responsibility of the Land Working Group will be to monitor the implementation of the summit resolutions, including proposals made during the consultation process, and recommendations and draft resolutions taken at the pre-summit consultative workshop. The implementing arm of the Land Working Group will be the Technical Support Group, which provides support to the Premier's Coordinating Forum. The secretariat team which coordinated preparations for the summit will not be disbanded, but will instead remain to provide support to these structures.



## Summit Declaration

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1. We, the people of the Eastern Cape, represented by, among others, the Eastern Cape Provincial Government, the Executive Mayors of our esteemed District, Metro and Local Municipalities, Traditional Leaders, organised local government, various civil society formations of our people such as NGOs, FBOs, farmer organisations, academics, etc, convened an Eastern Cape Provincial Land Summit on 26-27 June 2008 at Walter Sisulu University in Mthatha, under the theme: *“Unleashing the socio-economic development potential of the Eastern Cape through land”*.
2. Coinciding with the 53rd anniversary of the historic Congress of the People which took place in Kliptown on 26 June 1955, and which adopted the Freedom Charter, the Summit was addressed by a number of eminent speakers, including the Honourable Minister of Land Affairs, Ms. L. Xingwana, the Honourable Premier of the Eastern Cape, Mrs. N. Balindlela, the Honourable Executive Mayor of OR Tambo, Mrs. Z. Capa, the Chairperson of the Portfolio Committee on Agriculture, the Honourable Nkayi, the President of CONTRALESA, Nkosi Holomisa (Ah Dilizintaba!), the Chairperson of the Eastern Cape House of Traditional Leaders, Nkosi Mathanzima (Ah Ngangomhlaba!), as well as our esteemed academics, Professor Ntsebeza and Professor Luswazi.
3. Following a series of discussions during commissions, which focused on such themes as land and food security, the rights of farm workers and dwellers, land claims and investment, challenges of land administration in communal areas, as well as land use and management, the Summit has adopted the following key resolutions:
  - a) Recognising the following key issues; “who owns the land”, “who administers the land”, “who controls resources on the land”, the summit resolved that further processes should be initiated for further discussions and agreement, particularly in view of the fact that CLRA recognises for land administration both democratic and undemocratic institutions. The summit felt strongly that the right on land must revert back to the State.
  - b) Recognising that land is a national asset, that there is a need to ensure greater access to land, adequate finance, infrastructure, implements and inputs and the strengthening of all farmer support programmes, the summit accordingly resolved that intensified efforts must be made to ensure long-term sustainability of food production. Such efforts must include, among other things, clarity on who owns land and what the land is suitable for, community consultation on land utilisation particularly land that is lying fallow and the role of the state in providing the necessary regulatory mechanisms, making land available where there is a need through land reform programmes, support of agricultural institutions to advance productive utilisation of land, agrarian transformation and greater participation by producers in the market.
  - c) Pending the finalisation of the land audit, a moratorium on the conversion of agricultural land into game farms and other non agriculture uses must be declared. Furthermore, a justiciable and equitable mechanism aimed at regulating the use of land, especially with respect to addressing skewed land ownership in the Province, regulating the use of agricultural land, the use of residential land, the use of industrial land, as well as the use of heritage sites, must be developed. Intergovernmental relations must be enforced to ensure that latter.
  - d) Recognising that farm workers and dwellers are the most disadvantaged and marginalised people in South Africa, concerted steps must be taken to ensure the protection of their rights through such mechanisms as the provision of land and basic services. Furthermore, there must be a moratorium on the eviction of farm workers pending the review of land rights legislation, including ESTA and the property clause in the Constitution. A strategy to acquire land for evicted workers and dwellers must be prioritised.

- e) Recognising that there is a need to fast-track the resolution of all outstanding land claims in the province, a programme of action must be developed which is aimed at the speedy resolution of such claims. Such a programme must, among other things, include the establishment of claims resolution forums facilitated by the OTP and the Regional Land Claims Commission. Furthermore, the summit endorses that henceforth the Provincial Government will play an active role in the betterment redress programme. The Summit also endorses the initiative taken by the Minister and affected communities in this regard.
- f) The Summit also resolves that all land related legislation must be effectively enforced by all relevant state organs and community organisations.
- g) In order to facilitate speedy and coherent implementation, as well as monitoring of all summit resolutions, the summit resolved to establish a Provincial Working Group (PWG), under the leadership of an MEC to be appointed by the Premier for the purpose. This PWG will be inclusive of the three spheres of government as well as civil society organisations. The secretariat that undertook the preparations for the Summit should continue to serve as the secretariat of the PWG. The PWG will hold quarterly sessions to assess progress and inform future implementation. The PWG will also determine the need for convening of another Provincial Land Summit.
- h) Equally, the summit resolved to work together to ensure successful implementation of these key resolutions.

# 1.Introduction

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On 26 and 27 June 2008, the Executive Council (EXCO) of the Eastern Cape Province hosted a land summit (hereinafter referred to as the summit) at Walter Sisulu University in Mthatha. The summit was organised by the Land Summit Project Task Team (see Section 1.4). The summit was preceded by a pre-summit consultative workshop (PSW), which was held at the Regent Hotel in East London. The workshop was intended to give direction on issues to be discussed at the summit. Both the workshop and the summit were attended by a number of stakeholders, including government, civil society organisations, organised labour, organised agriculture, organised business and community members.

This report gives an overview of the process followed to ensure that the land summit yields credible results and outcomes that are representative of the views of the stakeholders highlighted above. It covers the pre-summit process, which included stakeholder consultation and the PSW, with the bulk of the report devoted to the PSW and the summit.

## 1.1 Background

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The Executive Committee (EXCO) of the Eastern Cape Provincial government, recognising the vexing challenges facing the programme of land reform in the Province, took the decision to convene a Land Summit. The purpose was to create a platform for a broad-ranging discussion and consultation on how to tackle these challenges. The many challenges identified emanated from the slow pace of the land reform programme, previous attempts to address problems facing the programme, bottlenecks in implementation and consideration of recent debates on land and agrarian reform issues.

Land summits have been hosted before at both provincial and national levels, with the most recent being in 2005 (see progress in Appendix 3). However, at best resolutions taken at these summits have only been partially implemented. This has raised concerns as to the precise nature of the obstacles that preclude satisfactory implementation, how to address them and the nature of support required to ensure sustained progress towards stated objectives.

Previous efforts need to be reviewed and an assessment should be made of both the achievements to date and of the remaining challenges. Some of these challenges have been documented in the District Growth and Development Summit (GDS) reports developed by the Eastern Cape Socio Economic Consultative Council (ECSECC). GDS reports of various municipalities and the Metro were facilitated by ECSECC and published in 2007. EXCO created a platform to discuss these challenges and to develop a plan to address them.

In convening a Land Summit, EXCO emphasised that the summit should not only focus on the land reform programme but should also deliberate on other land-related issues such as rural development, agrarian transformation, settlement and others.

## 1.2 Objectives of the Summit

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- To identify land-related obstacles precluding development (e.g. rural development, housing provision and land and agrarian transformation) and provide implementable solutions;
- To develop a single provincial coordination mechanism for the handling of land, rural development and agrarian-related issues;
- To identify capacity gaps and agree on mechanisms to address them and,
- To agree on an approach to incorporate the resolutions taken at the summit as part of the Provincial Growth and Development Plan (PGDP) assessment.

## 1.3 Expected Outputs

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- Land summit resolutions;
- Task team(s) to monitor the implementation of the resolutions and,
- Clear mandate for the task team(s).

## 1.4 Coordination of the Summit

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The following structures worked towards ensuring the success of the workshop and the summit:

- Multi-Stakeholder Land Summit Provincial Steering Committee chaired by Political Champion (MEC of Agriculture). Before the summit it was envisaged that the same committee, once properly constituted, will ensure rollout of all the agreed-upon action steps beyond the summit.
- Provincial Land Summit Project Team (convened by Advocate Nyondo, Head of Department of Agriculture, and Mr Motsilili, Deputy Director General, Office of the Premier) included the Departments of Agriculture, Land Affairs, Local Government and Traditional Affairs, Economic Development and Environmental Affairs (DEDEA) and Public Works; the Office of the Premier (OTP); ASGISA-Eastern Cape; ECSECC and the Regional Land Claims Commission (RLCC).

## 1.5 Approach to the Summit

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In conceptualising the summit and formulating its objectives, it was agreed that should the land summit focus only on the land reform programme, it would not address the many unique challenges facing the Province. Instead, these challenges demand an approach which will both suit the Province and its dynamics, and take into account the fact that land access alone is unlikely to result in sustainable livelihoods or a reduction in poverty and inequality. A debate on land should be complemented by a discussion of other key issues that embraces a holistic view of how to tackle development more broadly. Similarly, it was agreed that yet more discussions between key role-players would be insufficient to push forward this agenda. Rather, in order to deliver on the resolutions taken, the process must necessarily ensure the careful formulation of mechanisms, the allocation of adequate funding, the setting of clear targets, and the facilitation of proper institutional coordination to reduce institutional gaps and overlaps.

## 2. Issues that Informed the Content of the Summit

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The theme of the summit, “unleashing the socio-economic potential of the Eastern Cape through land”, suggested that the summit would explore all land-related opportunities. However, this was not the case. Although land is key to the development of a number of sectors including agriculture, tourism, mining, housing and industry, and remains a source of livelihood for the majority of rural people, within the limited time available to prepare and host the summit not all these issues could be explored. In consequence, the main thrust of the summit was twofold, (i) land as a right in terms of putting mechanisms in place to fast track the restitution of lost rights and to ensure tenure security, and (ii) land as a resource in terms of its potential to unlock investment, promote agricultural development and for spatial planning in general.

Deliberation of these issues was informed by a rigorous consultation with various stakeholders that took place as part of the pre-summit process. In relation to the Provincial Growth and Development Plan (PGDP), the discussions at the summit centred around the Agrarian Transformation and Food Security Pillar of the PGDP.

### 2.1 Background

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In 1993, shortly before the advent of democracy, Cyril Ramaphosa argued the following during a Conference on Land Redistribution Options held in Johannesburg:

*The massively unequal distribution of land is not just the unfortunate legacy of apartheid, it is the totally unacceptable continuation of apartheid... Unless we solve the land question, we cannot solve the human question, we cannot de-racialise the economy and we cannot achieve in the future a secure legal regime for property rights respected by all.*

In ways that are now well documented, the unequal distribution of land in South Africa and land policy was driven by colonial imperatives of racial segregation which later come to constitute the core of apartheid. First introduced and institutionalised by the Glen Grey Act of 1896, and then consolidated by the Land Act of 1913, and its revisions in 1936, these policies ensured the entrenchment of the unequal distribution of land along racial lines. This distribution of land ownership underpinned the further elaboration of the reserve (later ‘homeland’) policy. The reserves constituted territorial and administrative areas of low economic potential where the black population - deliberately differentiated along ethnic lines - was forced to reside. Several pieces of legislation controlled the movement of the black population from these self-governing territories into and within the economic circuits of ‘white’ South Africa. Some of these ‘homeland’ or bantustan territories, governed by black ethnic ‘chiefs,’ were granted a bogus ‘independence’ by the apartheid regime, but their legitimacy as independent states was never recognised internationally. The formation and consolidation of bantustans was accompanied by the forced removals of ‘black spots’ and the creation of artificial settlements – places in the veld without any economic basis - where black people were simply dumped. In this way, many black communities were deprived and dispossessed of their land in ‘white areas’. The “land on which they were resettled was often not suitable for cultivation or grazing, or they were resettled among groups who were forced to accommodate them despite worsening land shortages. Townships around or in urban areas served as cheap labour reservoirs” (HSRC, 2005: 3).

In summary, the separation of people along racial lines in the Eastern Cape, as in the rest of South Africa, was accompanied by massive forced removals of African, Coloured and Indian people, widespread dispossession of land and other property, and severe curtailment of social, economic and political rights. This resulted in what was – and

remains - one of the most unequal societies in the world, with a relatively small white minority enjoying high standards of living and the great majority of the black population consigned to a life of extreme exploitation and poverty (May, Woolard & Klaasen (2000: 26) in Lahiff 2003).

The transition to democracy in 1994, and the coming to power of a government led by the African National Congress (ANC), sought to reverse this legacy. The first step in this regard, was the abolishment of these various states and territories and the demarcation of nine provinces some of which included the impoverished former homeland areas (HSRC, 2005). The post-1994 Eastern Cape Province thus incorporated the then Transkei and Ciskei bantustans. Landlessness, vulnerability, unemployment, lack of basic services and, above all, poverty, remain central to the lives of the majority of the population of the Eastern Cape (Lahiff, 2003).

Land as the central resource which the majority of people were deprived of under apartheid, has two components that are relevant here. First, land as a (birth) right of the African majority is a potent symbol of liberation and a historical construct which results from the specific apartheid history outlined above. Second, land as an economic and legal resource, which can underwrite the guarantee and protection of other rights and entitlements, such as housing, freedom of movement, financing, and subsistence. Whereas agriculture used to constitute an important basis for making a livelihood at the time when land dispossession took place, the modern economy often favours such sectors as mining, tourism, letting, manufacturing, etc., as ways in which land is used to make a living. In addition, owning land adds to security in settlement and offers financial collateral for further investment. The Land Reform Programme in South Africa tries to address both these components – land as a right and as an economic and legal resource (HSRC, 2005), but there are other significant issues which must be considered in relation to the objective of promoting land-based livelihoods.

Bank (n.d. p.6) argues that the land reform and rural development agenda has “assumed that by restoring land to dispossessed communities and providing basic welfare support and services in the underdeveloped rural areas, new processes of economic development would naturally unfold as rural people recovered their dignity and self-respect and began to express themselves as citizens of the modern democratic state”. This type of critique challenges government planners, development practitioners, civil society organisations and communities themselves to consider more carefully and to articulate more clearly what their future scenarios for the development of the Province actually comprise.

The South African Constitution makes three provisions for land reform in South Africa:

- 25(5) The state must take reasonable legislative and other measures within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis;
- 25(6) 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;
- 25(7) A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress (HSRC, 2005).

In the post-1994 South African land reform programme, these provisions were translated into three pillars; land redistribution, land tenure reform and land restitution. Further, the redistribution programme has different components or sub-programmes. These include (a) agricultural development – to make land available to people for agricultural purposes; (b) settlement – to provide people land for settlement purposes; and (c) non-agricultural enterprises, for example, eco-tourism projects (HSRC, 2005).

The pace of the roll out of the land reform programme, on which the realisation of land as a right and a resource rests, has been very slow. A mere three percent of the land had been transferred into African hands by 2004 (Ntsebeza, 2007), a far cry from government's own targets and people's expectations (Hall, 2007). Ntsebeza outlines two streams of thought that seek to understand this slow pace: One argument has it that the necessary policies are in place but lack of political will is frustrating the process. The other stream of thought points to the fact that there are problems with the policy itself, "in particular the entrenchment of the property clause [protection of existing rights in particular] in the Constitution, as well as the endorsement in the policy of the 'willing buyer, willing seller' principle". Ntsebeza endorses the latter argument as a key contributor to the slow pace and further argues that even the Expropriation Act, which is embedded in the existing land reform policy, has made very little impact, given that it weighs heavily in favour of land-owning white commercial farming interests, using a formula which allows the market to determine the amount of compensation.

Ntsebeza's argument suggests that, in view of the plethora of land-related needs, the overall land reform programme will continue at a snail's pace if these issues are not openly debated and addressed. Of particular concern is the land *redistribution* programme and its sub-programmes, which potentially limit the development of other sectors of the economy, but the lack of progress with the restitution and tenure reform pillars are similarly causes for concern.

The summit considered the twin issues outlined above in its approach, namely land as a right and land as a resource. On the basis of a discussion paper that was presented, the summit flagged issues pertaining to constitutional amendments and other policy imperatives around the land reform programme. These will be the subject of further discussion in the Harold Wolpe Lecture Series that is organised by ECSECC.

The summit was inundated with issues that emerged following consultation with various stakeholders ahead of the summit. Issues that emerged during the consultation are outlined in Table 1 [see p.18 below]. The many issues raised were rationalised into five commissions in an attempt to retain the focus on land as a right and as a resource. These five commissions were (i) land administration in communal areas, (ii) land and food security, (iii) land use and management, (iv) the rights of farm workers and dwellers, and (v) land claims and investment. Outlined in Section 5 is the environment, discussed in brief, that characterise some these issues and resolutions from each of the commissions.

### 3. Pre-Summit Consultation Process

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Tackling land-related obstacles to development in the Province requires stakeholders to move forward with a common approach that is most likely to work for the Province. Because of the multiplicity of issues to address, a pre-summit process was deemed necessary to hammer out strategic priorities and ensure that the summit event was a fruitful one. It was recognised that not all issues would receive equal or adequate attention at the summit and indeed, that some challenges were in all likelihood not likely to be covered by the summit. Because of this reality, a series of meetings were held with various interest groups and stakeholders, and issues emerging from the consultation process were discussed in the PSW. This was intended to give the summit space to focus on more strategic issues. The expected outcomes of the pre-summit process included:

- A discussion paper on the State of Land and Development in the Province;
- Challenges facing various government departments, state agencies, municipalities, organised business, organised labour and organised agriculture in attaining their development objectives and proposed solutions;
- Reports from civil society organisations in the land and agricultural sectors on the challenges faced by their constituent communities. Organisations which contributed included:
  - CALUSA from Cala (on land redistribution)
  - Transkei Land Service Organisation (on land administration in the former Transkei and land claims that inhibit investment in the Mthatha area)
  - Border Rural Committee (on betterment claims)
  - East Cape Agricultural Research Project (ECARP), Masifunde, Khanyisa, and Southern Cape Land Committee (SCLC) (on rights of farm workers and dwellers, and post settlement support) and,
  - Zingisa on land administration particularly in the former Ciskei area.
- Case studies or success stories from CALUSA on a land redistribution case from Cala by Delindlala Agricultural Farm and the Cata Story by the Border Rural Committee.

The myriad challenges identified during the consultation process were grouped according to the following categories and are unpacked in Table 1 (see p.18):

- Land claims (i.e. restitution)
- Land redistribution
- Land tenure reform
- Spatial planning
- Agrarian transformation
- Land invasions
- The Wild Coast



## 3.1 Stakeholders Consulted

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The following stakeholders, which included government, civil society organisations, organised labour, organised business and organised agriculture, were consulted. The purpose of the meetings was to understand land-related challenges which hinder development and service delivery and to also provide an opportunity to the stakeholders to propose solutions which will be used as a launch-pad for discussion in both the PSW and the summit itself.

- Department of Local Government and Traditional Affairs;
- Department of Land Affairs (OR Tambo District);
- Department of Land Affairs (Cacadu District);
- Ntinga OR Tambo Development Agency;
- Cacadu District Municipality;
- Nelson Mandela Bay Municipality;
- OR Tambo District Municipality;
- Congress of South African Trade Unions (COSATU, provincial office);
- King Sabata Dalindyebo Local Municipality;
- OR Tambo Farmers' Association and,
- The Regional Land Claims Commission in the province.

## 3.2 Other Interventions

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Mini-workshops were also organised to engage those stakeholders who could not be consulted during the aforementioned meetings. During the workshops, departments such as Public Works, Agriculture and Land Affairs provincial office had an opportunity to contribute to the process by making presentations.

All the inputs that were gathered during the consultation process were used in the drafting of the land pre-summit workshop and land summit programmes. The consultation process also assisted in ensuring that the two events addressed the expectations of stakeholders on a range of issues. Issues that emerged from the consultation process are summarised in Table 1.

**Table 1: Synthesis of Issues from Stakeholder Consultation**

Area	Challenge/ Obstacle	Proposed Solution
Land claims	Ways to engage other players in the resolution of complex land claims	Intergovernmental coordination
	Slow pace of land reform constraining the development of various sectors	Prioritising the settlement of land claims to unlock investment
	Grants for land reform projects do not match with agrarian reform imperatives	Intergovernmental planning
Betterment redress	Approval for settlement of betterment claims	Fast-tracking of the approval by national cabinet and implementation of the betterment redress programme linked to a broader rural development strategy
Land redistribution	High land prices and the lengthy process for the state to finalise an application	Enactment of the Expropriation Bill
	Farmers who are unwilling to sell	Enactment of the Expropriation Bill
	Lengthy process by the state to finalise an application	Finalisation of Area-Based Plans to allow for effective implementation of PLAS
	Administration of state land by departments not dealing with land and/or agrarian transformation	Department of Land Affairs and/or Department of Agriculture should be involved in the administration of state land
	Clarity on all issues pertaining to state land	Need for a full land audit in the Eastern Cape
	High land prices vis-à-vis the land reform budget	Finalisation of Area-Based Plans to allow for effective implementation of PLAS
	Disjuncture between land redistribution and agrarian reform	Support to land reform beneficiaries in terms of resources (skills and equipment), and settlement since the approach is group farming
	Land circulation from white commercial farmers and back	Legislation preventing sale of land accessed through the land reform programme back to white commercial farmers. Land should be sold to the state.

Area	Challenge/ Obstacle	Proposed Solution
Land tenure reform	Rights of women on farms linked to male partners, and evictions of farm workers and dwellers	<ul style="list-style-type: none"> <li>• A moratorium on evictions must be put in place</li> <li>• Severe sanctions instituted against farmers who disregard this moratorium and other ESTA provisions</li> <li>• Free legal services for farm workers and dwellers must be provided as a matter of urgency to enable them to challenge tenure rights violations</li> <li>• ESTA fails to articulate a strategy that enables workers and dwellers to access land when they are evicted, dismissed or retrenched. Loss of tenure on commercial farms is not linked to a robust programme to secure off-farm tenure and land access</li> </ul>
	Fallow land and land ownership	Legislate leasing of communal land by the state for productive use
	Unconstitutionality of CLRA, recognising both democratic and undemocratic institutional arrangements for land administration in communal areas	In a democratic state, land administration must be entrusted to democratically elected institutions
Agrarian Transformation	High food prices	<ul style="list-style-type: none"> <li>• How the Province should view the issues of agricultural villages (land set aside for housing, commercial farming, household food production and grazing; or settling farm dwellers on agricultural holding around rural towns)</li> <li>• Reviving agricultural production</li> <li>• Agricultural zones for high potential production</li> <li>• Maintaining productivity by insisting on cooperative governance, improving extension services and skills levels, and supporting production of commodities with ready markets</li> </ul>
	Limited financial support for land reform beneficiaries	Support (grants, loans, technical support and planning support at a single venue) to land reform beneficiaries and other land users
	Under-utilisation of communal land	Legislate leasing of land by the state
	Bio-fuels versus food production	Definition of land area to be used for bio-fuels as opposed to food production

Area	Challenge/ Obstacle	Proposed Solution
Spatial planning	The need for DLA to complete an area-based plan which promotes coordination of projects by municipalities	Prioritise completion of ABP for effective implementation of PLAS
	No single spatial plan for the province	Different plans must be embedded in provincial spatial development framework
	Agricultural land used for game farming and housing	Completion of the provincial land survey and enforce legislation on zoning
Land Invasions	Illegal sale of land by 'influential people'	Implementation of a 'democratised CLRA'
Wild Coast	Competing interests (land for mining, tourism, investment),	Intergovernmental coordination (DME, DEDEA, DLA)
Institutional Issues	Institutional messiness or overlap by government stakeholders dealing with land and agrarian reform issues	Province needs a mechanism for coordination of land, rural development and agrarian transformation related issues
		Adherence to the constitution and the IGR Framework legislation that elaborates cooperation among spheres of government when dealing with development challenges
	High staff turnover in institutions of government, affecting continuity and speedy resolution of issues	Strategies should be put in place to ensure staff retention

## 4. Pre-Summit Consultative Workshop

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There were five commissions at the PSW. In the pre-summit workshop and the summit itself which were established on the basis of what emerged from the consultation process. The commissions focused on the following:

- Land administration in communal areas;
- Land and food security;
- Land use and management;
- Rights of farm workers and dwellers and;
- Land claims and investment.

Each commission was expected to

- Set out key challenges;
- Provide details of each challenge;
- Rank the challenges in order of priority;
- Propose a way forward;
- Attach the responsibility to an institution and;
- Suggest time frames for implementation of the proposal.

Detailed commission reports appear in Section 7 below. The PSW consolidated issues emerging from the stakeholder consultation process and pre-summit mini-workshops. Its main objective was to distil and synthesise issues that emerged from the consultation and in the PSW and to propose solutions to be endorsed at the land summit.

### 4.1 Draft Recommendations and Resolutions emerging from the Land Pre-Summit Consultative Workshop

The draft recommendations and resolutions below were reworked and endorsed at the summit. They are presented in no particular order of importance. They are divided into (i) legislative issues, (ii) projects to be prioritised, (iii) intergovernmental relations and (iv) the monitoring of resolutions.

#### (i) **Legislation and its Enforcement**

- Support for the implementation of the betterment redress programme to be prioritised;
- Implementation of the newly strengthened Expropriation Act, especially in cases where the land is underutilised, the current land owner has a history of abuse and ill treatment of farm dwellers or the land owner already owns multiple farms;

- Land claims must be prioritised, particularly those affecting development and investment opportunities;
- Land reform grants must be linked to agrarian transformation and settlement;
- A moratorium should be placed on the sale of land to foreigners;
- Legislation guiding and controlling the conversion of agricultural land into game farms and golf estates must be enforced;
- A moratorium on the sale of this state land until the land needs of people living on the land and other landless people are addressed. All state land to go through the State Land Disposal process;
- A moratorium on evictions of farm workers and dwellers while the ESTA legislation is being overhauled and until strategies are in place which would secure access to land and houses for displaced farm dwellers;
- Legislation on the use of fallow land must be prioritised to ensure its productive use;
- A revamp of agricultural policies and processes towards policies that promote a wide range of land uses;

#### **(ii) Priority Projects**

- Conducting a land audit and land survey in the province must be prioritised;
- The promotion of small-scale sustainable agriculture must receive priority attention;

#### **(iii) Intergovernmental Relations**

- Development in communal areas must be properly coordinated and managed by all affected stakeholders and not entrusted to one stakeholder or group of stakeholders;
- More focused attention on creating access to land and addressing congestion through an increase of land reform grants;
- 
- Local authorities need to play a central role in land reform with the ABP located within the municipal IDPs

#### **(iv) Monitoring of Resolutions**

- A committee, consisting of all stakeholders and chaired by the Premier or the MEC for Agriculture must be properly constituted to monitor the resolutions of the summit.

## 5. Land Summit Resolutions

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The Land Summit was a continuation of deliberations carried on at the PSW. The responsibility of the commissions at the summit was to endorse or reject the draft recommendations and resolutions made at the PSW, to augment what was discussed and, where appropriate, to make independent contributions to those made by the commissions at the PSW.

### 5.1 Land Administration in Communal Areas

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#### 5.1.1 Context

Of particular concern to this commission was first, the recognition in the Communal Land Right Act (CLRA) of 2004 of both democratic and undemocratic institutions and second, that most communities affected by the Act have not been properly consulted about the Act itself and the draft regulations published in 2008. The contentious issue raised during the consultations ahead of the summit was the provision in the Act that land administration committees be traditional councils wherever these existed. This provision was greeted with jubilation by the traditional leader lobby when it was proposed before the Bill was enacted, and “considerably reduced their unhappiness over the “softness” of the somewhat vaguely defined powers conferred on them by the Traditional Leadership and Governance Framework Act” (Cousins *et al.* 2004: 12). In contrast, the clause was met with dismay by NGOs and community groups, provoked considerable public controversy, and became one of the key aspects... that was debated in parliamentary portfolio committee hearings in November 2003 (*ibid*: 12). Civil society groupings objected to the clause because they saw it as the imposition of structures dominated by un-elected traditional leaders, thereby fundamentally undermining hard-won democratic rights. Another issue which angered civil society groupings was the very limited consultation that had taken place with rural communities, and that the new clause on traditional councils had been introduced late in the law-making process. They perceived the process to have been rushed through parliament at the last possible moment because of wider political dynamics and ‘deal-making’ in the run-up to the general election of April 2004. According to Murray (2003: 15), three issues appeared to underpin government’s willingness to accommodate traditional leaders: the need to avoid pre-election violence in KwaZulu-Natal; the fact that traditional leaders are perceived to command votes in rural areas; and the need for government to work with traditional structures to deliver services to rural people, given the real weakness of elected local government in many rural municipalities. Murray speculates that another reason may have to do with culture and identity, since “many South Africans are in search of a political culture that feels less imposed than the one we inherited from our colonial rulers” (*ibid*: 16) cited in Cousins *et al* (2004).

### 5.1.2 Resolutions

The Land Summit commission resolved that the issue cannot be addressed without first exploring the following three key issues; who owns the land, who administers it and who controls resources on the land. It consequently resolved that

- a) Processes should be established for further discussions and agreement. Rural residents, women and youth should form an integral part of these deliberations;
- b) The right to allocate land must revert back to the State and;
- c) Any developmental initiatives on communal land must be inclusive of the broader community members.

## 5.2 Land and Food Security

### 5.2.1 Context

The focus for this commission was on land as it relates to the production of food and land redistribution for agricultural development in light of the high food prices. High food prices have seriously worsened the living standards of workers and the poor (COSATU, 2008). High prices of basic food stuff are a particular cause for concern. The main issue for the Province is the amount of land lying fallow vis-à-vis food production and the disregard of land reform as a potential contributor to a reduction in food prices. The statement uttered by the ANC secretary-general in May 2008 that "land and agrarian reform programmes must be accelerated to counter the looming food crisis" gives an indication that the land reform programme could be in line to get the serious attention it deserves.

According to recent statistics, the year on year (YoY) prices of basic foodstuffs (with few examples outlined in Table 2) have been increased as follows:

**Table 2: Rise in Food Prices**

FOOD ITEM	YoY Dec 06-Dec07 or YoY Jan 07-Jan 08
White sugar - 2,5 kg	5%
White sugar - 1 kg	6%
Cereal flakes (e.g. All-bran, corn flakes)- 300 g	11%
Self-raising flour- 500 g	11%
Bread rolls - white - 1 dozen	13%
Bread rolls - white - 1/2 dozen	14%
Peanut butter - 410 g	16%
Wholewheat bread- 800 g	17%
Bread rolls - white – each	17%
Bread flour - 1 kg	17%
Brown bread - 700 g	19%
Samp- 1 kg	20%
White bread - 700 g	20%
Self-raising flour- 1 kg	20%
Large eggs - 1,5 dozen	20%
Peanut butter - 400 g	21%



FOOD ITEM	YoY Dec 06-Dec07 or YoY Jan 07-Jan 08
Wholewheat bread- 700 g	21%
Mealie meal/maize flour (sifted, granulated)- 2,5 kg	22%
Samp- 2,5 kg	23%
Cake flour- 1 kg	23%
Breakfast oats- 500 g	25%
Mealie meal/maize flour (sifted, granulated)- 1 kg	26%
Breakfast oats- 1 kg	27%
Cake flour- 2,5 kg	28%
Bread flour - 2,5 kg	28%
Super maize meal – 5 kg	28%
Fresh Vegetables	38%
Oranges – 1 kg	45%
Cooking oil - 750 ml	51%

Source: COSATU, 2008

### 5.2.1 Resolutions

- d) Clarity on who owns land and the suitability of the land needs urgent attention;
- e) Communities should be consulted and agree on how land should be utilised particularly land that is lying fallow. The state should play a regulatory role to ensure that productive land is not underutilised;
- f) In cases where land is insufficient or inappropriate for food security, more/better quality land should be made available through land reform programmes;
- g) The state must support agricultural institutions to encourage agricultural entrepreneurship and also benefit farmers with no formal education;
- h) The State should step up its agrarian reform programmes to support productive utilisation of the land and,
- i) The State should ensure the participation of producers in the market.

## 5.3 Land Use and Management

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### 5.3.1 Context

In the Province, different pieces of legislations govern spatial planning. The Land Use Management Bill will replace all the different ordinances. It is not uncommon to find land used for something for which it is not suitable. The commission focused particularly on the conversion of agricultural land for use for non-agricultural purposes and the need for improved enforcement of land use legislation.

### 5.3.1 Resolutions

- j) Legislation guiding and controlling the conversion of agricultural land into game farms and golf estates must be enforced;
- k) The conducting of a province-wide land audit must be prioritised and,
- l) Intergovernmental relations in land use and management must be enforced.

## 5.4 Rights of Farm Workers and Dwellers

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### 5.4.1 Context

Living conditions on farms are often very poor, while evictions and displacements continue despite legislative provisions. Such evictions result in further impoverishment. Farm dwellers are the first to experience the negative effects of the ongoing conversion of agricultural land. Farm dweller skills are generally not congruent with the labour needs of elite tourism resorts, which is something that results in large scale retrenchments and displacement from converted farms. Despite the repeated assurances that game farms are net providers of employment opportunities, it is usually not the farm dwellers who benefit. Farm dwellers are even faced with eviction from state land institutions such as the Eastern Cape Parks Board, which purchase agricultural land for conservation purposes and immediately seek ways to resettle those living on the land. Eviction and forced relocation impoverish farm dwellers, lead to the breakdown of family ties and compound the dependency of the urban poor. Farm dwellers whose rights are abused are frequently unable to get legal redress.

### 5.4.2 Resolutions

- m) The Extension of Security of Tenure Act (ESTA)

Contravention of the Extension of Security of Tenure Act (ESTA) should be identified and acted upon by the SAPS and the Justice System to prevent illegal evictions in the short term. In the short to medium term, ESTA must be reviewed to increase the legal protection of farm workers and dwellers by preventing illegal evictions;

- n) Land access for farm workers and dwellers

In order to ensure a dignified life for farm workers and dwellers, their working life on the farm should be separated from their home and private life. This can only be addressed through a strategy for land acquisition for farm workers and dwellers. Such a strategy should be developed and implemented by the end of 2008. This strategy should address the various land needs of the farm workers and dwellers and focus on advancing women's rights to land;

- o) The property clause of the constitution should be reviewed

In the medium to long term, the question of security of tenure, land access, housing and other rights of farm workers and dwellers cannot be resolved unless the removal of the property clause of the constitution is addressed. In fact, the removal of the property clause in the constitution is seen as central to all elements of land reform and redistribution. A process to remove the property clause of the constitution should thus be put in motion by Parliament to accelerate the restoration of the right to land by the majority of South Africa's previously dispossessed citizens including farm workers and dwellers.

## 5.5 Land Claims and Investment

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### 5.5.1 Context

Two issues drew the attention of this commission, betterment claims and investment opportunities that cannot take off because of land claims. The issue regarding betterment claims is that of affording betterment victims the opportunity to lodge their claims. This opportunity has been prevented in the past and the proposal to re-open the lodging of claims has been with the national cabinet for the past couple of years. The situation regarding compensation for betterment claimants is unique to the Eastern Cape Province and if resolved, could have positive financial spin-offs for rural development.

Investment opportunities that are earmarked for Mthatha for instance, have been brought to a standstill by land claims to the land in question. This has prompted calls for the speedy resolution of the situation which has proved to be complicated and very sensitive, with government institutions taking the matter to the courts of law for arbitration.

### 5.5.2 Resolutions

- p) The Eastern Cape government must endorse and be actively involved in the Vulamasango Singene Campaign, which is aimed at securing the rights of victims of betterment dispossession in the Eastern Cape;
- q) That the property clause in the Constitution, and the Restitution Act be reviewed and alternative or additional approaches to acquiring land be pursued;
- r) That the Office of the Premier and the Regional Land Claims Commission establish a Claims Resolution Forums in land claims hot spot areas by August 2008. These Forums will comprise of OTP, RLCC, municipalities, communities, claimants and other key stakeholders to deal with urgent matters that delay land claims process and,
- s) That the Department of Local Government and Traditional Affairs institute a capacity development programme that supports municipalities with project management, monitoring and evaluation in land post-settlement processes.

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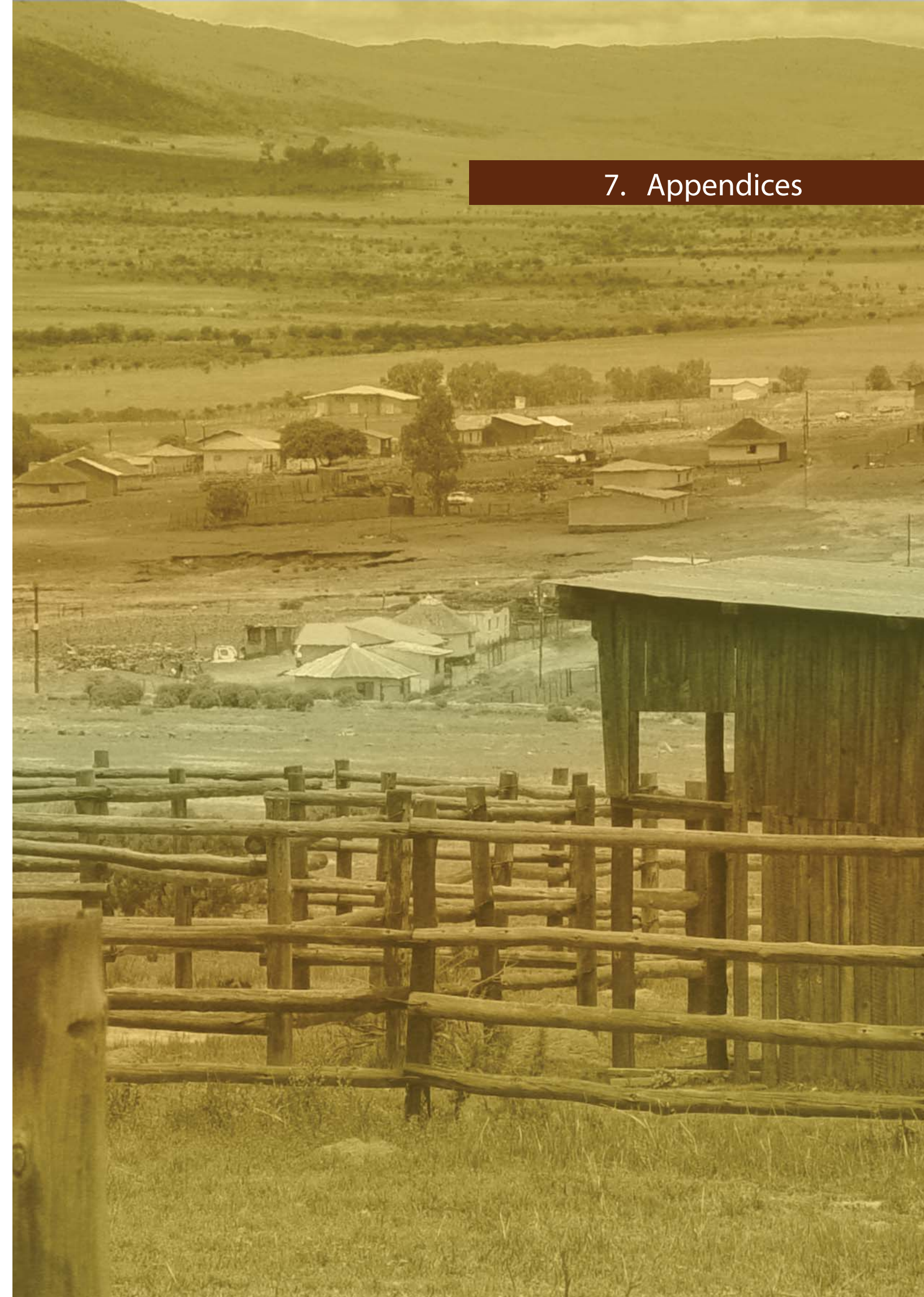
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## 7. Appendices



# Appendix 1:

## Pre-Summit Workshop Commission Reports

Table 3, Table 4, Table 5, Table 6 and Table 7 were drawn up during the PSW and provided draft recommendations and resolutions to be endorsed in the summit.

### 1.1 Commission 1: land administration in communal areas

**Table 3: Commission 1 Report**

Key Challenges	Detail on Each Challenge	Proposed Way Forward	Responsibility	Time Frame	Rank In terms of Priority
Unplanned Development resulting in pockets of small projects dotted through out communal areas	Due to poverty & unemployment, communities accept whatever development	Area Based Planning to involve all stakeholders and should be Ward Based	DLA to take charge of Community Resolutions.	3 Months	
Resolutions of development initiatives taken at Tribal Authority level while proposed development takes place at administrative authority level	People are prejudiced by such decision with the potential of creating tension and conflicts due to lack of participation	People affected by the development to be consulted and given platform to do decide on their own (Multi-Stakeholder Decision-making)	Department of Land Affairs, Affected communities and other stakeholders, e.g LMs, TLs	On going	
Lack of proper registration of Development initiatives & Purpose for the application of land not sufficiently specified.	Members of Vulnerable Groups are discriminated e.g. Single Women and the Youth are prejudiced due to unnecessary delays	Thorough scrutiny of Applicants	Authorities involved in land allocation i.e DLA & TLs	Ongoing	
Lack of awareness on steps needed to process Land Applications on the part of Applicants and Authorities.	Land is not expanding, people are grabbing land through illegal means. Unused Land cannot re-appropriated.	Proper process to check suitability of applicant's potential to use land efficiently needs to be observed.	DLA, LMs, DoA and TLs	Ongoing	

Key Challenges	Detail on Each Challenge	Proposed Way Forward	Responsibility	Time Frame	Rank In terms of Priority
No Proper Land Audit and survey for Land in Communal Areas	This is hindering Development, available land is not known. Who owns what also not clear.	DLA to facilitate Land Audit and make information accessible to people living in communal areas.	DLA in partnership with LMs	2-3 Years	
Unresolved Land Claims on Communal Land	No information flow on the Progress of the Claims from RLCC, inaccessibility of the RLCC	Regular information Dissemination on Progress made to stakeholders and affected communities.	RLCC	6 – Months	
Lack of accrued benefits to the communities	Communal Areas remain under-developed as benefits accrue to specific individuals, benefits not trickling down to people on the ground.	Clear Agreements to be made between Communities and the Investors overseen by the relevant local authorities	DLA, TLs and LMs	Ongoing	
Limitation of IPILRA on occupied land.	IPILRA only protects Tenure Rights of Land occupiers but not minerals and resource rights underneath the land.	Right on the land and everything under the land to be guaranteed to Land Occupiers whenever there is an investment project.	DME and DLA	6 MONTHS	
Slow Pace of Land Reform Delivery.	Tension between people on the ground thereby creating conflicting land use needs	Research and review of progress of LR, enshrine Community rules as outlined in CLaRA	LMs and Communities, RLCC, DLA	On going	
Land use Patterns posing challenges Cultivation vs Grazing	Farmers crops grazed by the cattle. Tension among farmers' livestock and crops. Lot of land remaining fallow	Need to investigate why land is not being efficiently utilised	LM to work with the communities	12 – Months	

Key Challenges	Detail on Each Challenge	Proposed Way Forward	Responsibility	Time Frame	Rank In terms of Priority
Lack of understanding of government policies by both LMs Officials and Communities	Municipalities' participation in LAND Reform Issues is limited	Regular Capacitating of LMs' Officials and consistent feedback to Communities, DLA should assist with the interpretation of government policies. Consistent Presence of DLA in LMs Forums.	DLA	On –Going	
Arable Land not fenced	Grazing land is not fenced, people not reaping good yield. People not cultivation their land due to fear of potential loss of yield	Fences to ne mended. Re-introducing of Rangers.	DoA, LMs and communities	12 –Month	
Gov Officials are biased in land administration (Partisan)	Officials taking sides and forcing particular views and opinions on Community Members	No Partisanship and neutrality in dealing with LAND matters	DLA	Ongoing	
Roles of DLA and DoA not well co-ordinated	Tension between the Two Departments hinder developments	Encourage Working Relationships between government departments	All national and provincial departments	Ongoing	
Land Invasions or illegal occupation rampant in I formal settlements	Unplanned development	Zero Tolerance on Land Invasion	DLA , TLs and LMs	Ongoing	
Overcrowding in the communal areas	Extra sites given to families causing congestion. Other families cannot access land easily	Data keeping on the landowners and land that can be leased to those in need	Responsible authorities		
No Proper Planning around Land Administration	Unsustainable Development occurring in communal areas	Long-term planning is needed			
Inconsistency in the size of plots of land allocated	Creates inequalities' in terms of land access by different users	There should be Standard size in terms of site allocation	Responsible authorities	Ongoing	



Key Challenges	Detail on Each Challenge	Proposed Way Forward	Responsibility	Time Frame	Rank In terms of Priority
Lack of Integration of Land Reform into IDPs	Land Reform on IDPs is only on paper and not practical	Integration is required	DLA and LMs	6 – months	
Lack of Capacity to deliver required services by LMs and DLA	Most people remain frustrated due to lack of delivery of services	Mechanism on how to utilise existing capacity. Knowledge to be harnessed somewhere else, e.g. Land Rights, IDP and Area Based Planning Forums	DLA, LMs, NGOS and any other stakeholders.		

## 1.2 Commission 2: land and food security

Table 4: Commission 2 Report

Key Challenge	Solutions	Responsibility	Timeframe	Priority
<ul style="list-style-type: none"> <li>- Farmer Support Programmes are inadequate                             <ul style="list-style-type: none"> <li>• Extension services</li> <li>• Infra-structure (fencing, roads, water, electricity)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Introduce specialisation in extension officers</li> <li>- Re-orientation and re-training of extension officers to cope with new challenges</li> <li>- Subsidy scheme for livestock production (similar to massive food production)</li> <li>- Increase budget of CASP and extend it to other areas of agriculture beyond Massive Food Production Programme</li> <li>- Fencing of all arable lands in communal areas (arable and grazing land)</li> <li>- Enhance access of farmers to finance</li> <li>- Role of the Land Bank should be changed to provide support for farmers in the same manner that it provided to white farmers (should not make farmers to be indebted)</li> <li>- Improve extension services offered by the Department of Agriculture</li> <li>- Use CDWs and other stakeholders to disseminate information to rural areas</li> <li>- Government programmes in agriculture must be pro-poor and generate employment opportunities</li> </ul>	Department of Agriculture		

Key Challenge	Solutions	Responsibility	Timeframe	Priority
<ul style="list-style-type: none"> <li>- Lack of access to markets               <ul style="list-style-type: none"> <li>• Existence of middle-men</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Create collection points for farmers' produce to facilitate easy delivery of production</li> <li>- Facilitate existence of stock pens, stalls, for easy access of produce and livestock of producers in communal areas</li> <li>- Capacity building to farmers on commodities that are in demand in the market</li> <li>- Facilitate easy entry of producers into the food value chain</li> <li>- Explore local processing of produce to maximise benefits</li> <li>- Break monopolies in retail industry</li> <li>- Improve information dissemination and consultation with farmers on commodities to produce</li> </ul>	Department of Agriculture		

Key Challenge	Solutions	Responsibility	Timeframe	Priority
<ul style="list-style-type: none"> <li>- Lack of youth involvement and interest in agriculture and rural development</li> </ul>	<ul style="list-style-type: none"> <li>- Promote youth involvement in agriculture and rural development</li> <li>- Implement skills development programmes targeted at young people that enhance their role in agriculture and rural development</li> <li>- Revival and establishment of agricultural schools and colleges in the province</li> <li>- Career guidance in schools to promote agriculture as an attractive and a viable career choice</li> <li>- Provision of support mechanisms and incentives to attract youth to study agriculture</li> </ul>	<p>Department of Agriculture</p> <p>Department of Education</p>		
<ul style="list-style-type: none"> <li>- Lack of food security               <ul style="list-style-type: none"> <li>• Producing for exports threatens local food security</li> <li>• High food prices</li> <li>• Lack of co-ordinated efforts by govt.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Production for exports must be balanced with production for domestic consumption</li> <li>- Dept. of Agric. to consult and listen to what communities want to produce and assist them from there</li> <li>- Advice should be given to communities on new market opportunities and these should be aligned with community vision (avoid top down approach)</li> <li>- Encourage food security initiatives (Siyazondla)</li> <li>- Co-ordinate efforts of departments concerned with food security</li> </ul>	<p>Department of Agriculture</p>		

Key Challenge	Solutions	Responsibility	Timeframe	Priority
<ul style="list-style-type: none"> <li>- Lack of access to land by African people               <ul style="list-style-type: none"> <li>• Absentee land ownership and under-utilisation of land</li> <li>• Concentration of land in few whites</li> <li>• Conversion of farms into game farms and golf courses</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Undertake audit and verification of land ownership in both commercial farms and rural areas</li> <li>- Land that lies fallow and not utilised should be leased to encourage productive use of land</li> <li>- Ensure equitable land distribution and ownership</li> <li>- Set ceiling on the number of farms a person can own ("One man, one farm")</li> <li>- A moratorium on conversion of agricultural farms to game farms and golf courses</li> <li>- Legislation needed to control conversion of farms into other ventures such as game and golf courses</li> </ul>	Department of Land Affairs		
<ul style="list-style-type: none"> <li>- Lack of support to land reform beneficiaries               <ul style="list-style-type: none"> <li>• Land redistributed to poor communities gets sold back to white commercial farmers</li> <li>• Some farms are sold by farm owners without water rights</li> <li>• Farming by emerging black farmers is not sustainable</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>- Set legal requirements and limit to selling and purchasing of land that has been redistributed</li> <li>- Increase productivity and resourcing of land that has been redistributed</li> <li>- Government must ensure that farms are sold with water rights</li> <li>- Mentorship and capacity building programmes must be put in place</li> <li>- Redefine mandate to development finance institutions ensure optimal assistance is offered to emerging farmers</li> <li>- Develop more understanding of the food industry in order to break the monopoly by food retail chain stores</li> </ul>	Department of Land Affairs  Department of Agriculture  All government departments		

Key Challenge	Solutions	Responsibility	Timeframe	Priority
<ul style="list-style-type: none"> <li>- Use of GMOs and climate change impacts negatively on the environment and traditional farming methods</li> </ul>	<ul style="list-style-type: none"> <li>- Communities must be educated about effects of GMOs and chemicals to their land</li> <li>- Develop land use options for active farmers</li> <li>- Encourage and promote use of other agricultural methods such organic farming/ traditional farming methods</li> <li>- Govt. officers to respect and listen to views of people and assist them in their agricultural efforts</li> </ul>	Department of Agriculture and DEDEA		
<ul style="list-style-type: none"> <li>- No integrated service delivery</li> </ul>	<ul style="list-style-type: none"> <li>- Strengthen inter-departmental relations and improve communication with communities</li> <li>- Municipal IDPs should be used as instruments for integrated service delivery for agrarian transformation</li> <li>- Partnerships between emerging farmers and established commercial farmers must be established</li> </ul>	All Departments  Municipalities		
<ul style="list-style-type: none"> <li>- Most irrigation schemes are not operational</li> </ul>	<ul style="list-style-type: none"> <li>- Revive irrigation schemes</li> <li>- Promote investment in irrigation schemes to ensure their optimal functioning</li> </ul>	Department of Agriculture		

## 1.3 Commission 3: land use and management

**Table 5: Commission 3 Report**

Key challenges	Details	Way forward	Responsibility	Timeframe
Skewed ownership of land in EC		<p>Appropriate legislation must be developed;</p> <p>There must be a comprehensive review of policies, procedures, and red tape;</p> <p>The provincial Department of Agriculture must be given the legislative mandate to implement land redistribution, with time frames</p>		Up to 2010
Incorrect use of land	Lack of enforcement of land use practises and polices	Development of land management legislation		
		Spatial development framework that are area specific		
		Rationalisation of old legislation		
Underutilisation of productive agricultural land and land degradation	Emphasis placed on commercialisation	Speed up of revitalisation of irrigation schemes	Dept of Agriculture	
	selection criteria for farmers (beneficiaries)	Effective land care		
	Current land tenure system	Re-orientation of extension officers to sustainable development		
	Lack of interest in farming	Use of appropriate agricultural practises		
	Selection criteria for farmers (beneficiaries)	Clear land use plans to support programs		
	No clear cut role for municipalities in agriculture			
	Absentee landlord			

Key challenges	Details	Way forward	Responsibility	Timeframe
Lack of integrated approach in planning resettlements	Focus mainly on building of houses on recreational facilities	Participation of sector depts in planning for houses at IDP level	Local Govt/ Land affairs/ Traditional leaders	
	Continued use of old planning legislation in zoning	Compliance issue by Treasury		
	Insufficient well located land for housing	Enforcement by IGR		
	Lack of dedication from government departments	Land audit for housing		
Industrial Challenges	Waste disposal	Improve rural infrastructure	DLA/Local gov/ Economic Affairs	
	Air and water pollution	Environmental watchdogs		
	No rural industries to process production from these areas	Tax incentives to attract investors		
	Location of industries on high potential land	Recycling of waste water		
	Lack of full participation in planning of industries	Enforcement of EIAs and NEMA		
Heritage	Unprotected heritage sites vandalised	Awareness campaigns	Tourism/Local gov/ Traditional Leaders	
	Game farms taken over sites that ought to be enjoyed	Servitue rights for all heritage sites and private properties	Sports, Arts and Culture	
	Not accessible to indigenous people	Integration to curriculum		
		Ownership and drive by municipalities and government depts.		
		Audit of heritage sites		
Conversion of agricultural land	Game farms, golf estates, upmarket houses, tourism	Moratorium on conversion of land	DLA/Agriculture/ Tourism/Local Govt	
	Eviction occurs when changing of land use occurs	Revisit existing legislation on creation of games		



Key challenges	Details	Way forward	Responsibility	Timeframe
	Cut of traditional places of recreation	Delegation of Legislation Act 70 to provinces		
		Education in the importance of value and ownership of land		
		Encourage organic farming		
		Build capacity on land management		
		Extend zoning of land to rural areas		

## 1.4 Commission 4: rights of farm workers and dwellers

**Table 6: Commission 4 Report**

Challenges Identified	Detail on each challenge	Proposed Way forward	Responsibility	Time Frame	Rank in terms of priority
ESTA and evictions of farm workers and farm dwellers	<p>ESTA provides limited protection of farm workers and dwellers. Protection is only provided during their stay on the farm.</p> <p>ESTA makes living on farms conditional on employment, hence increases the tenure insecurity of dwellers and women.</p>	<p>ESTA needs to be linked to another land access/redistribution strategy that is additional to LRAD. It can be linked to the increase in the SLAG/LRAD grants.</p> <p>In the short term DLA needs to enforce ESTA for people that are working and living on farms.</p> <p>In the medium term ESTA should be reviewed to prevent evictions of farm workers and farm dwellers.</p>	<p>DLA, Municipalities DoHousing and other departments</p> <p>Union/FAWU</p> <p>Land Rights Organisations</p> <p>SAPS/Justice system</p>		1

Challenges Identified	Detail on each challenge	Proposed Way forward	Responsibility	Time Frame	Rank in terms of priority
	<p>ESTA represents a fundamental clash between the needs of farm workers and dwellers and the farm owner.</p> <p>ESTA is unable to address violations of unlawful and forceful evictions.</p> <p>After evictions, people are dumped in townships</p>	<p>DLA should fund legal services and ensure that the service is well known among workers and dwellers.</p> <p>A land redistribution strategy should be developed that caters for dwellers and is based on advancing gender rights to land.</p> <p>Land access and redistribution should be accelerated to farm workers and dwellers.</p> <p>A moratorium on farm evictions should be put in place.</p> <p>People evicted not in terms with ESTA (unlawfully/illegally evictions) should be returned to the land they were evicted from. (restoration of rights)</p> <p>Criminal Justice system (SAPS, Courts) should recognise illegal evictions as a crime and set strong precedence to prevent unlawful evictions.</p> <p>Emergency housing should be provided for those evicted under current legislation</p>			

Challenges Identified	Detail on each challenge	Proposed Way forward	Responsibility	Time Frame	Rank in terms of priority
Farm workers housing	<p>Current housing conditions are appalling and pose a serious health risk. It also compromises the productivity of the workers.</p> <p>Currently no housing subsidy for farm workers on private land and no govt housing can be built on private land.</p> <p>Government is not providing services on private land.</p> <p>Housing policy does not allow for people apply for subsidies twice</p> <p>Operational requirements: workers must live on farms. Cost of providing housing deters expansion on farms.</p>	<p>While a person is working on a farm adequate housing should be provided. This could be provided off farm through the provision of land (or zoning off/buying off a piece of land).</p> <p>The life and work of farm workers should be separated. This means that even if farm workers are living on a farm, they must have security and access to land and housing off the farm.</p> <p>Land that is provided for farm workers must meet their multiple needs which are:</p> <ul style="list-style-type: none"> <li>- Settlement</li> <li>- Housing and amenities</li> <li>- Grazing</li> <li>- Ploughing</li> <li>- Social services</li> </ul> <p>The property clause of the constitution should be re-opened for discussion. Farm evictions and housing cannot be addressed adequately without revisiting the property clause.</p>	Department of Housing, Public Works, Social Services, Agriculture, DLA and Municipalities		2

Challenges Identified	Detail on each challenge	Proposed Way forward	Responsibility	Time Frame	Rank in terms of priority
Minimum wage	<p>Farm workers are now covered by the minimum wage.</p> <p>There is widespread non compliance with the minimum wage.</p> <p>Farmers reduce working hours in order to pay a lower salary to workers.</p> <p>The minimum wage is in any case inadequate for a dignified life for farm workers and their families.</p> <p>Use of foreign migrant labour and non-compliance with legislation. Creating tensions in community. (E.G Patensie – use of Zimbabwean labour for R50 a week)</p>	<p>DLA and DOA must implement an advocacy program for rights and compliance with labour law in the farming/ agricultural sector.</p> <p>DoL must increase no of labour inspectors and set up a special directorate for agriculture to make sure that the sector become compliant to labour law. Once-off blitz inspections are not enough.</p> <p>In addition to the minimum wage, there should be access to land which would enable people to engage in small holder production linked to agri-processing and Local Economic Development.</p> <p>There should be no exemptions to the minimum wage.</p>	DLA, DOA, Dept of Labour Department of Econ Affairs and Municipalities		

Challenges Identified	Detail on each challenge	Proposed Way forward	Responsibility	Time Frame	Rank in terms of priority
Access to education, skills development and social services.		<p>DoL needs to monitor the use of skills funds for workers and dwellers and ensure that there is access to education and skills development programs</p> <p>There should be free education for workers, dwellers and their children off the farms. Where accommodation and transport is necessary this should be free.</p> <p>DOH to provide mobile clinics and ambulance services</p> <p>Home Affairs mobile services should be provided.</p> <p>SASSA and Dept of Social Development should bring the services to the farms.</p> <p>Dept of Justice.</p>	<p>DoL, DOE, DSD, Home Affairs, SASSA</p> <p>Farmers associations</p>	3	

Challenges Identified	Detail on each challenge	Proposed Way forward	Responsibility	Time Frame	Rank in terms of priority
Gender relations and women on farms	<p>There is not a situation of equal pay for equal work.</p> <p>Women are largely dependent on men and opportunities mediated through males.</p>	<p>Farmers should not discriminate on the basis on gender, and give jobs and housing only through the males.</p> <p>DOL inspections should be carried out with a gender lens and should be based on an understanding of the different segments of the workforce.</p> <p>HRC needs to come into the picture to address human rights violations</p> <p>Gender commission and HRC should contribute to creating a rights culture on farms</p>	<p>Farmers</p> <p>DoL</p> <p>CGE, HRC</p> <p>NGOs, Farm worker organisations.</p> <p>GCIS</p>		
Low levels of unionisation and organisation of workers and dwellers on farms	<p>Only 10 000 of the 62000 farm workers in the EC are unionised.</p> <p>Organisers do not have access to farms.</p> <p>There is poor participation from DOL in enforcement of the LRA in the land sector.</p>	<p>Mechanisms to promote the organisations of farm workers and dwellers should be set up.</p> <p>Farmers should not deny the right to organise on their farms.</p> <p>Establish farm committees/area committee for farm workers and dwellers.</p>	<p>Farmers</p> <p>DOL</p> <p>Farm workers</p> <p>Unions and civil society structures</p>		

Challenges Identified	Detail on each challenge	Proposed Way forward	Responsibility	Time Frame	Rank in terms of priority
Land use and conversion to game farms	<p>Farm workers lose their jobs, their tenure and their lives are negatively affected.</p> <p>Land use options favouring game farms, tourism and golf courses threaten food production and food security, land redistribution and access. Racially skewed patterns of land ownership are unaffected by this.</p>	<p>There should be a moratorium on game farms and golf courses</p> <p>The Provincial Growth and Development Plan and the Spatial Plan for the Province must pronounce on land use options – food sovereignty should be privileged over tourism and leisure</p> <p>DLA/DOA to investigate cases of rezoning of agricultural land</p>	<p>DLA, DOA</p> <p>Dept of Local Government</p> <p>Office of the Premier</p> <p>Municipalities</p>		
Voice of the farm workers and dwellers in policy making	<p>Consultation with landless in policy making and 'projects' often not taking place</p>	<p>Farm workers and dwellers should be consulted about policy as well as in PLAS/LRAD projects, LED initiatives, conversions etc.</p>	<p>Farmers, Municipalities, DLA, DOA</p> <p>Union</p> <p>Legislature Portfolio Committee on Agriculture</p>		
Funding models for land acquisition are too restrictive for farm worker/dweller land needs	<p>PLAS focuses on commercial production which is not appropriate for farm workers and dwellers and does not meet their land needs.</p> <p>PLAS compels workers/dwellers to be part of projects because they want land.</p> <p>Farmer as mentors must be seriously considered against past relationships</p>	<p>Farming on small and medium scale should be supported by DOA and DLA.</p> <p>Commercial options should only be considered when people are ready to embark on large scale commercial projects.</p> <p>Specific land acquisition strategies for farm workers should be developed.</p>	<p>DLA, DOA</p>		

Challenges Identified	Detail on each challenge	Proposed Way forward	Responsibility	Time Frame	Rank in terms of priority
Joint ventures/equity schemes (linked to BEE)	There are dangers for farm workers when joint ventures and equity schemes are used. Research shows that the benefits to workers and dwellers are limited and workers are often short changed when they enter into joint ventures or equity schemes with farm owners.	Equity schemes should be the last resort. Should only be used under certain circumstances with conditions and compliance with legislation.  Clear criteria must be put in place – balance and redress, substantive land rights.  DLA officers should be trained to deal with farm workers and farmers in order to make appropriate decisions.	DLA, DOL, DOA		
Lack of reliable stats on farm workers and dwellers	Improve Census and Household survey	Build database to be housed by DLA/DOL  StatsSA to release stats that they collect  Farmers to fill in the StatsSA forms accurately.	DLA DOL STATSA Farmers		

## 1.5 Commission 5: land claims and investment

**Table 7: Commission 5 Report**

Key Challenges Identified	Detail on each challenge	Proposed way forward	Responsibility	Time Frame	Rank in terms of priority
Claims not lodged before 31 December 1998	Vulamasango Singene: victims of betterment dispossession were wrongly excluded from restitution because of government prejudice	Betterment redress programme – all key stakeholders in the province (including provincial leadership) should endorse the campaign and proposed redress programme	Provincial government		



Key Challenges Identified	Detail on each challenge	Proposed way forward	Responsibility	Time Frame	Rank in terms of priority
	People/ communities missed the deadline, for one or other reason	Research the extent of the problem, to assess whether or not this issue should be taken further	Not assigned		
Slow pace of land claims process	Land claim process not properly understood	Commission to educate the public and share information on how to fast track the process	Land Claims Commission		
	Commission lacks adequate research skills	Strengthen research capacity of the Land Claims Commission	Land Claims Commission		
<b>PRE – SETTLEMENT ISSUES</b>					
Lack of coordination and communication between and among stakeholders including claimants	Stakeholders particularly government operating in silos	Align government land related programmes	Land Claims Commission		
		Update all stakeholders affected by claims and progress made re resolution;  Develop an annual report on the status of each claim	Land Claims Commission		
Lack of adequate process prior to claim settlement	Building institutional capacity, development planning, crowding in of resources	Establish claim resolution forums in which the municipality, the claimants and other key stakeholders are all included	Land Claims Commission		
Investment and development process hampered	Uncertainties, red tape and legal complications prohibit investment; Investors get driven away	Develop a shared understanding and clear processes to enable development and investment, even where there are outstanding claims	Land Claims Commission		

Key Challenges Identified	Detail on each challenge	Proposed way forward	Responsibility	Time Frame	Rank in terms of priority
<b>POST SETTLEMENT ISSUES</b>					
Nothing happens after the signing of settlement agreements	Lack of implementation: Settlement agreements not being implemented	Settlement agreements need to contain tighter obligations & implementation mechanisms (pact)	Land Claims Commission		
Development that does take place is not integrated into broader processes	Lack of coordination: Local plans are not vested within IDPs	Investment to be linked with IDPs of municipalities	Appointed municipalities		
Municipalities (charged with the project management function) are unable to perform this function adequately	Project management: Municipalities not assuming the role of project management; Commission not monitoring municipal performance	Strengthen project management skills of municipalities; Commission to develop monitoring systems	Land Claims Commission		
Claimant communities have no control during the post-settlement phase	Community control: People lack power re: investment choices; Under-resourced community legal entities; No leverage to negotiate as owners	Decision making power to be vested in the communities (Not govt. deciding what is best for the community); Oblige DLA to meet its legal obligations to support CPAs; Prioritise land transfer component	DLA		
There is a lack of clarity about which development models to use and which to avoid	Development model: Models being imposed on communities without adequate info.	Research report on best practice in the Eastern Cape e.g. Cata model			
<b>POST SUMMIT ARRANGEMENTS</b>					
Monitoring and Evaluation	Lack of implementation of summit outcomes	Quarterly progress reports to be developed - Premier to champion			

## Appendix 2: Stakeholder Inputs to the Land Summit

### 2.1 NGO Perspective

The summary below is compiled from the reports of eight land sector organisations in the Eastern Cape (Zingisa, Khanyisa, Border Rural Committee, CALUSA, Eastern Cape Agricultural Research Project, Transkei Land Service Organisation, Masifunde and Southern Cape Land Committee):

Agrarian transformation, to which land reform is central, is crucial if we are to begin to address the injustices of our apartheid history, the divide between the rich and the poor, the high levels of poverty and the growing food crisis. To date land reform has failed dismally. Fourteen years into our new democracy less than 5% of land has been redistributed nationally with the Eastern Cape following the same trend. Rural poverty remains firmly entrenched in the former homelands, amongst farm dwellers and other landless rural people.

Privatisation of state assets like the railway system and forestry sector as well as the ongoing conversion of agricultural land into game farms, golf estates and conservation areas is resulting in more people living with insecure tenure and increased evictions.

Commercial agriculture remains the domain of a privileged few. Small scale farmers who do access land and are pushed into the commercial agriculture terrain, struggle to acquire the resources needed for the high cost of production and to access markets.

A radical overhaul of policies and practises is essential in South Africa as a whole and the Eastern Cape specifically.

#### **2.1.1 Challenges which hamper agrarian transformation and sustainable rural development and suggestion to counteract**

Some of the challenges which hamper agrarian transformation and sustainable rural development are:

##### **2.1.1.1 The inability of landless people to access land**

As noted market based land reform is not resulting in significant land redistribution. Land has become a commodity to generate profit for the land owners, be these private or state. The mismatch between the rising price of land and the land reform grants makes it virtually impossible for meaningful redistribution to take place. Landless people are forced to pool their grants by forming large, unviable groups or to take loans from financial institutions which are impossible to service in the post-land transfer period.

Even where people reside on state land they are unable to get ownership or secure tenure. The forestry communities and the Transnet settlements affected by the state policy of privatisation are living without ownership of homes or land in "no man's land" where neither the municipalities or the land owners or leases' (Transnet or MTO) are prepared to take responsibility.

Commonage is not easily accessed by small-scale poor producers who are often uninformed as to where this public land is situated. Local authorities often lease commonage out to commercial farmers as a means to generate income and lack the capacity to manage and maintain the commonage.

Farm dwellers live without security of tenure and displacements and evictions continue. Land reform is increasingly outsourced and privatised. Consultants, agri-business and financial institutions are hired to draw up ABP, to develop business plans and are central in the acquisition and holding of land within the new PLAS programme. These consultants and institutions are often profit driven rather than having a pro-poor focus

Therefore to facilitate redistribution of land, CSOs demand an overhaul of the current land reform policies to transform them from market driven to pro-poor:

- The much mooted audit of state land to be made a priority and the results thereof to be made public. A moratorium on the sale of this state land until the land needs of people living on the land and other landless people are addressed. All state land to go through the State Land Disposal process
- Implementation of the newly strengthened Expropriation Act especially in cases where the land is underutilised, the current land owner has a history of abuse and ill treatment of farm dwellers or the land owner already owns multiple farms
- A ceiling to be placed on the number of farms which can be owned by individual land owners or corporates. In particular there must be a limit placed on foreign land ownership
- An increase in the land reform grants to enable landless people to afford the price of land.
- A shift from prioritising the redistribution of large, commercial farms towards smaller household farming units which have been proved to be most productive in producing food
- A land reform and rural development programme which not only demands that women are token members of beneficiary groups but ensures that women's ownership, tenure and land use rights are strengthened
- Meaningful participation by those most affected in the revamping of CLRA and a speeding up of this process
- Careful monitoring of consultants, businesses and financial institutions to whom land reform is outsourced. M&E systems which monitor participation and feasibility of plans

### **2.1.1.2 The lack of post settlement support and inappropriate land use plans resulting in unviable projects, mismanagement of resources (like overgrazing), a capturing of resources by an elite few - usually men and the so called failure of projects**

Land is usually transferred on the basis of unimplementable commercial agriculture business plans drawn up by consultants often with limited participation from the so-called beneficiaries themselves. The emphasis is on commercial agriculture and export markets requiring expensive inputs and a high level of technical and business skills. Small-scale or subsistence farming is looked down upon and considered inferior and farmers who practise these methods are judged to be a "failure".

The DoA extension officers, where they are visible, promote high input methods of production requiring expensive fertilizers, equipment and fuels. Moreover, in some of the land reform projects farmers are encouraged to use GMO seeds without exploration of the effects these may have on long term sustainability and health. Perhaps even more worrying is when food crops are grown as biofuels.

There is a new trend of commercial farmers setting themselves up as consultants wishing to “put back into poor areas”. In our experience these groups again push high cost commercial ventures and receive backing of state donor agencies such as the IDC. The historically skewed power relationships on farms results in limited meaningful participation of land reform beneficiaries themselves and in these consultants scooping off high management fees. Equity schemes are another example where poor farm workers and dwellers can be used to generate income for commercial farmers with limited benefits and maintained skewed power relationships. The mentoring system, unless well monitored can face similar challenges

**CSO demand:**

- A revamp of agricultural policies and processes towards policies that promote a wide range of land uses. In particular small-scale sustainable methods of production must be encouraged and supported
- DoA extension officers to be re-orientated and build their capacity for promoting sustainable, ecological methods of land use and food production, for dealing with large groups of people rather than individual farmers and most especially to be aware of gender dynamics and the promotion of women
- The DoA must reprioritise their allocation of resources towards building sustainability rather than always focussing on equipment which is expensive to maintain. Resources which are appropriate and affordable in the long run including water harvesting systems, solar or wind power, drip irrigation and nurseries enabling farmers to be self sufficient must be explored and promoted
- The DoA, together with other state departments including local government, must prioritise the setting up of local markets. This would enable rural people to generate income from produce and urban people to access healthy and affordable food.
- The DoA must monitor projects and programmes initiated by commercial farmers to ensure meaningful participation and equitable sharing of benefits.
- The process of accessing DoA grants to be streamlined enabling rural farmers to benefit.

### **2.1.1.3 Agrarian transformation or sustainable rural development requires an integrated and holistic approach from the state**

The need of landless people is far more diverse than just income generation through commercial farming. People most often need land for a wide variety of uses- land for homes with basic services, land for food production and land for other forms of livelihoods. It is far more holistic than only focussing on commercial agriculture.

**CSO demand:**

- An integrated state support for land reform and rural development. The Departments of Land, Agriculture, Local Government and Traditional Affairs, Environmental Affairs and Planning and where appropriate Tourism must be working together to ensure sustainable rural development. Steering committees incorporating all these departments and where beneficiaries are able to have meaningful participation are to be promoted

- Local authorities have a central role to play in land reform with the ABP located within the IDPs. The DoA has a role to play in ensuring that small scale farmers are included in the IDP processes and represented on LED and IDP forums
- Post settlement support including allocation of resources, capacity enhancement of skills and accountable institutional arrangements must be secured before land transfer. Merely establishing a legal entity and transferring land to this entity sets projects up for failure. All state departments should be tied into integrated forums together with rural women and men to facilitate an integrated response to land reform and rural development projects, to compile workable development plans, ID which departments will allocate resources and provide services and to monitor implementation towards sustainable projects

#### **2.1.1.4 Farm workers and dwellers are particularly marginalised within land reform and rural development**

Living conditions on farms are often very poor, evictions and displacements continue with the resulting impoverishment. Farm dwellers are the first to experience the negative effects of the ongoing conversion of agricultural land. Farm dweller skills are not considered congruent with elite tourism resorts resulting in large scale eviction and displacement. Despite the repeated assurances that game farms provide employment opportunities it is usually not the farm dwellers who benefit there from. Farm dwellers are even faced with eviction from state land as institutions such as the ECPB purchase agricultural land for conservation purposes and immediately seek ways to get rid of those living on the land. Eviction and urbanisation impoverish farm dwellers, break down family ties and compound dependency amongst the urban poor. Farm dwellers whose rights are abused are unable to access legal services.

##### **CSO demand:**

- A moratorium on the conversion of agricultural land into elite developments such as golf estates and game farms with special Ministerial permission required before any agricultural land can be converted into game farms, golf estates or other elite developments which cater for the needs of a wealthy few.
- Regular monitoring and inspections on farms to monitor living and working conditions. The DoA extension officers who supposedly enter onto farm regularly also have a role here in reporting abuse and violation of legislation.
- A moratorium on evictions while the ESTA legislation is being overhauled and until strategies are in place which would secure access to land and houses for displaced farm dwellers.
- The promotion of access to land and support for livelihood strategies on commercial farms to supplement low incomes and support casual / seasonal farm workers (primarily women) in being able to feed their families and generate income. The DoA should prioritise food gardens and other agricultural projects amongst farm dwellers.
- The state has a responsibility to provide free access to legal services for farm dwellers. The Dept of Justice must take up this responsibility and stop shifting it to the DLA and civil society. The outsourcing of legal representation to large commercial law firms as has just taken place is highly problematic and open to abuse. The DLA is reverting to the old judicare system which proved unaccountable and ineffective.
- Specific strategies are needed within land reform and rural development to cater for the needs of farm dwellers. Farm dwellers need secure tenure and basic services as well as land for livelihoods not necessarily the transfer of large commercial farms

### 2.1.1.5 Resources are needed in rural areas to foster sustainable rural development

A major injection of resources is needed into rural areas. These resources should be channelled towards sustainable rural development and an improvement in the lives of the rural poor.

#### CSO demands include:

- A resolution from this Land Summit re the Betterment Redress Programme which would release resources into the former homelands.
- The benefits of the forestry sector which is being privatised to be directed towards rural people living in these areas. Support for community forestry projects and participatory forest management rather than selling off or leasing out forests to commercial enterprises

## 2.2 Eastern Cape House of Traditional Leaders

Chairperson Provincial House of Traditional Healers, Chief Mathanzima acknowledged the major challenges associated with land. He proposed the efficient utilisation of land in order to fight poverty. He brought the historical context of the wars of dispossession. He cited the unfair treatment of urbanised people with title deeds with value as opposed to the original people disposed supplied with one title deed only. There is the need for the change of current circumstances, much need for the serious review, as the whole communal land is subjected to one title deed. The old boundaries of the Thembus stretch to the Orange River.

Chief Mathanzima suggested that parliament reopen the negotiation processes in the Constitution. He is strongly of the opinion that the democratic dispensation has done little to free the oppressed people. The provision of child grants has the effect of discouraging the ploughing of fields. The provincial Department of Social Development needs to be reviewed according to Chief Mathanzima. The Chief proposed to have the support provided to families not to individuals. There is also need for the speedy resolution of land issues.

## 2.3 Congress of Traditional Leaders of South Africa

Chief P Holomisa made a presentation which has been summarised as follows:

The first step towards the unleashing of the socio-economic development potential of the Eastern Cape is the realisation and acceptance of the fact that the region is rural and that the majority of its people are proud of their history, customs, traditions, cultures and democracy.

Most of the land is owned on a communal basis under the rule of traditional leaders. This is land that was successfully defended by our forebears in the Wars of Resistance to colonial-ism. The rest is made up of the towns and white-owned commercial farms. Restoration of land rights seeks to return to blacks land that was taken by white racists since 1913 until the advent of democracy.

Considering that the biggest bulk of the land of the natives was dispossessed between 1652 and 1913, the challenge of our times is to ensure that the South African land mass is redistributed and shared on an equitable racial basis. We need to eliminate the situation where a racial minority continues to own a disproportionately large amount of land while the majority remains in over-crowded and unproductive patches.

We all bear the responsibility to ensure that as white farmers continue to produce food for the nation and the export markets, black South Africans are assisted to acquire farmlands with the requisite skills and resources that have made it possible for whites to become the successful farmers they have always been.

For such a goal to be realised the state must buy and, where necessary, expropriate some of the white-owned farms and lease them to deserving and properly trained blacks. This requires that the agricultural training colleges of the recent past must be revived in order to produce suitable candidates for the acquisition of such farms. The rural universities of Walter Sisulu, Fort Hare and Rhodes must play their part to inculcate in the minds of students the idea that working with and on the land is an honorable and profitable occupation.

There is a critical need for an examination of the wisdom of new entrants seeking to be farmers by buying land instead of leasing it from the state once it has been acquired in terms of the land and agrarian reform programmes. Too many emerging farmers are failing because of the loans they use to buy farms. The idea should be about making productive use of the land at your disposal rather a desire to be an outright owner. Any debt owed to financial institutions should be for the purchase of implements and inputs.

Despite the apartheid fiction that communal land is owned by the state, these territories are owned by the communities which occupy them. The indigenous land use management systems applicable to them ensure that allotments are issued in ways that take into account the residential, farming, commercial and recreational needs of the community. These systems, contrary to popular belief, guarantee security of tenure to the land-rights holders since they cannot be deprived of their land on account of poverty or failure to pay mortgage bonds. The allotments belong to the families in perpetuity.

Any new land use management systems that we introduce as government must take into account the existing indigenous ways. Democracy, transparency and concern for the poor and the vulnerable must continue to be the guiding principles in the allocation of allotments.

There is a need to distinguish between the needs of the rural citizens from those of the urban dwellers as we seek to devise development and service delivery strategies. For instance, the clamour for housing in the urban areas is overshadowed by calls for help in agricultural development in the rural areas. A democratic government should be able to convert the housing subsidies that should be due to rural citizens into agricultural development funds.

The arable allotments, generally located as they are along fertile river-banks, are suited for irrigation and thus for all-year round cultivation. We need a programme to fence all arable allotments throughout the province. This should not be done on the basis of projects by communities which happen to be proactive. Institutions like the Agricultural Research Council and the Onderstepoort Biological Products must redirect their attention to the communal areas and conduct research that will determine appropriate seed and fertiliser for a productive cultivation of these lands, as well as develop vaccines that will prevent the spread of diseases in the herds grazing in communal fields.

Tractors and other farm implements such as ploughs, cultivators, harrows, discs, trailers, etc must be provided to each traditional council for use by community members.



Local municipalities and relevant provincial departments must ensure accessibility of the fields by building and repairing roads and bridges on a regular basis.

The National Agricultural Marketing Council must actively find markets for the sale of the produce that will be delivered by the communal famers.

For purposes of household food security and the empowerment of women, all households must be assisted with the fencing of their gardens and the provision of seeds, fertiliser and irrigation equipment.

Care should be taken to ensure that any help from the state is not to be expected to be given in perpetuity, but is given as a start-up capital aimed at promoting self-help and sustained development.

Cooperation and mutual respect amongst all role-players i.e. politicians, traditional leaders, government officials, state institutions and community-based organisations, is essential for the success of all initiatives undertaken to promote rural development and service delivery.

## 2.4 Discussion Papers

### 2.4.1 A Model Rural Village (Prof N. Luswazi)

Prof Luswazi made the following points that:

- a) South Africans tend to equate "Rurality" with Black people and with underdevelopment.
- b) That as a nation we need to tap into our historical memory to give us confidence and a picture of a past rural sustainable, African civilization
- c) That Rural Development should not be divorced from Urban Renewal strategies as the rural and peri-urban underdevelopment are two sides of the same coin.
- d) While the Land question remains unresolved in the long term we should bear in mind that there are still untapped natural resources in some Rural areas however limited.
- e) Closely linked to the untapped natural resources are untapped opportunities for a wide range of small, medium and even large scale enterprises and a market initiated as a result of the enabling industry.

### 2.4.2 Land Redistribution (Prof L. Ntsebeza)

According to Professor Ntsebeza, there is still less than 1% of distributed land for rural development. There were compromises that were made during the negotiations which compromised those dispossessed in accessing land. The suggested starting point is the review of the negotiations processes and accompanied by the amendment of the constitution. The property clause has to be reviewed as well for the progress of land reform. There is an acknowledgement that the distribution of land might not be the proper solution to unemployment and poverty which are the common features of our villages.

As the result of LRAD farmers with potential taken away and put in some other areas – this has brought a lot of questioning around LRAD. Most disadvantaged people such as farm workers and farm dwellers – have been victims – the beneficiaries have also been victims of land reform. Professor Ntsebeza asked the pertinent question as to why the farm workers are not targeted for the development in the acquired land. On the question of land administration, Professor Ntsebeza drew the distinction between ideal and real existing situations on the ground. There is nothing like umhlaba wesizwe, land is controlled by the structure – it is with those people who have power. He raised the latter in reflecting on CLRA and proposing further discussion of land administration in communal areas.

## Appendix 3: Progress Summary of Policy Instruments Currently being Developed by the Department of Land Affairs' Policy Unit in Response to the Recommendations of the 2005 Land Summit

The following are summaries of the reports and draft policies regarding progress on each of the policy instruments that the DLA is developing.

### 3.1 Review of the Willing Buyer, Willing Seller Principle Report

The Land Summit of July 2005 provided broad guidance on how to accelerate the land reform programme, including reviewing the willing buyer, willing seller (WBWS) principle, in order to overcome the limitations of the land market, and to accelerate land delivery for land reform progress. This was the realisation that the market alone cannot deliver enough land to the poor and landless in order to meet the 2014 targets. Hence, in the review report of the WBWS, a menu of options for land acquisition is now being proposed. These options are being fully researched for their constitutionality and implications for South Africa, and the new review report will be duly amended to incorporate these options. This draft review report has also been circulated for comments internally, and the Department is currently in the process of incorporating these comments and suggestions. The finalised report will then be submitted to the DLA Minister, after which it will be submitted to Cabinet for approval of the report to be published for public comments. The deadline set for finalisation of this work is September 2008.

## 3.2 Report and Recommendations by the Panel of Experts on the Development of Policy Regarding Land Ownership by Foreigners in South Africa

On the development of this policy, consultations have been held with various stakeholders to discuss the report and recommendations of the panel of experts' (2006 – 2007). Those that have been consulted on the panel's report to date include staff from DLA, Department of Agriculture, the Land Bank, the Agricultural Research Council, the Portfolio Committee on Land and Agriculture, organs of civil society and traditional leaders. The Department received further inputs and public comments until the deadline of 14 December 2007 and is now in the process of consolidating the inputs. A draft policy paper and draft legislation have been elicited from the report, taking into consideration some of the public comments received and in order to give effect to the recommendations of the panel of experts on land ownership by foreigners. These drafts are currently being subjected to internal discussion and refinement by DLA.

## 3.3 Ceiling on Agricultural Land: An international Comparative Study

The work done so far towards giving effect to the land summit recommendations with regards to developing a policy on land ceilings to prevent land hoarding and to limit the concentration of land has been handed an interim report in the form of an international comparative study on the use of this instrument. This report has been circulated for comment within the Department, after which it will be submitted to the Minister, then to Cabinet for public comment and input before it is adopted as policy, if need be. This work is scheduled to be completed by October 2008.

## 3.4 An Agricultural Land Tax for South Africa: International Experience and Policy Options

This was a recommendation made at the summit towards instituting this policy in order to discourage vacant land ownership, reduce land speculation and intensify land use. A report on 'An Agricultural Land Tax for South Africa' has been submitted to the Department. Consultations on that report have been undertaken with various key government departments. Of the two Departments that have given us concrete and useful input, the Department of Provincial and Local Government (DPLG) and the National Treasury have played a critical role. Currently, guidelines are being developed with DPLG with the aim of incorporating these under their Municipal Property Rates Act (MPRA) and National Treasury has given approval for the Report to be published as a public document. The land tax guidelines document is scheduled to be finalised by November 2008.

## 3.5 The State's Right of First Refusal

This instrument was also part of the recommendations of the land summit to be developed as a mechanism to fast track land reform delivery. This concept derives from the idea that whenever land becomes available in the market, the State should have the first option to buy it. Only when the State opts not to buy the land in question, can it then be released to the open market. Zimbabwe and Namibia are the only two countries on the continent who have so far experimented

with this concept from a policy perspective. In order to assist the Policy Unit in conducting an investigation into how this model can be constructed for the South African context for the purposes of land and agrarian reform, a workshop is in the planning to deliberate on this. The South American countries of Brazil, Venezuela, and Chile have also been included to be part of this in order to provide an international perspective. A concept document which outlines the key areas to be explored during this workshop has been developed. This workshop is scheduled to take place by September 2008.

## 3.6 Review of the White Paper on South African Land Policy

A proposal has been developed outlining the allocation of tasks and resources to be committed to this project with various South African land reform experts participating in this project, such as Programme for Land and Agrarian Studies (PLAAS) and the HSRC. The review process itself is scheduled to begin in October 2008 and a discussion paper will be produced for circulation and wider comment and input, including public consultations on this document, by early 2009.

## Appendix 4: Programmes

### 4.1 Land Summit Programme

EASTERN CAPE LAND SUMMIT	
1. DATE	26-27 JUNE 2008
2. VENUE	Walter Sisulu University, Auditorium, (Mthatha)
3. FACILITATION TEAM	Hon MEC M Sogoni Hon MEC T Xasa Adv A Nyondo
4. SECRETARIAT TEAM	Mr C Motsilili Mr A Murray
5. SUMMIT OBJECTIVES	<ul style="list-style-type: none"> <li>a) To identify land related obstacles precluding development (e.g. rural development, housing and, land and agrarian transformation) and provide implementable solutions;</li> <li>b) To develop a single provincial coordination mechanism for the handling of land, rural development and agrarian-related issues;</li> <li>c) To identify capacity gaps and agree on a mechanism to address them and,</li> <li>d) To agree on an approach to incorporate the resolutions taken at the summit as part of the PGDP assessment.</li> </ul>
6. SUMMIT THEME	"Unleashing the socio-economic development potential of the Eastern Cape through land"

# DETAILED PROGRAMME

## Day One:(26 June 2008)

Session One		(Main Plenary):	Facilitated by Hon MEC M Sogoni
09:00	1.	Opening	Hon MEC M Sogoni
09:05	2.	Prayer and Meditation	
09:10	3.	Objectives and Expected Outcomes	Hon MEC G Nkwinti
09:30	4.	Welcoming Remarks	Hon Executive Mayor Z Capa
10:00	TEA, COFFEE, BODY BREAK		
10:30	5.	Provincial Perspective	Hon Premier N Balindlela
11:00	6.	National Perspective	Mr T Gwanya
11:30	7.	General Discussion	All
13:00	LUNCH BREAK		
Session Two		(Stakeholders)	Facilitated by Adv A Nyondo
14:00	8.	The State of Land and Development in the Eastern Cape	Prof L Ntsebeza
14:30	9.	Eastern Cape House of Traditional Leaders	Nkosi N Matanzima
14:45	10.	Congress of Traditional Leaders of South Africa	Nkosi P Holomisa
15:00	11.	South African Local Government Association	Mr C Magwangqana
15:20	12.	Towards a Model Rural Village	Prof N Luswazi
15:40	13.	Discussion	All
16:10	TEA, COFFEE, BODY BREAK		
16:30	Commissions		
19:30	End of Day One		
20:00	Dinner		

## DAY ONE: SUMMIT COMMISSIONS

COMMISSION	MAIN THEME	CHAIRPERSON	DISCUSSANT(S)	SCRIBE
Commission 1	Land administration in communal areas	Executive Mayor G Mpumza	Prof L Ntsebeza and Mr F Ncapayi	Mr L Ntlokonkulu
Commission 2	Land and food security	Hon MEC Sogoni	Mr S Somdyala and Prof M Mazibuko	Mr T Qolosha
Commission 3	Land use and management	Executive Mayor S. Somyo	Ms N Sithuba and Mr Z Pityi	Mr B Mase
Commission 4	Rights of farm workers	Hon MEC G Nkwinti	Ms L Naidoo and Ms P Njemla	Ms S Hesjedal
Commission 5	Land claims and investment	Executive Mayor Z Capa	Mr C Sangqu and Ms L Faleni	Ms A Roji

**DAY TWO: (27 JUNE 2008)**

<b>Session Three: Facilitated by MECT Xasa</b>		
09:00	Keynote Address	Hon Minister L Xingwana
09:30	Reports of Commissions	
11:00	TEA, COFFEE, BODY BREAK	
11:30	Statement of the Summit	Adv A Nyondo
12:30	Closing Remarks	Hon MEC G Nkwinti
13:00	LUNCH AND DEPARTURE	

## 4.2 Pre Summit Consultative Workshop Programme

<b>EASTERN CAPE LAND PRE SUMMIT WORKSHOP</b>		
1.	DATE	12-13 JUNE 2008
2.	VENUE	Regent Hotel, (East London)
3.	FACILITATION TEAM	Adv A Nyondo Mr C Motsilili Mr A Murray
4.	SECRETARIAT TEAM	Ms T. Manzi Mr Z. Ntshona Mr M. Nkasawe Ms S. Hesjedal
5.	SUMMIT OBJECTIVES	e) To identify land related obstacles precluding development (e.g. rural development, housing and, land and agrarian transformation) and provide implementable solutions; f) To develop a single provincial coordination mechanism for the handling of land, rural development and agrarian-related issues; g) To identify capacity gaps and agree on a mechanism to address them and, h) To agree on an approach to incorporate the resolutions taken at the summit as part of the PGDP assessment.
6.	SUMMIT THEME	"Unleashing the socio-economic development potential of the Eastern Cape through land"

# DETAILED PROGRAMME

**Day One: (12 June 2008)**

<b>Session One:</b>		<b>(Main Plenary)</b>	<b>Mr C. Motsilili</b>
08:30	14.	Opening	Mr C. Motsilili
08:40	15.	Background, Objectives, and Expected Outcomes of the Summit	Adv A. Nyondo
09:00	16.	Report on Consultations with Stakeholders	Mr Z Ntshona
09:30	17.	Discussion	All
10:00	TEA, COFFEE, BODY BREAK		
<b>Session Two:</b>		<b>(Stakeholders)</b>	<b>Mr A. Murray</b>
10:30	18.	Land Sector Perspective	Ms A Conway
11:00	19.	The Landless People's Movement	Ms T Makinana
11:15	20.	The Women in Agriculture and Rural Development Perspective	Mrs N Molo
11:30	21.	The Youth in Agriculture and Rural Development Perspective	Mr N Cofani
11:45	10.	NAFU	Mr M Poto
12:00	11.	AGRI-EC	Mr C Pieterse
12:15	12.	SALGA	Mr C Magwangqana
12:30	13.	NAFCOC	Mr Z. Vava
12:45	14.	Department of Economic Development and Environmental Affairs	Ms P. Ndaba
13:00	15.	Department of Land Affairs	Mr D. Matta
13:15	16.	Commission on Restitution of Land Rights	Mr M. Jekwa
13:30	17.	Department of Agriculture	Mr J Allwood
13:45	18.	Department of Local Government and Traditional Affairs	Mr K. Dyan
14:00	19.	Department of Public Works	Mr D. Pretorius
14:15	LUNCH BREAK		
15:00		Discussion	All
16:00	Commissions (see next page for details)		
19:00	End of Day One		

**Day Two: (13 June 2008)**

<b>Session Three</b>		<b>Advocate A. Nyondo</b>
09:00	Reports of Commissions	
11:00	TEA, COFFEE, BODY BREAK	
11:30	Draft Statement of the Summit	Mr C Motsilili
12:30	Closing Remarks	Hon MEC Nkwinti
13:00	LUNCH AND DEPARTURE	

**DAY ONE: PRE-SUMMIT COMMISSIONS**

<b>COMMISSION</b>	<b>MAIN THEME</b>	<b>CHAIRPERSON</b>	<b>DISCUSSANT</b>	<b>SCRIBE</b>
Commission 1	Land administration in communal areas	Mr D. Matta	Mr N. Simukonda	Mr L. Ntlokonkulu
Commission 2	Land and food security	Mr A. Murray	Mr S. Somdyala	Mr T. Qolosha
Commission 3	Land use and management	Ms T. Manzi	Mr Z. Pityi	Mr B. Mase
Commission 4	Rights of farm workers and dwellers	Mr M. Ngangani	Ms L. Naidoo	Ms S. Hesjedal
Commission 5	Land claims and investment	Mr M. Jekwa	Mr A. Westaway	Ms A. Roji