

Successful land reform requires landowners, not tenants of the state

Daily Maverick opinion by John Steenhuisen (Democratic Alliance)

9 October 2020

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Last week, Minister of Agriculture, Land Reform and Rural Development Thoko Didiza announced that the state will release about 700,000ha of underused or vacant state land for agricultural land reform. Specifically, historically disadvantaged South Africans will be able to apply to lease 896 farms owned by the state.

On the face of it, this is a potentially major step in South Africa's quest to achieve a more equitable redistribution of land. The 700,000ha is a large amount of land, comprising roughly the same area as has been redistributed in the past decade.

President Cyril Ramaphosa lauded this decision in his newsletter this week, rightly remarking of the 1913 Land Act that "by depriving our people of their right to own and work the land on which they depended for sustenance and livelihood, this great injustice engineered the poverty of black South Africans".

The Democratic Alliance (DA) has consistently called on government to release unused or underused state land for land reform. However, the key word in the above quote is "own". Land reform will only be successful if it changes patterns of land ownership. And yet the government appears intent on leasing state land, including that acquired through expropriation without compensation, rather than transferring full ownership to historically disadvantaged South Africans.

Can land even be said to have been "redistributed" if it remains in the ownership of the state? Government's reluctance to grant emerging farmers full tenure of the land they work undermines South Africa's land reform project, engineering the continued poverty of black South Africans and continued skewed ownership patterns.

Although there is a stated option for lease beneficiaries to buy the land, government has in fact displayed a marked reluctance in the past to transfer ownership. Perhaps best known is the [case of David Rakgase](#), who last year secured a landmark judgment when the Pretoria High Court ruled as irrational and unconstitutional the government's refusal to sell land to him, the land he had been farming successfully for 27 years. Mr Rakgase finally owns the land he farms. This is the kind of land reform we need in South Africa.

The DA has long argued that beneficiaries of land reform should be full owners, through having full tenure and title to the land they work. We believe successful land reform requires secure private property rights. Full ownership sets emerging farmers up for success with both the collateral and incentive they need to invest in their land and make it productive. It protects rights, builds intergenerational wealth and promotes prospects for self-reliance, independence and economic prosperity.

Minister Didiza's plan is that beneficiaries will sign a non-transferable lease agreement with the state and pay a rental fee consistent with the land value. A long enough lease could be used for collateral, except these leases are specifically non-transferable, conferring no security to the farmer since the farm can be repossessed at the whim of the state. Insecure tenancy sets emerging farmers up for failure and will more likely entrench rather than dispel the false "stereotype that only white farmers are successful in South Africa".

Leasehold on these terms is a feudal, paternalistic approach that does little to change patterns of agricultural land ownership and much to grow patronage opportunities for the state. Let us hope this announcement is not just a political ploy, an electoral ruse to give the illusion of empowerment, while in fact growing patronage power for the state. Certainly, the process undertaken to identify beneficiaries needs to be transparent and fulfil the constitutional requirement for equitable access. This cannot be yet more enrichment opportunities for a connected elite.

Take the [case of Lulama and Nothandekile Kapa](#), a farmworker-turned-farmer couple who have been farming a piece of state-owned land in the Eastern Cape without a lease for the past 31 years. They have been trying unsuccessfully for a decade to get the government to formally lease the land to them.

Despite having no formal tenure, their farming operation is flourishing. Far from supporting the Kapas to lease the land they work, the government has more recently tried to shift them off the farm in favour of an ANC-linked family.

But even if government's intentions are sincere, South Africa should pursue an ownership model over leasehold. A leasing arrangement of the sort proposed by Minister Didiza requires an honest, capable state to administer this programme. Yet her department lacks the capacity to do so, as per Judge Edwin Cameron's assessment of it last year when he stated "it has displayed a patent incapacity to get the job done" and "the department's tardiness and inefficiency in making land reform and restitution real has triggered what rightly can be called a constitutional near emergency". And indeed, many emerging farmers have received letters to vacate their leased state land, for no clear reason. Many others still have no lease at all.

Although government claims a redistributive vision which implies broadening land ownership, its commitment to leasing state land (and to the policy of expropriating private land to the state without compensation and then leasing it) will in fact concentrate land ownership in the state and deter private investment in land productivity.

Successful land reform is so important for South Africa, not only to promote economic prosperity and food security, but to heal the deep divisions of our unjust past. I urge South Africans to reject this model of tenancy, dependent on an all-powerful state, and instead support one of broad-based ownership with secure private property rights. **DM**

[https://www.dailymaverick.co.za/opinionista/2020-10-09-successful-land-reform-requires-landowners-not-tenants-of-the-state/?tl_inbound=1&tl_groups\[0\]=80895&tl_period_type=3&utm_medium=email&utm_campaign=ME%20TGIF%209%20October%202020%20UCT&utm_content=ME%20TGIF%209%20October%202020%20UCT+CID_4b65b3fe34d216efb9a623cbb524d96a&utm_source=TouchBasePro&utm_term=Successful%20land%20reform%20requires%20landowners%20not%20tenants%20of%20the%20state](https://www.dailymaverick.co.za/opinionista/2020-10-09-successful-land-reform-requires-landowners-not-tenants-of-the-state/?tl_inbound=1&tl_groups[0]=80895&tl_period_type=3&utm_medium=email&utm_campaign=ME%20TGIF%209%20October%202020%20UCT&utm_content=ME%20TGIF%209%20October%202020%20UCT+CID_4b65b3fe34d216efb9a623cbb524d96a&utm_source=TouchBasePro&utm_term=Successful%20land%20reform%20requires%20landowners%20not%20tenants%20of%20the%20state)