

A blueprint for Land and rural development



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- Discussion Document -

“There remains before us the building of a new land, a home for men who are black, white, brown, from the ruins of the old narrow groups, a synthesis of the rich cultural strains which we have inherited.” Chief Albert Luthuli

“Net soos wat dit `n fout sal wees om the gevoelens van baie swart Suid-Afrikaners oor landelike hervorming te onderskat - sal dit ook `n fout wees om die emosionele verbondenheid van wit Suid-Afrikaners tot hul grond, hul professione and tot Suid-Afrika te onderskat. Grondhervorming is tereg `n dringende prioriteit vir ons almal.” - FW de Klerk 2010

“We, the people of South Africa, Recognise the injustices of our past; Honour those who suffered for justice and freedom in our land; Respect those who have worked to build and develop our country; and Believe that South Africa belongs to all who live in it, united in our diversity.” Preamble to the SA Constitution

“He that tilleth his land shall have plenty of bread; but he that followeth after vain persons shall have poverty enough.” Proverbs 28:19 (King James version)

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CONTENTS	PAGE
1. INTRODUCTION	3
2. BACKGROUND	5
3. SOUTH AFRICAN COMPOSITION - A HISTORICAL PERSPECTIVE.....	6
4. A LAND POLICY - THE NECESSITY FOR IT.	7
5. LETTER AND SPIRIT OF NEGOTIATIONS ARE THE VICTIMS OF IDEOLOGY.....	9
6. LAND REFORM IS FAILING DISMALLY.....	10
7. THE GREEN PAPER ON LAND REFORM.	12
7.1 THE GREEN PAPER AS PROPAGANDA INSTRUMENT	14
8. A BLUEPRINT FOR LAND AND RURAL DEVELOPMENT AS A PURE ALTERNATIVE	16
8.1 PRINCIPLES AND POINTS OF DEPARTURE FOR A BLUEPRINT FOR LAND POLICY..	18
8.2 ESTABLISHMENT OF AN AGRICULTURAL COUNCIL.....	20
9. SUMMARY.	22

An initiative from civil society

Pastoral bliss is way in the past - the focus now must be innovation

“(We must) change our attitude to land reform. We are wasting valuable time and energy trying to restore people to their peasant ways. Ordinary South Africans either do not want land or just do not have the capacity to work it. They want to go to cities and work in modern economy. Large-scale, highly mechanised commercial farming is now the way of the world. You cannot turn the clock back four decades. That is just the reality”

“ Furthermore, the young people would, as has happened elsewhere, have simply upped and headed for the towns and cities. Yet we continue to nurse the notion that we can reverse the inevitable march to an urban future. We keep wanting to fight the logic of large-scale commercial farming. The money and energy that is spent on getting peasants back into subsistence (farming) would be better used to create a strong class of black commercial farmers who actually do farm for commercial rather than sentimental reasons. As a country, we cannot keep looking backward to a past of pastoral bliss.”

Extracts from an article by Mondli Makhanya, former editor of the Sunday Times, Times Live - 28 Februarie 2010

A Blueprint for Land and Rural Development An initiative from civil society

1. INTRODUCTION

South Africa stands on the threshold of its third decade, after the fully democratic election of 1994 and the new government.

From the outset there was comprehension that a period of recovery, reconciliation and forbearance would have to take place before a golden period of growth and recovery would dawn.

The beautiful ideals of thousands of South Africans, white and black, became a reality on 27 April 1994 and we could look forward to a new and democratic South Africa, based on the following points of departure:

- A society based on democratic values, social justice and basic human rights;
- Established on the foundation of a democratic and open society in which government is founded on the will of the people and every citizen is protected equally by the law;
- The quality of all citizens' lives is enhanced and every person's potential is developed; and
- A united and democratic South Africa which can take its place as a sovereign state in the community of nations.

It is within this anticipated framework that South Africans embrace and support one another daily. It is in particular a reality in the rural areas where agriculture is of cardinal importance to survival in a fragile and vulnerable environment which is exposed to the elements of nature and the caprices of people.

Agriculture and land are dear to the hearts of many South Africans. Not everyone can farm, however, and not everyone wants to own land. Yet South Africa's available land must now be used optimally. In March 2010 *Beeld* cited Prof. Giel Laker, professor emeritus in soil science at the University of Pretoria, who said research indicated that there should be 0,4 hectares of arable agricultural land for every person who must be fed. Prof. Laker said about 87% of South Africa's land was unsuitable for crop production owing to low rainfall and poor soil. It is suitable only for extensive pasturage for cattle or game. Prof. Johan Willemse, agricultural economist of the Free State University, said only about 3,2 million hectares of the country's arable soil had high potential and a further 7,2 million hectares of arable land had medium potential. Agriculture is the lifeblood of the rural areas and it currently contributes about 3,2% to gross domestic product (GDP) whereas in 2001, only 10 years ago, this contribution was about 8%.

It is in the above-mentioned environment where land, agriculture and a land policy are facing challenging times, and it was soon clear that this aspect would have to be given special attention. Agriculture and a land policy ought to take place in an open arena with a commitment from all role players and ought not to take place in a vacuum where

there are no internationally acceptable rules and prescriptions. Above all else, land and a land policy should not take place in secret with hidden agendas and motives.

About 5% of agricultural land comes on the market annually. The greatest problem is that the State does not have the ability to use the available land effectively and successfully for a land policy. Food security should be a national priority, and for this reason it is extremely important that a land policy should not lead to a decrease in food production.

About 86,2 million hectares of the 101 million hectares of agricultural land outside the former homelands was commercial agricultural land around 2004, and most of this land was owned by 45 818 white farmers [the number of commercial farmers is currently calculated at fewer than 40 000].

The general and unilateral target that government leaders have set for land reform is 30%. It is estimated that this target, which is neither substantiated nor justified, means in practice that about 25,9 million hectares of land must be transferred at an estimated cost of R60 billion. Up to February 2004, land of 2,5 million hectares was transferred to beneficiaries for R4,6 billion, though more than 50% of the land reform initiatives had already failed. Seen in the light of the productive utilisation of land so that provision can be made to meet demand, the new and emerging farmers make little or no real contribution to food production. However, this is a matter that, with the right approach, could be successfully addressed.

The problem is being approached more and more radically and ideologically as part of the National Democratic Revolution. Commitment to the National Democratic Revolution was reaffirmed in 2007 during the ANC's 52nd National Conference, better known as the Polokwane conference.

It is very worrying to many farmers that some politicians refer with admiration to the example of Zimbabwe, where farmers were simply driven off their farms. The policy of nationalisation that was followed in that country led to the economy shrinking by almost half between 1994 and 2008; unemployment rising from 20% to 80% and life expectancy being reduced from 60 years to 34 years. (ABN Verslag 2011: Duvenhage & Steyn)

In an attempt to offer all reasonable South Africans, as well as to offer the government once again an opportunity to act inspiringly and to demand a common future and remain part of an unparalleled success story, it is necessary to think afresh and anew again.

That is why organisations from civil society deemed it appropriate to establish a blueprint for land and rural development. The expectations for the blueprint are numerous:

- To grant recognition for the necessity for just and equitable land policy;
- To start a discussion with government, which will include a broad representation from civil society;
- And at the same time, also to correct some of the deliberate and erroneous perceptions and twisted facts of the Green Paper on Land Reform, September 2011.

Furthermore, it has taken the government 30 months to compile a new green paper on land reform, but it is still not clear how the plan is going to combat the mismanagement, incompetence and corruption within the department. The department does not even know how much land is in the State's possession - which is the most basic point of departure. (*Beeld*, 11 October 2011)

Very little has been realised of the grand dreams about a successful South Africa that were within the reach of the nation. *To achieve success, we all have to work together as fellow South Africans, as equals and as children of the soil of Africa.*

2. BACKGROUND

The increasingly global role that the African continent, with its natural resources, its raw materials and its human resources, must play in the 21st century is full of exciting challenges and high demands.

The sad irony is that Africa does not even come close to utilising its potential. On the contrary, Africa currently paints a sombre picture. In sub-Saharan Africa there were close to 265 million people suffering from chronic hunger in 2009. Approximately 5 million people die annually in Africa as a result of famine and malnutrition. The shocking figure that can be calculated from this, is that 12 people die every minute because there is insufficient food. Africa could satisfy its own needs abundantly, provided that its agricultural land is utilised successfully and optimally.

South Africa, the most southern point of this continent, has already proven that its products, scenic natural beauty, raw materials and its citizens are equipped to and capable of being world champions and Nobel Prize-winners at various levels, such as economics, science, sport, agriculture, medicine, research, philosophy, technology and exceptional statesmanship.

South Africa has for centuries been transformed and prepared for political maturity through exceptional Divine intervention, events and initiatives in a multi-ethnic nation to create stability and through statesmanship, insight and expertise, to enable it to take the leadership needed to develop South Africa as the key of Africa for the international world.

Through a historical convergence of events and the greatness of individuals and people, South Africa, after 1994, was politically prepared and equipped with the right insight as well as wisdom and leadership. South Africa could enter Africa and other international stages as a successful, robustly progressive country.

An acceptable political climate was established within the county, with a constitution affording the opportunity, if used with the necessary responsibility, to offer security, safety and protection and to serve the interests of all loyal citizens and establish a successful, robust South Africa. South Africa could build on the established infrastructure that was taken over in 1994, and become an increasingly greater power in Africa and a major role player in the world.

3. SOUTH AFRICAN COMPOSITION - A HISTORICAL PERSPECTIVE

The present composition of the South African population is the historical product of widely divergent backgrounds and descendants that complement one another. The colonisation of South Africa initially took place from inside Africa and later through the colonial powers from Europe and elsewhere. The South African nation arose over many centuries.

At the beginning of the 14th century, the Koi and San were already inhabitants, though sparsely scattered within the borders of South Africa; and black tribes that had migrated south from middle and central Africa had also already settled here. In fact, the first colonisation of South Africa as well as the first land occupations had taken place centuries ago. This colonisation moved southwards in the course of time.

At the end of the 15th century, sailors set foot on shore, inside the borders of South Africa. In the course of time and after the expansion of sea routes and trade, South African territory was occupied more permanently and colonised further.

During the heyday of seafaring and trade, especially between Europe and the East, the southern point of Africa became the portal for several other nationalities in the east to set foot on the shores of Africa and make it their new country.

This convergence of widely divergent civilisations caused, as could have been expected, serious conflict based on ethnicity, religion, cultural intolerance, acquisitiveness, land possession, property rights, perceptions, human rights, conquest, migration and racism. This became a struggle which would span centuries.

The Voortrekkers in the trek to inland, occupied regions where, in general, no established black communities had settled. Experts mention that the Free State and Transvaal in particular were largely unoccupied at that time, especially after the Mfecane extermination that had set black communities against one another.

The potential for Southern African conflict was further used and misused by colonial powers for their own interests, land violations, strategic interests, military expansion and raw materials. This influence must be factored into any discussion of the history of South Africa. Conflict, bloody wars, violations of human rights and human massacres took place on South African soil between white and white, black and white, black and black and different groupings against one another. Whoever denies this, denies the turbulent history of South Africa.

During this period which spanned many centuries, a nation was formed into which clear principles were etched, and these form part of the character and identity of the entire South African nation.

- The nation was formed among other things by -
 - o the peace treaty between Boer and Brit;
 - o the Freedom Manifesto drawn up by oppressed South Africans;
 - o the negotiations that were captured in a national accord;
 - o the final constitution of 1996; and
 - o the general acceptance of new national symbols.

Though South Africans' urge for freedom and the pursuit of justice are strong characteristics, other commonalities also crystallised clearly, and two of the important elements among them are a love for land and a passion for sport. All these elements have one goal, namely to be proud South Africans in a successful South Africa.

Recognition should also be given to the fact that generations of South Africans became settled on land, developed it successfully and through the generations, transferred it to successive generations. For many this is their only asset and their only source of income, and the land is also their greatest love.

4. A LAND POLICY - THE NECESSITY FOR IT

On 27 April 1994 when the first fully democratic election dawned, there was a spirit of excitement because the interim constitution offered South Africans the opportunity to express their citizenship and their full potential completely.

The South African interim constitution was the end product of the thoughts and ideals of two opposite poles which, after conflict, could act in the interests of South Africa through dialogue and negotiations. The negotiations and initial agreements were settled in the national accord that led to the constitution and which is based on an important balance, namely:

- the need for equality on the one hand and the need for the avoidance of unfair discrimination on the other;
- the need for the protection of property rights on the one hand and the need to promote fair and a balanced land policy on the other;
- the need for democratic representation in government and the need for effective services and;
- the need to nurture our rich diverse cultural, linguistic and religious heritage and the need to strengthen overall national unity.

Of particular importance in the final 1996 constitution is the reference to property and the right to own property: section 25 *“(1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.”*

This provision is in line with the UN's Universal Declaration of Human Rights: (17) *“Everyone has the right to own property alone as well as in association with others. No one shall be arbitrarily deprived of his property.”* This universal right is very clearly captured in the spirit in which the second constitutional principle is entrenched as schedule to the 1994 interim constitution: *“Everyone shall enjoy all universally accepted fundamental rights, freedoms and civil liberties...”*

Various government initiatives were announced and green papers published but land reform has failed dismally so far. There are in particular three pillars or processes supporting land reform: land restitution, land redistribution and land tenure reform.

Land that had been taken unlawfully and without compensation from South Africans since 1913, would be returned or compensation paid for it through a process of restitution to descendants who could prove the unfair practices that had taken place in the past. This is in line with the constitutional provision: “*Section 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.*”

The action towards healing the possession of land was generally accepted as a correct process in order to redress the injustices that had taken place in the past. In this process, claims had to be registered in 1998, and the process would have been completed in 2005; but it kept on being postponed. There is now talk that the process of claims could be opened up again, which could make this a never-ending process.

The Green Paper on Land Reform, 2011 that was recently issued by the Department of Rural Development and Land Reform, is a huge disappointment. Minister Gugile Nkwinti allowed a golden opportunity to slip through his fingers; an opportunity which could have placed sensible solutions on the table regarding the need for a land policy. The Green Paper is unconstitutional in various areas in its approach and proposals, and consequently the Green Paper cannot be accepted.

No one denies the urgent necessity for a successful, just and equitable land policy and there is no resistance to a just and equitable land reform. On the contrary, we recognise the necessity for a land policy: many individuals and organisations in civil society are standing ready to offer expertise and experience, and would like to co-operate on a successful and generally accepted model for a land policy. However, it is not permissible for proposals on land reform and impractical policy frameworks such as the draft Green Paper to be contrary to the Constitution and other international norms and standards. This is something that civil society must guard against.

“No reasonable South African would disagree that there is an urgent need for an effective and workable land reform process. However, as FW de Klerk observed in a speech in May last year, any attempt to undermine the property rights in the Constitution would have very negative consequences for agriculture; for national unity; and for future foreign and domestic investment. He pointed out that food security should be a national priority and that successful modern agriculture often requires large farms with high levels of capital, expertise and experience. He called for greater effectiveness in departments dealing with land reform and expressed the need for genuine and effective consultation and co-operation between government and organised agriculture on workable approaches to land reform.” Dave Steward - 2 November 2011

What falls short, however, is that the government’s previous policy frameworks for land reform have all failed dismally because civil society’s proven expertise did not become involved and proposals in this regard have not been taken into account. This Green Paper makes it clear that expertise and experience had to give way to ideology for the sake of short-term political gain. But if food security, private land ownership and other universal rights and requirements for successful agriculture are undermined for the sake of pursuing demographic and ideological requirements, then it predicts substantial

danger for agriculture and rural development. Our opinion is that the Green Paper has exceeded these boundaries.

5. LETTER AND SPIRIT OF NEGOTIATIONS ARE THE VICTIMS OF IDEOLOGY

“Our call for mines to be nationalised and land to be expropriated without compensation are currently the most important rallying points to mobilise society behind the visions of the Freedom Charter.” Julius Malema, president of the ANC Youth League, 16 June 2011.

The negotiated settlement from which the new democracy and modern constitution developed, seems to have been built on suppositions which did not materialise or even on deliberate misrepresentation.

On the one side of the settlement was the serious, honest and open search for an equitable solution for the country and a willingness to rectify the distorted past, within a reasonable time. The settlement was seen as the point of departure for a new nation which would reach new heights together.

On the other side of the settlement, it seems that negotiations were held with an agenda based on an obsolete ideology, namely the National Democratic Revolution. According to this ideology, the negotiated settlement and the spirit of the Constitution were merely the beginning of the revolution. The ideology of apartheid was simply replaced by the NDR which is even more destructive and fatal for the country and its people.

The NDR still remains the thrust of government policy and the Green Paper on Land Reform is pivotal to the execution of the NDR. All the signs are there that it will accelerate with the ANC’s 2012 Mangaung conference as well as with the centennial celebrations of the ANC. The NDR as obsolete ideology, was reaffirmed in Polokwane on 16 December 2007 as the official strategy of the ANC. *“That at the instance of the 1994 democratic victory, the ANC became both a national liberation movement and a ruling party at the same. In this regard, mass mobilisation and organisational work had to be combined with a skilful use of state power to pursue the goals of the national democratic revolution.”*

The following resolution on land and agriculture was adopted by the national conference in 2007:

“The state must, with immediate effect, regulate but not prohibit ownership of land by non-South Africans. This regulation should take into account the country’s commitment to land reform, restitution, redistribution and access to land.

The state and mandated entities must exercise their legal right to expropriate property in the public interest for public purpose. Compensation shall be awarded in accordance with the constitution with special emphasis on equity, redress and social justice. All legislation pertaining to expropriation must be aligned with the constitution.

We should discard the market-driven land reform and immediately review the principle of willing-seller, willing-buyer so as to accelerate equitable distribution of land.

*Review the adequacy of post-settlement support in all land reform programmes.
The management and control of state land must be under one department.
We reaffirm the 51st Conference resolution on a land audit and resolve that it should be conducted within the next 18 months.
The allocation of customary land be democratised and should not only be the preserve of the traditional leaders.
That redundant land belonging to SOEs and municipalities be transferred for low cost housing.”*

The radicalism of the resolutions has recently been confirmed in the memorandum that the ANC Youth League handed over to the government at the Union Buildings on 28 October 2011, as part of their economic protest march. The memorandum makes demands such as the following:

- *“Amendment of section 25 of the Constitution of the Republic of South Africa to make provision for the expropriation without compensation of property, particularly land, for equitable redistribution in the public interest and for public purpose.”*
- *“All productive land must be nationalized, and provided on lease-basis as opposed to freehold to those interested in utilizing the land in line with our national priorities.”*

The systematic implementation of the NDR is shifting further and further away from the spirit and intent of the constitution. The historical correspondences of the past now had to make way for unconstitutional legislation which undermines the pre-1994 spirit and character.

6. LAND REFORM IS FAILING DISMALLY

In spite of the table set in 1994 by a historic agreement, in terms of which South Africans could rise to unprecedented heights and the nation-building foundation laid in Mandela’s term of office, the country has entered two decades of disaster.

Expertise, finance, assets, opportunities and intellectual capital have foundered and vanished due to ideology, corruption, one-dimensional insight, poor judgement, greed, incompetence, the urge for retribution and racism.

Agriculture in particular is caught in the bombardment. The land issue, which is not difficult to handle, has been identified as the strategic field of combat. The ideologically driven individuals and factions in the governing party would systematically hold the country hostage.

This increasing polarisation is contrary to the general spirit among South Africans to contribute successfully to Project South Africa. On the one hand, there is the willingness to walk the extra mile and be accommodating, and on the other there are policy frameworks which create conflict and use land reform as an effective football for abusing political power. An uncertain civil society stands in the middle of this.

This situation in agriculture is currently leading to uncertainty which has a negative impact on job provision, rural development and food security.

Two precious decades, and a golden opportunity for reparation, time for restitution and the redistribution of land, and the establishment of a flourishing rural environment have been wasted. This has the potential to bring the country to the brink of disaster, food scarcities and complete implosion.

The simple process of restitution is clouded by -

- red tape and poor administration;
- bumbling officials;
- a tremendous number of false claims;
- corruption in the department;
- false expectations and misinformation;
- the inability to finalise matters;
- poor handling of the budget.

Uncertainty about claims for restitution has placed a damper on agricultural development. Large agricultural areas have become unproductive and highly productive agricultural units have been completely destroyed.

The injudicious transfer of land was in some cases fatal and insufficient preparation and support were offered to the new owners. All too often the new owners were not interested in agriculture and simply wanted to acquire property for reasons other than for agricultural purposes. In a considerable number of these cases, the land was resold to white farmers, a practice which does not serve the envisaged transformation of agriculture.

Instead of admitting that land reform has failed for the reasons mentioned above and for obvious reasons, the blame was shifted. Instead of making adjustments to unsuccessful projects and acknowledging the inadequacy of and incorrect policy and approach to land reform, a very dangerous path has been taken, aimed at sowing division in the broad agricultural community and setting South Africans against one another. In the process -

- the market forces of the willing-buyer, willing-seller principle have been placed under suspicion;
- commercial farmers are sometimes accused of irregularities in the sale process;
- lies are spread about land acquisition and land ownership;
- false perceptions about the riches in agriculture are used for political propaganda, and expectations are created that are simply impossible to fulfil;
- land and the ownership of land have become racial issues.

Land ownership has become a political and ideological football and tool, and the rural community which relies very heavily on agriculture has become the victim of the government's inability to act effectively in the interests of agriculture.

An unsympathetic government has, through its inability and ignorance, contributed directly or indirectly to the following:

- Agricultural research has been virtually destroyed and agriculturalists suffer tremendous financial damage due to the department's laxity about diseases such as tetanus, bird flu, Rift Valley fever, invader plants, etc.

- The good relations between employers and employees in the rural regions are constantly being clouded by quasi-politicians with hidden agendas.
- Job provision and job creation have been virtually destroyed by labour legislation and labour relations in agriculture.
- Infrastructure such as roads, is collapsing in the rural areas, with the result that agriculturalists cannot get their products to the markets.
- Medical services, telecommunication and other essential services are disintegrating in the rural areas.
- Safety and security are collapsing. Thousands of farm murders and attacks on farmers and farmworkers in these two decades have placed even more pressure on the rural areas.
- Poor border control with neighbouring countries is a recipe for conflict, due to the effect on stock theft, housing, socio-economic control, job reservation, etc.
- New taxes have been created for agriculture and the hard-earned income of an already heavily burdened occupation is then wasted on the salaries of officials.
- The fact that there are no subsidies available for agriculture and that for this reason our farmers cannot compete commercially on international markets. Existing and new farmers cannot even gain entry to the market.

Commercial farmers who have to ensure that land reform succeeds, but are continually under fire from the government, are in a rapidly shrinking profession. It is a life-threatening occupation, one that is exposed to uncontrolled input costs such as fuel and electricity; farmers are held to ransom in unprotected markets; have no say in labour negotiations; are the targets of deliberate and specific legislation which does not apply to other sectors; and their survival and even their lives are at the mercy of ruthless political opportunists and activists.

7. THE GREEN PAPER ON LAND REFORM

Government Gazette No. 34656 of 30 September 2011 - ***The Green Paper on Land Reform - 2011*** - bridged the gap between fiction and non-fiction in the NDR's ideological struggle for South Africa, suddenly making it a hard reality. All reasonable South Africans who strive for order and justice, are challenged now to take a clear and firm standpoint.

This Green Paper is the biggest and clearest Rubicon from which there will be no turning back on the route of the NDR. It is a route that has already been taken for some time by the ruling party of South Africa.

Although at first glance this Green Paper seems to apply only to agriculture, it is clear from the wording that it paves the way for radical nationalisation at virtually every level of South African society. For this reason, civil society now has to work boldly on an antithesis to the NDR and the direction of impulsive failure with a land policy.

It also removes any doubt which may still exist about the de facto erosion of the South African Constitution. Minister Gugile Nkwinti also unhesitatingly stated his willingness to amend the Constitution to allow this reform to take place.

This Green Paper is in all respects the pinnacle of the disastrous agricultural policy of the past two decades and forces South Africans to take a stance against large-scale

failure. The Green Paper is in reality a summary of the policy frameworks of the past several years, which left reasonable South Africans punch-drunk, despairing and confused. It is not unexpected, however, because in the past several years the climate has been created for the following:

- The human rights violations and land expropriation in Zimbabwe and the South African government's apparent silence and unprotesting acceptance of this;
- For many years the government has also been threatening expropriation in SA and South Africans are already feeling a creeping expropriation at several levels.
- The period (30 months) during which the intended Green Paper has been hanging like a sword over the head of agriculture;
- The threats by government leaders so that they can earn political points in their power base.

The Minister and his department have for many years played a cat-and-mouse game with responsible agricultural leaders and organisations in civil society. This has created a period of uncertainty; agricultural development has been delayed; agriculturalists have been driven out of the industry; and land valuations could be manipulated.

The greatest problem with the Green Paper is the point of departure relating to the history of land ownership in South Africa. The climate for this has been created by many years of propaganda which even today is believed by government leaders. In broad terms, the point of departure is that all white people acquired land illegally and that land belongs historically to black people. This is a deliberate distortion of history; it is served up in an extremely selective history and used to justify the contents of the Green Paper.

The Green Paper has further indications and shortcomings which can be summarised briefly as follows:

- The agricultural sector is targeted and singled out as a profession that cannot look after its own interests and therefore political interference is justified.
- Agriculture is not recognised as a highly scientific, economic and advanced profession, and agricultural skill is linked merely to land ownership.
- Land ownership or the redistribution of land does not rest on specific skills, training and other special professional skills or sentiment.

The further handling of this Green Paper leaves one extremely sceptical, however:

- Just like other green papers and bills, it is generously referred for public participation and comment, but no inputs are ever considered in any way;
- Opportunities for hearings or briefing sessions are mainly misused and manipulated for the purposes of political struggle days.
- Interest groups and working groups for the further handling of this are very selectively constituted.

The goals of the Green Paper on Land Reform can be briefly summarised as follows:

- To promote incessantly an unnecessary feeling of guilt among white people, which consequently requires excessive political correctness and over-compensation;

- To find reasons and shift the blame for the inability as well as the unwillingness to finalise restitution and other elements of land reform, in order to address the ever-increasing frustration;
- To rationalise the innumerable unsuccessful land reform initiatives which create the impression that black farmers cannot be commercial and successful farmers, and therefore they can survive only on nationalised land.
- To set concocted targets for land reform. After numerous years the Department of Land Affairs has still not been able to make an actual and official land audit available; and statistics about land audits are manipulated and used for propaganda purposes, in spite of a 2007 Polokwane resolution requiring that the process should have been finalised 18 months after the conference;
- Confusing terms such as quitrent with limited time and leasehold, which mean the same thing, are used vaguely and disjointedly.

An extremely important aspect of a land policy, which is still being ignored, is the extent of the traditional tribal regions and their utilisation, through a land policy, for commercial agriculture. In this regard, too, a very definite resolution was taken at Polokwane, namely: *“The allocation of customary land be democratised and should not only be the preserve of the traditional leaders.”*

The Green Paper briefly mentions serious problems in the department but the impression is created that the Green Paper must serve as a lightning-rod to divert -

- the Department’s lack of management and its budgetary problems;
- the government’s inability to deal effectively with land reform.

The Green Paper on Land Reform teems with inaccuracies and false information, and can definitely not be used as an authoritative policy framework. It is contrary to the constitution; it discriminates against parts of the population; it is inflammatory, hurtful and it is not in the spirit of nation building, food security, rural development, and safety and security. The Green Paper is one-dimensional, has a unilateral approach and has no comprehension of the complexity of multi-ethnicism and minority interests. The Constitutional value: “South Africa belongs to all who live in it, united in our diversity” is completely ignored. It contains elements of retribution and is extremely prescriptive, and definitely not accommodating of ethnic differences and approaches.

The Green Paper on Land Reform is in reality a serious charge against the government as a result of its foot-dragging in the process of land reform; and testifies to limited consultation with interested parties and role players who have agriculture and rural development at heart. In our opinion, the points of departure in the Green Paper are extremely distorted and in its current form it cannot be applied or even be administered. In our opinion the Green Paper ought to be rejected in its entirety.

7.1 THE GREEN PAPER AS PROPAGANDA INSTRUMENT

Though this Green Paper is supposed to be in the national interest of South Africa, it commences with the statement that it is a confirmation of the ANC resolution taken at the 2007 congress in Polokwane, where the NDR ideology was also reaffirmed. It is of particular interest however and highly ironic that the Polokwane resolutions of 2007 are given very selective stature in the Green Paper. Other resolutions which might have

helped to speed up land reform or to obtain at least a correct factual basis, include the following:

- The necessity for an audit on land ownership within 18 months after the December 2007 conference
- The management and control of all State land which should fall under one department
- The democratic allocation of traditional land

At the beginning of the Green Paper, land is stated to be a national asset, irrespective of the status of property rights. Agriculture and land ownership are seen as a commodity which can be used for political dealings to curry favour with the masses, and there is no recognition of the professionalism of the agriculturist as an occupation. Nor is there any recognition of his training, his scientific approach, business principles and skill.

The Green Paper is far rather a threat to the agricultural sector and the broader community served by agriculture, and is seen as an instrument of transformation which is even accompanied by aggression.

A narrow, distorted and one-dimensional historical background is used at the beginning of the Green Paper. This background is employed selectively to strengthen weak arguments and therefore brings the credibility and motive of the Green Paper under suspicion.

The clear message from the metaphors used in the Green Paper is that it not only concerns land but that this transformation also includes livestock, crops and communities. In essence, all assets and the broad agricultural community are included.

The introductory history makes strong anti-colonial statements, as if European colonialism meant nothing positive for the country. On the contrary, the period is stated as having opposed Ubuntu and the struggle.

- Ubuntu is stated as being the only acceptable and desirable approach to land ownership and European colonialism is the root of all evil.
- Agriculture as employer is seen as the slavery of the workers who work for a wage in the fields.
- All the land acquired during the European colonial period must be recaptured.
- The deduction is made that European colonialism was aimed at undermining and destroying all tribal cultures.
- The Green Paper insists on the restoration of land rights as essential to the revival of Ubuntu, with no other alternative.

The Green Paper creates the impression that black citizens are still being discriminated against in respect of land ownership. No recognition is given to the transfer of land at various levels, which has already taken place very successfully. For this reason, there will also be no recognition of various private initiatives in this regard.

Previous policy frameworks on land reform are indirectly criticised and it is claimed that the damage these frameworks caused might take years to rectify.

What is even more astonishing, however, is that the Green Paper plays into the hands of those who see South Africa as a home for the black population only, and that the other communities are merely tolerated. The spirit of the Green Paper is very clear that the patience and good faith of the black population should not be taken for granted. This is probably the greatest fallacy in the Green Paper and is based on dangerous political points of departure: "The Truth and Reconciliation Commission (TRC) has adequately demonstrated the capacity and political will of black people in general, and the African Majority, in particular to forgive. BUT, this goodwill should not be taken for granted, because it is not an inexhaustible social asset."

In the past two decades, billions of rand have vanished into thin air because of corruption, theft and mismanagement. These funds could have been used to finalise land reform; yet in the Green Paper the poor economy is held up as an excuse for the state's inability to buy land at market prices and the reason why more drastic steps must be taken. The principle of the willing buyer/willing seller must once again take the blame for land that has not yet been transferred, even though the department's own inability is mentioned but not addressed.

The absolute ignorance about black land ownership is reflected again in the Green Paper, with no substance based on real figures from a land audit that the Green Paper could have used as motivation. Various figures from a large number of sources indicate that the 30% target set for 2014 has already been achieved. According to figures from the South African Institute of Race Relations, black land-ownership could already be more than 55%. The *Mail & Guardian* in January 2009 cited a report from a joint project of the Demographic Information Group and Population of South Africa (Popsa), which found that in 2001 the municipalities owned more than a quarter of all land in South Africa. But it suits the political puppeteers to continue with the propaganda.

Even the recorded historical ownership of land is not addressed in this Green Paper. The focus is far rather on the white people's "theft and illegal acquisition of land", but the Green Paper is silent about the bloody history of Southern Africa relating to land and domination as well as African colonialism.

There is a large-scale advocacy in favour of political interference in the acquisition of land and agriculture. This will not induce non-agricultural professional members and the greater civil society to get involved and become co-decision makers about the weal and woe of land, agriculture and the broader society, that are affected by the political playing-field.

There is no doubt that this Green Paper is a huge step towards the total nationalisation of land. The references to other countries' land policies are made to give credibility to this short-sighted and politically risky attempt at nationalisation.

It is possible that the matters about which this Green Paper is silent on, but which are provided for, could have a far greater impact on land ownership than the matters that are spelled out. The spirit of the Green Paper, its motives and goals and its unintentional outcome, are the dangers of the Green Paper.

8. A BLUEPRINT FOR A LAND POLICY AS PURE ALTERNATIVE

The publication of the Green Paper on Land Reform in *Government Gazette* 34656 of 30 September 2011 is a disappointment and a lost opportunity for growth, development, job creation and greater prosperity for all in South Africa.

It is a pity that South Africa, in the spirit of nation building and sorely needed leadership for the continent, could not show statesmanship and the wisdom of transparent, honest and equitable changes in its course, in the interests of all South Africans.

The opportunity for an effective and successful model for a land policy has instead been used for political expediency and for promoting an obsolete ideology which is more destructive and damaging than the previous ideology of apartheid.

No South African can remain unaffected by and aloof to this revolutionary course adjustment, and will have to support or unambiguously register opposition to it and either stand or fall by it.

It is not possible to establish an acceptable and successful model for land policy within the parameters of the proposed Green Paper. An alternative, practical and sustainable model can and must be negotiated via the 1994 agreement and be revisited in the spirit of discussions and negotiations.

The negotiated settlement that led to a national accord from which a constitution was developed, still offers the ideal platform to address very successfully the expectations of reasonable sober-thinking South Africans, in an honest and transparent manner. The 34 constitutional principles for negotiations and the subsequent agreements ought, in our opinion, to serve as the point of departure for an honest and sincere attempt for a land policy.

Personal vendettas, political misuse and ideologically hidden agendas must then make way, however, for respect for the country, its people and its constitution. An effective administration corruption free, statesmanship, honesty, wisdom and integrity are indispensable, however, to transforming this challenge into a magnificent success story.

Property rights, free-market principles and the state's willingness to give financial support to the necessary land policy, have set the table for the finalisation of the reparation phase. The reconstruction of rural development and agriculture must now be launched without further delay, but in an equitable and fair manner. It is non-negotiable that the spirit of enterprise, investment and the security value of land should be endangered.

It has now also become necessary for absolute certainty about agriculture and a land policy. There is an approach that land and improvements should only be maintained for the time being, until there is greater certainty. This approach is not beneficial to agriculture in the long term.

A successful and sustainable Blueprint for Land and Rural Development, based on the Constitution as well as on sound economic principles, has the capacity to improve the socioeconomic situation of every South African.

8.1 PRINCIPLES AND POINTS OF DEPARTURE FOR A BLUEPRINT FOR A LAND POLICY

1. Honour the South African Constitution, with specific reference to property rights, private law, the free market and international customs, norms and standards.
2. Give recognition to the full diversity of South African citizens as well as to the contribution made by blacks and whites towards building up the country.
3. Give recognition to the necessity for a common and shared future for blacks and whites.
4. Recreate and reclaim the full potential of the enthusiasm and dreams that led to the new South African society.
5. Factor in and acknowledge the importance of food security and food certainty.
6. Acknowledge the diversity of the South African nation and offer each person the freedom to express his or her ideal within the Constitution - also with regards to land ownership.
7. Cease the attempts to amend the Constitution for short-sighted party-political purposes.
8. Give every South African the same right to own property - including those in the former homelands or communal land regions.
9. A Land policy need not be a revolutionary process - it should rather be an evolutionary process. According to the SAIRR, more than 55% of land is already owned by black people.
10. Encourage different models of land ownership so that the basis for land ownership can be broadened.
11. Acknowledge the different needs for land and put systems in place to address and regulate these different needs without party-political interference.
12. Acknowledge the fact that not all black people want to own agricultural land or want to farm, just as not all white people want to farm.
13. Pursuant to the above-mentioned, it is also important that we should move away from the assumption that the mere ownership of land leads to economic freedom.
14. Do not create unrealistic expectations for personal, short-lived political gain.
15. Finalise restitution before 2014 so that its inhibiting influences on agricultural development can be eliminated and land can be developed productively again.

16. Restore the incorrect and unlawful restitution so that it will not be necessary in future to rectify the restitution.
17. Use market forces fully, such as willing buyer/seller, since enough land comes on the market annually to satisfy new entrants to the market.
18. Use unproductive land to offer an opportunity to new entrants to agriculture.
19. A climate for sensible "agrarian reform" must be created by using the carrot instead of the stick method as inducement.
20. Give recognition to the middle-class commercial farmers as the heart of the rural areas.
21. Launch special projects, without prejudice, to encourage and support new entrants to commercial agriculture. New farmers must be helped to supply their products to the mainstream markets.
22. Recognise agriculturalists as pursuing a fully fledged profession with its own associations but also with a professional body which can watch over and intervene on behalf of the profession in various fields. If necessary, subsistence farming and commercial farming could both have representation on the proposed council and in this way could serve everyone's interests. (Also see the subsection that defines this point in more detail.)
23. Protect local products and introduce import levies on foreign products. The levies could generate income for rural development, infrastructure and land ownership.
24. Support agricultural research as a high priority and a necessity.
25. Encourage agriculture to maintain sound labour relations and create more jobs.
26. A clear distinction must exist between a need for land for housing and land for production purposes.
27. Encourage sound business and commercial principles.
28. Encourage environmental conservation with the necessary support.
29. Budget for and channel taxes back to rural development for infrastructure, maintenance, job creation and expansion.
30. Prioritise effective law enforcement, including border control, which could lead to a safe rural environment.
31. Encourage tourism to the rural areas and maintain the transport system and infrastructure.

32. Commercial farming is the economic core of our small towns. If the scale and productivity of these farms are hampered, this would have large-scale consequences for our rural areas.
33. Flourishing rural areas and a healthy agricultural sector could halt the increase in urbanisation and lead to food security.
34. Plan and implement a land policy with the reality of the true state of affairs, based on the actual and audited figures of land owned by black people.
35. Utilise the offer to make use of the experience and expertise of established and successful farmers for the benefit of new farmers.
36. The socioeconomic development of the rural areas depends on the successful sympathy for, and linking up of everyone involved in agriculture, especially farmworkers; matters such as schools and housing will require special attention.
37. Promote agriculture and its associated sectors as full professions with endless opportunities and economic successes.

8.2 ESTABLISHMENT OF AN AGRICULTURAL COUNCIL

It is and remains the responsibility of any profession to manage and regulate itself, to determine its own ethics and standards, and also to take disciplinary action to protect the public against exploitation and unethical behaviour.

If South African agriculturalists want to operate according to International standards and to address and overcome local challenges successfully, the agriculturalists will, like other professions, have to form a professional council, similar to the Health Professions Council, the Bar Association, etc.

This Council should consist of role players in agriculture and the associated agricultural industries. The Council must be professional and not politically contaminated, but must act purely in the interests of the profession. Of key importance is that the Council should be able to resist the fickleness of governmental changes and policy frameworks.

As is the case in other occupations, member organisations play an important role. There is a proud tradition in this regard, especially in organised agriculture, which spans more than a century. These member organisations must be an important part of the Council and add complementary value to the Council.

The government has periodically started agriculture forums and advisory councils which were very successful and still ought to play an important role.

Even the Green Paper on Land Reform which appeared on 30 September 2011, had to rely on strange new structures which do not necessarily benefit the profession and have already been heavily contaminated politically.

It is already very clear that the inception of the proposed -

- Land Management Commission (LMC);
- the Land Valuer-General (LVG);
- the Office of the Valuer-General (OVG);
- the Land Rights Management Board (LRMB); and
- the Land Rights Management Committees (LRMCs);

will be the agents of a political interest; so the implementation of these offices is under serious suspicion. These are matters that ought to be taken care of exclusively by a professional body.

Various other matters of immediate importance, which could be addressed continuously and very successfully by the professional Council, are matters such as:

- The accreditation of bona fide agriculturalists regarding matters such as:
 - Labour affairs and legislation
 - Environmental control and soil conservation
 - Managerial skills
 - Residential rights and associated legislation
- A register of members and membership categories such as:
 - Commercial farmers
 - Subsistence farmers
 - Conservancies
 - Game farms for hunting
- Commercial support services, etc.
- Restitution claims
- A Land policy
- Audit of land ownership
- Transformation in agriculture
- Training standards such as:
 - Syllabuses at schools
 - Syllabuses and admission requirements at tertiary education institutions
 - Practical skills training
- The need for land and the rezoning of land
- Land ownership
- Food standards
- Stock diseases and veterinary science
- Poisons and medication
- Customs control over agricultural products, etc.

It is also clear from this that the composition of the Council would have to provide for sufficient representation to handle the matters mentioned above. As is the case with other councils, this Council could also consist of a desired and effective combination of designated and elected representatives.

The Agricultural Council could play a very positive role in ensuring that agriculture is at a healthy level in South Africa; and provide indispensable support and advice to the government and the department concerned, so that they can make quality decisions on behalf of all South Africans.

9. SUMMARY

It is clear from the preceding that South Africa has come to an important crossroads concerning agriculture, land distribution, job creation and food security.

The proposed Green Paper on Land Reform is on an accelerated trajectory which is speeding towards a precipice of nationalism and large-scale failure. This contrasts sharply and is in conflict with the negotiated settlement and the Constitution. That is why it is contrary to the spirit of liberation which beats in every South African heart.

The Green Paper has been given stature and brought into step with a liberation ideology that is disastrous for South Africa. The Green Paper contains unilateral and distorted facts, creates false perceptions and is once again the basis for failure in land reform. The Green Paper will plunge large numbers of South Africans into greater poverty in the chronic maelstrom of mere existence, not of living.

By contrast, the Blueprint for Land and Rural Development offers points of departure with robust, exciting alternatives that could effectively overcome the challenges of the time. It is in keeping with the Constitution and the national accord and has the potential to raise South Africa and its people to new heights. It does not slavishly follow an ideology, but creates points of departure which could lead to a South Africa where everyone's potential can develop to full maturity.

The Green Paper places restrictions on individual rights and contains seriously discriminatory measures with its establishing of different categories of citizenship, whereas the Blueprint for Land and Rural Development is consistent, equitable, just, transparent and a foundation for nation building and prosperity.

There is now an urgent necessity for rural development. With the right partnerships between the government and civil society, that are based on sound principles, agriculture could make an enormous contribution to rural development. If the Green Paper is the point of departure, however, it will be yet another nail in the coffin of rural development.

The Blueprint for Rural Development and Land and Rural Development ought to speak clearly to reasonable and just South Africans. That is why the time has come to take the right decisions now, to the benefit of our young democracy and this beautiful country.

"Some (seed) fell upon stony places, where they had not much earth; and forthwith they sprung up, because they had no deepness of earth." Matthew 13:5

"But other (seed) fell into good ground, and brought forth fruit, some an hundredfold, some sixtyfold and some thirtyfold." Matthew 13:8