



UNIVERSITY of the  
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PLAAS

Institute for Poverty, Land and Agrarian Studies

# Restitution, Redistribution and Farm Tenure Reforms

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Portfolio Committee on Rural Development and Land Reform

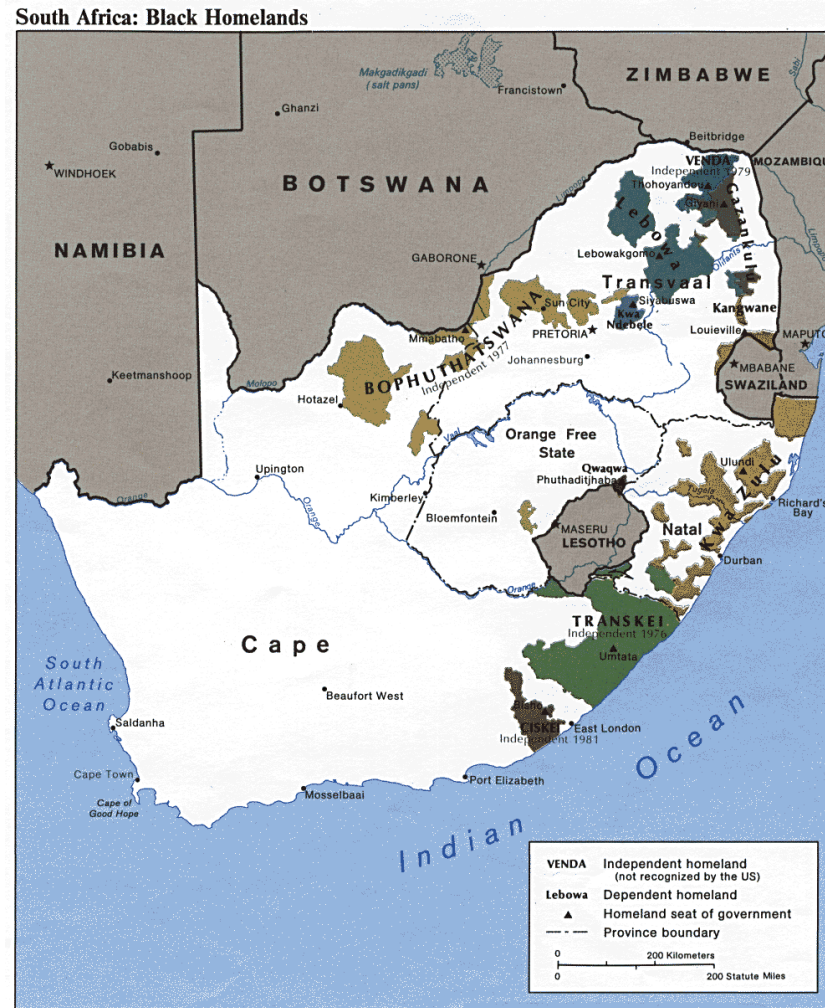
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“The massively unequal distribution of land is not just the unfortunate legacy of apartheid, it is the totally unacceptable continuation of apartheid.”

- Cyril Ramaphosa, Secretary-General of the ANC, at the Land Redistribution Options Conference, Johannesburg, October 1993

# What land, to be shared by whom, how, and with what outcomes?







# Overview

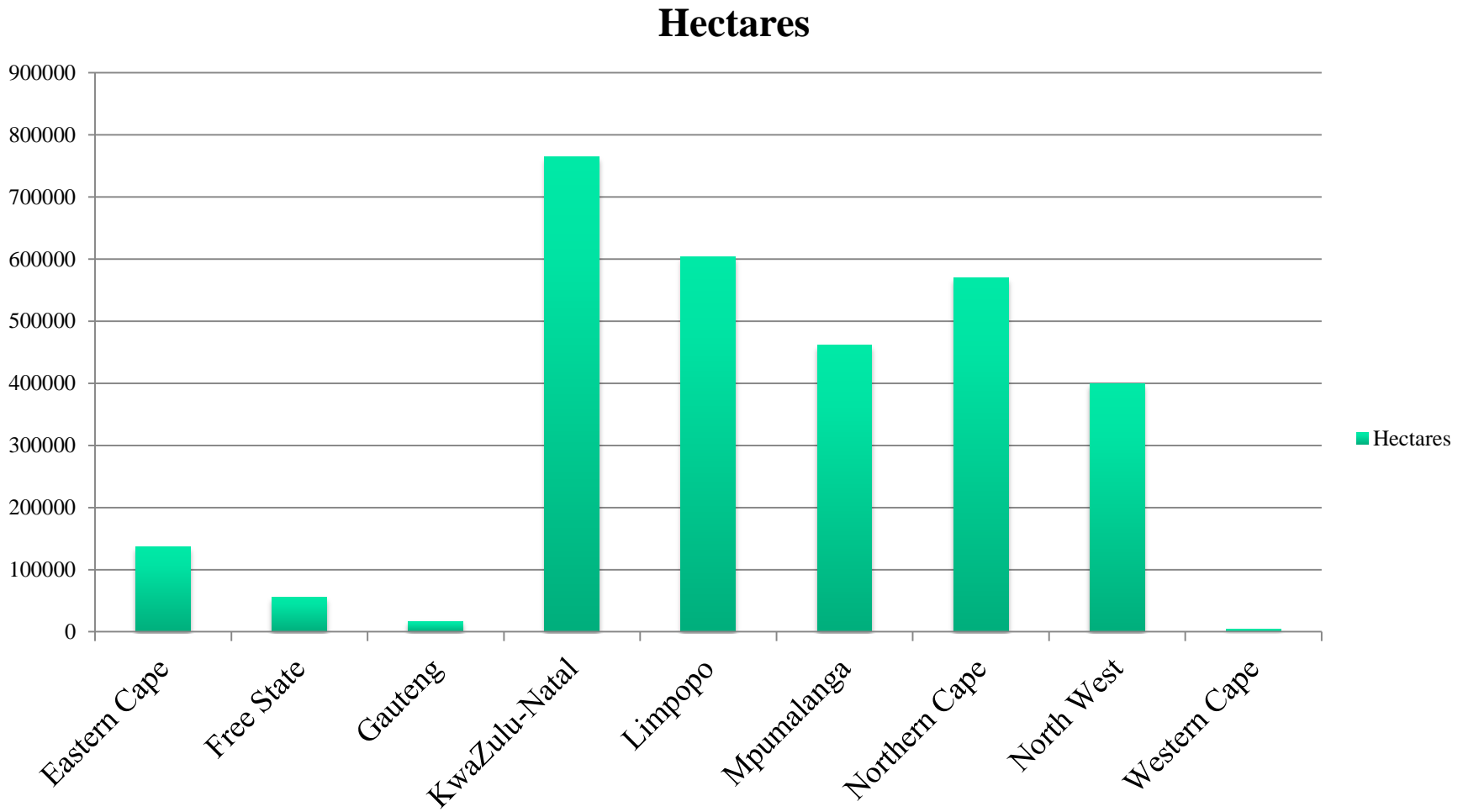
1. Critical review of policy shifts
2. Policy outcomes
3. Implications for oversight

# Restitution

- Property clause: Section 25(7) of the Bill of Rights says:

“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.”

# Land restitution: 1995 - 2013



- own calculations, based on Chief Land Claims Commissioner, 19 August 2013

# Nearly 30,000 claims not yet finalised (2013)

Status of claims	Number of claims	Number of projects	Number of claimants
Ungazetted	7226	-	-
Gazetted but not yet settled	1507	-	-
Settled (claims as lodged) – claim forms	59415	-	-
Settled (claims as settled) – combination of claim forms and rights	79582	-	-
In process of being implemented	20592	-	-
Implementation finalised	58990	-	-



# Outstanding claims per province

Province	Number of ungazetted claims	Number of gazetted but not yet settled claims	Number of claims partially settled (in phases)	Number of fully settled claims (but not finalised)	Number of finalised
<b>Eastern Cape</b>	844	164	213	1885	14528
<b>Free State</b>	0	14	8	148	2743
<b>Gauteng</b>	227	43	1929	1747	9907
<b>KwaZulu-Natal</b>	1463	665	1244	3053	11540
<b>Limpopo</b>	580	176	849	447	2324
<b>Mpumalanga</b>	2396	289	578	374	1894
<b>North West</b>	5	82	303	914	2730
<b>Northern Cape</b>	99	37	82	562	2685
<b>Western Cape</b>	1612	37	2802	3454	10639
<b>TOTAL</b>	<b>7226</b>	<b>1507</b>	<b>8008</b>	<b>12584</b>	<b>58990</b>

- Chief Land Claims Commissioner, 19 August 2013

# Redistribution

- Property clause: Section 25(5) of the Bill of Rights says:

“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.”

# Three cycles of land redistribution

- 1994-1999: the SLAG years
  - R16,000 household grants
  - Large group, whole-farm projects
  - Priority on settlement and multiple livelihoods
- 2000-2006: the LRAD years
  - R20-100,000 individual grants
  - Small group, whole-farm projects
  - Priority on commercial farming, but also ‘safety net’
- 2006 to the present: the PLAS / SLLDP years
  - State purchase of land (exclusively from 2011)
  - Allocation on leasehold with option to purchase (then not)
  - Priority unclear; same as (as broad as) LRAD?

# Mapping policy trends

	Acquisition	Tenure	Class agenda	Land use
<b>SLAG (1995-2000)</b>	Market-based purchase	Transfer of title	Means-tested (ie. pro-poor)	Multiple livelihoods
<b>LRAD (2000-2010)</b>	Market-based purchase	Transfer of title	Not means-tested (unclear)	Agriculture only
<b>PLAS (2006-now)</b>	Market-based purchase	No transfer of title	Not means-tested (unclear)	Agriculture only

# Tenure reform

- Property clause: Section 25(6) of the Bill of Rights says:

“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.”

# Estimated no. of people displaced & evicted

	Displaced from farms	Evicted from farms
1984 to end 1993	1 832 000	737 000
1994 to end 2004	2 351 000	942 000
Total	4 183 000	1 679 000
Now on other farms	469 000	93 000
Permanently off farms	3 716 000	1 586 000

Wegerif, M., B. Russell, and I. Grundling. 2005. *Still searching for security: The reality of farm dweller evictions in South Africa*. Johannesburg & Polokwane: Social Surveys Africa and Nkuzi Development Assoc.



# Upcoming legislation

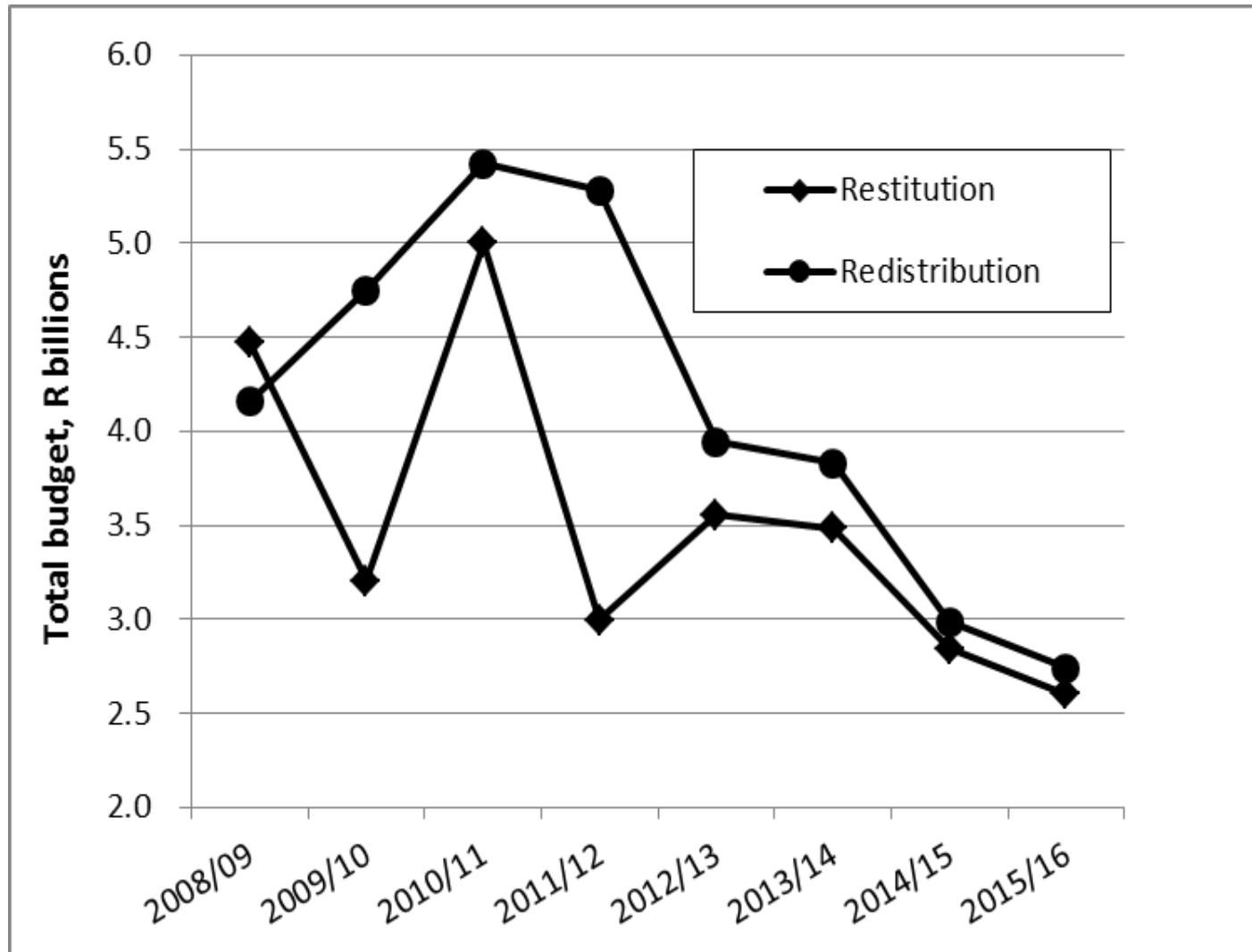
- ESTA Amendment Bill
- Expropriation Bill
- CPA Amendment Bill
- PDALF Bill
- Regulation of Landholdings Bill
- Communal Land Tenure Bill

[Note: nothing on redistribution]

# Oversight priorities

1. Where is the White Paper?
2. How much money for what?
3. What is going on on the ground?

# Budgets (inflation adjusted)



# Budgets

## Funds for land reform (R billions)

	2013/14	2014/15	2015/16	MTBPS
Restitution				
- total	3.39	2.68	2.60	2.60
- capital	3.03	2.31	2.12	2.12
Redistribution & tenure reform				
- total	3.39	2.82	2.74	2.54
- capital	2.96	2.10	2.10	1.87

# Oversight priorities

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Thank you

