

Phuhlisani NPC and the Land Portal

Refocusing the South African land debate

What can we do to achieve sustainable pro-poor land reform in South Africa?



Unequal scenes - Durban, South Africa

Photo: Johnny Miller. [Global Landscapes Forum](#). Licensed under CC BY-NC-ND 2.0

Setting the scene

Land has been making headlines.

In February 2018, South Africa's National Assembly passed a resolution to establish an *ad hoc* Constitutional Review Committee to explore and debate the need for a constitutional amendment to allow for the expropriation of land without compensation in the public interest.

Many serious commentators have argued that the focus on land expropriation without compensation is a diversion from a focus on the failures of the land reform programme to improve equitable access to land and the lives of the majority of poor South African households.

'Hype without a plan'

The proposed constitutional amendment has been characterised as a populist bid to diffuse widespread popular discontent over the persistence of inequality, poverty and escalating levels of unemployment.

"The stalling of land reform over the last 24 years does not derive from the Constitution. In fact, it does allow expropriation without compensation. The ANC decision to initiate a constitutional amendment on expropriation, does not reveal a serious plan to address and remedy the blockages in the way of addressing land reform. It is hype without a plan".

[Raymond Suttner](#)

At a recent round table¹ Deputy Minister of Public Works Jeremy Cronin provided insights into the factionalised debates within the ANC with regard to land, highlighting the "self contradictory" aspects of the ANC National Conference Resolution in 2017. He argued that

¹ Organised the Catholic Bishops Parliamentary Liaison Office

“we need to have a rational, constitutionally aligned and patriotic discussion on how to address the Land Question”.

These debates have intensified with the release of a document by the Thabo Mbeki Foundation which stated that:

“The ANC must understand that in the context of the debate about the matter of ‘land expropriation without compensation’, it has an obligation consistently to uphold the two principles:

- *South Africa belongs to all who live in it, black and white; and,*
- *The land shall be shared among those who work it!”*

[Thabo Mbeki Foundation](#)

Expropriation without compensation: The phrase of the year

Since the passing of the Parliamentary resolution the term "land expropriation without compensation" has been used over 25 000 times in South African media, leading the Pan South African Language Board to designate this phrase as South Africa’s word/phrase of the year for 2018. However in the process, public debate on land issues has been muddied by the generation of streams of deliberate misinformation on social media platforms. This obscures key issues and challenges for which we need to find collective solutions.

The potential and limitations of land reform

To progress we have to ask what land reform is *for* and what difference equitable access to land will make in South African society

A clearer sense is needed of how land and landlessness affects the present day politics of poverty in urban and rural contexts - and of what land reform can and cannot do.

Du Toit (2018)

Moderated online dialogue: What can we do to achieve sustainable pro-poor land reform in South Africa?

This moderated online dialogue facilitated by Phuhlisani NPC in association with the Land Portal is in search of solutions. We aim to move the conversation away from the narrow focus of the current Constitutional Review Committee hearings on the merits of amending Section 25 of the Constitution.

Objectives

The specific objectives of this dialogue are to provide an online forum to explore different perspectives on the content of a pro-poor programme of land reform programme that can:

- Actively promote equitable access to land in rural and urban areas to tackle spatial and economic inequality
- Provide tenure security for 60% of South African citizens whose property rights remain off-register
- Grow and support small producers and contribute positively to the livelihood security of marginalised rural and urban South Africans
- Address the current shortcomings affecting existing restitution, redistribution and tenure reform programmes

Timing

The debate will open on **Monday 19th November** and close on **Friday 30th November**.

Ten core questions

The 10 questions below will provide the primary focus for the online dialogue. They will be supplemented by other related questions as the conversation develops.

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1. What is land reform for?
 2. How exactly can access to land support the livelihoods and wellbeing of poor people in South Africa?
 3. What has been relationship between the costs and benefits of land reform to date?
 4. What has worked with land reform in South Africa: where and why?
 5. What needs to be done to get closure on land restitution and accelerate rural land redistribution?
 6. How can we improve access of the urban poor to well located land in the city and tackle the effects of spatial inequality?
 7. What can be done to secure the land rights of an estimated 60% of South Africans whose land rights remain off register in rural and urban areas?
 8. How do we deal with the politicisation of land reform, and its connection with the national and the colonial questions?
 9. How do we obtain reliable open data to better understand who owns what and monitor the performance of the land reform programme?
 10. What should be the key elements shaping land policy and a land reform framework law to ensure that land reform benefits poor South Africans and does not become a vehicle for elite capture?

How will the online dialogue happen?

Providing online discussion spaces

Prior to the dialogue commencing 19 November the dialogue facilitator will:

- create participant account profiles on the Land Portal debate site where individual contributions to the conversation will be captured and displayed for the international participants and observers.
- set up a shared Google doc which will contain a full record of the debate
 - Dialogue participants will have editing and contribution rights.

Focusing on particular questions

The facilitator will send out questions from the list above to simulate discussion and participant engagement over the two designated two week period. These questions will be emailed to individuals and they will also be posted on the Google doc and the Land Portal website which will attract international participants.

Capturing responses and starting the conversation

In making their responses individuals will have three choices:

1. Individuals who are comfortable working online can contribute to the dialogue via the Google doc which will provide a live and real-time record of conversation
2. Individuals can also post and monitor the discussion directly through the Land Portal account which will be opened on their behalf.
3. Individuals who are not comfortable in the online space can respond directly to the dialogue facilitator by email. The facilitator will post their responses into the Google doc and copy these to the Land Portal debate site.

The facilitator will send out regular updates on the discussion during the two week period highlighting key issues and different perspectives highlighted by the discussion. These will also be featured on the new Knowledgebase.land website launching on the 7th November and on social media.

What will come out of the dialogue?

Phuhlisani NPC will write up a report on the key issues surfaced through the dialogue which will be circulated to all participants and will also be publicly available. We plan to forward this report to members of the President's Land Reform Advisory Panel as an unsolicited submission and publish it on a variety of websites.