



Memorandum

Demands for a pro-poor fast tracked programme of land reform in rural and urban areas

**People's Land March to the National Assembly
10th September 2018**

Attention:

- The Speaker of the National Assembly,
 - The Minister of Rural Development and Land Reform
 - The Chairperson of the Portfolio Committee on Rural Development and Land Reform
 - The Chairperson of the Constitutional Review Committee
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Preamble:

This march brings together representatives of rural organisations and communities from rural and urban settings from across the nine provinces of South Africa including:

- Farm workers and dwellers;
- People living in Act 9 areas ('former coloured rural' areas);
- Labour tenants;
- People living on forest stations on state land;
- Citizens living in former homeland ('communal') areas;
- Mining affected communities;
- People living under the Ingonyama Trust;
- Restitution claimants;
- People seeking and acquiring land through the redistribution programme;
- Members of communal property institutions: CPAs and Trusts;
- Inner city and urban informal settlement dwellers;

We have gathered for two days from 9 - 10 September in Cape Town to discuss and formulate demands for a pro-poor programme of land reform which fulfils the rights to equitable access to land, secure land rights for all and restitution of land rights guaranteed in Section 25 of the Constitution.

Context

In formulating our demands we note:

1. The failure of land reform to meet the legitimate land needs of South Africans who were dispossessed in the past under colonial and apartheid rule.
2. Increasing exclusion of poor black South Africans from participation in the economy of the country.
3. Continuing gender discrimination in relation to land holding by women.
4. Increasing capture of the land reform programme by elites, business and traditional leaders.

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5. De facto expropriation of land by mining companies and the expulsion of people from their land with minimal compensation and no tangible benefit.
 6. Lack of state capacity for the implementation of existing laws to give effect to land reform which benefits the poor and the landless.

Demands

We hereby make the following demands noting that there have been repeated initiatives to pressure the state to meet its constitutional obligations which to date remain unheard and unaddressed.

Farm workers and dwellers

Currently 2,7 million people comprising more than 750, 000 households live on farms throughout South Africa.

We demand:

1. A moratorium on farm evictions.
2. An end to all BEE fronting through fake equity share agreements.
3. Increased state capacity to implement ESTA through allocation of a realistic budget, training of government officials to strengthen oversight of tenure security and ensure compliance with labour law.
4. Allocation of subsidies for on and off site development in terms of section 4 of the Extension of Security of Tenure Act (ESTA) to enable farm workers to own property.
5. A review of farm worker housing policy to ensure that farm workers enjoy decent living conditions and secure registered rights.

Labour tenants

Labour tenants live on land owned by others but who have, or had, the right to use cropping or grazing land on a farm in exchange for their labour. The Land Reform Labour Tenants Act (No. 3 of 1996) was passed to provide for tenants' security of tenure and and

rights in land. More than 20 000 Labour Tenant Claims were lodged by 2001. Very few of these claims have been settled.

We demand:

1. A clear plan to process long outstanding labour tenant claims.
2. That Labour tenants must be given strong rights to the land that they have been living and working on, farms must be registered in the name of the people who actually work the land.

Transformation of Certain Rural Areas Act (TRANCRAA)

There are 23 rural areas in four provinces (Western Cape, Northern Cape, Eastern Cape and Free State) where land is held in trust by the Minister of Rural Development and Land Reform in terms of the Rural Areas Act (No 9 of 1987). The Transformation of Certain Rural Areas Act (No. 94 of 1998) TRANCRAA makes provision for this land to be transferred to municipalities or to a land holding entity controlled by the rights holders. Twenty years later this land remains untransferred.

We demand:

1. Removal of administrative bottlenecks and immediate implementation of TRANCRAA in all 23 legislated areas utilising local participatory planning drawing on local expertise.
2. Amendment of Section 2 of TRANCRAA to protect community land rights.
3. Approval of adequate budget and state capacity for the fast track transfer and development of TRANCRAA land.
4. A programme of local economic development including secure water rights to stimulate livelihood and employment opportunities.

Forest stations on state land

The semi-privatisation and long leases on state owned forest land has impacted negatively on the occupants of numerous communities residing in forest areas. Jobs have been lost

across the forestry sector and lack of security of tenure threatens the livelihoods of many rural forestry communities throughout South Africa.

We demand:

1. The forest land and houses must belong to us and be registered in the names of our families.
2. Infrastructure development in forest communities, safety and security of tenure.
3. Access to additional land for food security.
4. Rehabilitation of the forest resources and a programme of assistance for communities on state forest land including the training of our young people as community foresters, assistance for small-scale sawmills, assistance with the treatment of poles and timber, assistance with invasive species and assistance with looking for marketing of timber products.

Communal areas

There are some 17 million people living in the former homelands (Bophuthatswana, Ciskei, Transkei, KwaZulu, Lebowa, Venda, Qwaqwa, KaNgwane, Gazankulu and KwaNdebele). The state has failed to pass a law to protect the security of tenure of people in these areas. The only legislative protection is provided by the Interim Protection of Informal Land Rights Act (No 31. of 1996) which has to be renewed every year. IPILRA has not been enforced and residents in the former homelands are vulnerable to land grabs.

We demand:

1. People in communal areas should have secure registered land rights which guarantee equal access to land and natural resources.
2. Democratic governance in traditional councils: 60% of the representatives in traditional councils should be elected by the community and the remaining 40% should be of royal blood. There should be equal representation of women and youth.

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3. Apartheid era homeland boundaries should not be perpetuated through legislation and that citizens who live in homelands constructed under apartheid should not suffer discrimination and erosion of their rights in a democratic South Africa.

Mining-affected communities

There are numerous rural communities affected by mining activities. Mining deals are often struck between mining companies and chiefs without the informed consent of rural citizens. Mining has failed to provide real benefits to communities residing on land rich with minerals.

We demand:

1. The right to say 'no' to investment and development.
2. The right to free, prior and informed consent for all investment and development in our communities.
3. Transparency in relation to equity participation by communities in mining companies.
4. An end to the deliberate delay of land claims in order to favour chiefs and mining companies.
5. Thorough rehabilitation and proper mine closures which includes transfer of knowledge to the local community on rehabilitation issues.
6. Implementation of the 'use it or lose it' principle in relation to mining care and maintenance.

Ingonyama Trust

The Ingonyama Trust manages 2.8 million ha land owned by the former homeland government of KwaZulu. This land vests in the Ingonyama, King Zwelithini, as trustee on behalf of members of communities defined in the Ingonyama Trust Act. The Act was

amended in 1997 to create the KwaZulu-Natal Ingonyama Trust Board to administer the land in accordance with the Act .

We demand:

1. The immediate dissolution of the Ingonyama Trust. If it is not possible to immediately do away with the Trust we need the Ingonyama Trust Act that governs its operation to be substantially amended. We want the Trust Act to make clear how the Trust is meant to operate to ensure transparency and accountability.
2. Trust officials that are corrupt must be removed and held accountable. Transparency and accountability must be at the centre of the operation of the Trust.
3. The Trust must stop violating the rights of people living on the land it administers. All residential leases concluded with the Trust must be cancelled. Income the Trust generates from the land it administers must go back to these communities, for development and making the lives of people living on this land better. The Trust must account to communities for all money that is generated and what is done with that money.
4. COGTA must fulfil its role of holding traditional leaders to account. COGTA must listen to community members and help them when they are dealing with corrupt traditional leaders and traditional councils. COGTA needs to stop protecting traditional leaders at the expense of communities. All levies and other irregular payments of monies by community members must stop.
5. Traditional leaders must account to their community members. Traditional leaders must stop concluding agreements over land held by people without consulting and getting the consent of the people who actually hold the rights to the land.

Land Restitution and Communal Property Institutions

We demand:

1. Outstanding land claims must be finalized with immediate effect, including payment of settlement grants.
2. Land must be expropriated for purposes of settling land restitution claims.

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3. CPAs must be retained as the land holding institution for the beneficiaries of land restitution. Neither the associates of chiefs nor government officials must be allowed to hold offices within CPAs or Land Trusts.
 4. Individual and family rights of members must be described and secured and CPA's provided with adequate state support.

Land redistribution and equitable access to land

A number of problems face those acquiring land through land redistribution including corruption, capture and insecure land rights. Land is either held by land holding entities or leased from the state. Individual and household rights are not determined. Settlement and development support on redistributed land has been inadequate and poorly coordinated. There has been no focus on subdivision. Livelihood outcomes have been poor. A lot of money has been spent on relatively few people.

We demand:

1. An end to corruption and nepotism in the allocation of land.
2. Passing a Land Redistribution Bill to make access to land an enforceable right with priority being given to women and people who already work the land, also ensuring tenure security unlike the present system of leasehold.
3. Provision of sustainable production support including access to water - not the current once off RECAP system.

Inner city occupiers and urban dwellers of South Africa

1. We demand that government provide decent, sizable and affordable housing on well located land in the inner cities and surrounds and should stop displacing the poor and working-class people in South Africa and selling public land to private developers
2. We demand that there be no illegal evictions or forced removals without court orders. Courts should be held accountable so that no one can be evicted into homelessness.

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3. We demand that government prioritise land tenure and give us secure tenure rights. The PIE Act must be revisited. There must be proper rent control regulations. We urgently need a functional rent board.

Receipt of memorandum

Name	
Designation	
Date	

For further information please contact Constance Mogale, Co-ordinator of the Alliance for Rural Democracy by email: constance.mogale@gmail.com