

# Press Release

## New land policies not addressing poverty, tackling inequality

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Community organisations from eight provinces across South Africa expressed dismay and frustration at the extent to which the government's new land policies and Bills will undermine rural people's rights in terms of the land reform process and access to land. If implemented, these pieces of legislation will further entrench rural poverty and inequality among people on communal lands, land reform claimants, farm workers, and mining-affected communities.

Coming together at a National Land Workshop on 3-4 October 2013, hosted by the Centre for Law and Society, the Institute for Poverty, Land and Agrarian Studies, the Land Access Movement of South Africa and Tshintsha Amakhaya, over one hundred participants from rural areas thrashed out a strategy to respond to several bills and policies that government is seeking to finalise ahead of the 2014 election.

Participants discussed issues that affect them directly, including security of land tenure in the former Bantustans, restitution and legacies of land dispossession, the effect of mining where they live, farm-workers' rights and the livelihoods of small-scale farmers. Although coming from different backgrounds, and facing different challenges, they raised a number of common concerns. One of these was that there is a general lack of accountability from the government towards rural people. Participants also felt that the government did not engage in enough meaningful consultation with rural people. They said the new bills and policies on land and mining reflected this lack of consultation.

Many participants focussed on the new Revised Restitution of Land Rights Amendment Bill (Restitution Amendment Bill). They pointed out that it comes at a time when there is a backlog of thousands of existing land claims. Since the Bill does not make clear the processes for dealing with already existing claims, delegates expressed fears that reopening the restitution process could delay the finalisation of existing claims and lead to counter-claims on the same pieces of land – including counter-claims from traditional leaders who believe communal land ownership should be vested in them. This is a strong possibility in light of policy statements made by the Department of Rural Development and Land Reform about discouraging the formation of Communal Property Associations (CPAs). During a heated discussion on traditional governance, numerous participants indicated that many traditional leaders are already abusing their power, and they fear that government might hand land over to traditional leaders, instead of elected community structures like CPAs.

Workshop participants argued that a lack of sufficient support for beneficiaries under the Restitution Act was one of the key causes of projects' failures in the past, yet the Revised Restitution Amendment Bill is silent on this issue. As a result, some participants said they feared the restitution process would be captured by elites and fail to benefit those who were dispossessed.

At the end of the workshop, participants described the Restitution Bill as one of a whole new crop of land bills and policies, which can only be fully understood in light of one another. In addition to the Restitution Bill, they examined the Draft Communal Land Tenure Policy, State Land

Leasing and Disposal Policy, Recapitalisation and Development Policy, Agricultural Land Holdings Policy, Mineral and Petroleum Resources Development Bill, and the Extension of Security of Tenure Amendment Bill. Coming together in the final plenary session, delegates voiced their concerns that the new bills and policies will cumulatively undermine rural people's security of land tenure, rather than strengthen it.

Delegates voiced a number of suggestions and alternatives to the proposed bills and policies in order to move towards addressing poverty and inequality in rural areas. Various participants expressed their willingness to engage in the parliamentary submissions process and mass mobilisation in order to make their views heard.

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