

OPINION & ANALYSIS

Has the sting been taken out of land expropriation?



POLITICAL PERSPECTIVE BY DR JAN VENTER

Dr Jan Venter is a political analyst at Aginfo. Email him at aginfo@amtrends.co.za.

As new details emerge about how the state envisions expropriation of land without compensation might be implemented, it appears a more relaxed and optimistic view is necessary about the impact this may have on the economy in general and the farming sector in particular.

First, the background: government released a draft Expropriation Bill that breaks down how land expropriation will work and under which conditions. The public has been given 60 days to comment on the draft bill, which was published by Public Works Minister Thulas Nxesi in December last year.

There are five circumstances under which expropriation without compensation will be allowed: when property is abandoned; when property is owned by state-owned enterprises (such as PRASA or Eskom); land held purely for speculative purposes; land in which government has already invested an amount greater than its value; and land occupied by labour tenants. The last category may be of concern to farmers.

THE NEGATIVES

Agri SA promptly asked for a more explanatory version of government's plans. This is probably wise as the official release is very scant on detail. Let's turn to the reasons why we should not all breathe a huge sigh of relief.

Firstly, this is not what the EFF and some in the ANC (the faction of former president Jacob Zuma and others) wanted. If this is the final form of the ANC's version of land expropriation, a storm looms on the horizon, with many illegal land occupations and much political tension waiting.

Much of the tribal trust land can legally be seen as being abandoned. Nobody is doing anything viable in these areas for ordinary people, with only the local chief's cattle grazing there once in a while. If the ANC touches this land, the Zulu nation, in particular, will declare war.

The legislation governing this land is open to legal overreach. This is just my interpretation; sharper legal minds than mine must ponder this further.

REASONS TO BE OPTIMISTIC

Now for the reasons to be optimistic: President Cyril Ramaphosa has kept his promise. This proposal looks as if it will free up land for farming, which will contribute to food security. It also leaves the land of commercial farmers alone and fits in with European trends, as it can be regarded as a form of privatising land. This could bolster the economy and is a departure from the radical beliefs held by the EFF and some in the ANC.

By doing this, however, Ramaphosa has removed himself from his constituents. He is an economist and capitalist, but also a politician.

WITH A FEW GOOD MEN DRIVING THE MISSION, HOW VULNERABLE WILL SA BE?

I foresee that the draft resolution may be replaced by something a bit more hardcore, as I am not sure that Ramaphosa would risk alienating the EFF before the election.

So, I agree with Agri SA: give us more detail. Unfortunately, the land question will now move to the back-burner as electioneering starts in all earnest.

Role players in agriculture and other important people will be fed snippets of the way forward, with right-leaning people getting conservative snippets and the left wing more progressive snippets.

My idea is that the EFF and Zuma, who is suddenly very articulate on Twitter, are preparing for a battle with the ANC after a very rude awakening following the election when Ramaphosa breaks away from the left.

The final big problem that I foresee the country facing is that there is only one Ramaphosa, and if this entire mission is driven by the president and a few good men (Minister of Public Enterprises Pravin Gordhan and others in the economic cluster), how vulnerable will South Africa be?