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NATION

## Land reform at a snail's pace

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LAND restitution continues to move at a slow pace, with 7 000 claims nationally still outstanding.

Department of Agriculture, Land Reform and Rural Development spokesperson Reggie Ngcobo said: "So far 82 761 claims have been settled while 7 000 are still outstanding."

In terms of what caused the delays in the claims process, he said: "The complexity of each claim... We are required by law to do extensive research on each case. As per the Lamosa judgment, (new claims would only be accepted) when all old claims have been settled (7 000)."

The Legal Resource Centre (LRC) said the issue was complex with many factors impacting its failures, including administration, governance and the lack of political will.

The LRC's Ektaa Deochand said: "There are lots of levels, like a lack of policy clarity in terms of the redistribution aspect. No guiding legislation, a bias towards commercial farming etc."

The Constitution provides for three types of provision of land: Section 25 (5) speaks to redistribution; Section 26(6) to security of tenure; and Section 26 (7) to restitution.

"There are problems in all three spheres," Deochand said.

"The state has been trying to enact legislation in terms of Section 25.6 of the Constitution but there are many stakeholders involved, there has been a delay in the passing of that legislation.

"As for land redistribution, we are talking about in terms of Section 25.5 – the state must make land available to citizens on an equitable basis.

"Restitution speaks to offering compensation to people who were dispossessed. There are many issues with the processing of claims and poor settlement support by the department. It's the challenge with the land claims commission, capacity issues, resource issues, skills etc."

At its presentation on the National Farmworker Platform, the LRC showed in terms of its gender findings from the redistribution programmes there was a 94% decrease in the number of female

beneficiaries from 2009 to 2017.

Women also received a lower hectare allocation and in the majority of cases where women were beneficiaries, they were part of a collective with men.

Women on Farms director Carmen Louw said they felt that the government was not treating the issue of redistribution seriously.

"The problem is there is no proper known policy, no one can hold the government accountable to that. What we as women on farms would like to see is proper legislation and policy available to the public that specifically benefit women..."

"We feel that many of the farm workers don't qualify for restitution because the cut-off date for restitution is 1913 and they were dispossessed of land before 1913, so they don't qualify.

"We argue that the Freedom Charter says the land shall be shared among those who work it. Farmworkers and farm women should therefore benefit from land redistribution," she said.

Meanwhile the EFF added that the only solution to the land crisis was to "expropriate without compensating and the state must be the custodian of everything (all land)".

EFF MP Mathapelo Siwisa, who serves on the portfolio committee on public works and infrastructure, said: "We are not making progress on the issue of land reform. We still have many people looking for land to live, people are still struggling to claim back the land that belonged to their forefathers.

"To avoid all negotiation whether this is belonging to certain groups or people, if the state becomes the custodian of everything then we can resolve the issue of land reform.

"For now nothing is happening and everyone is complaining. If the state is the custodian of all property, the state will see in that portion we need houses, here we can do grazing, farming or industrialisation which is going to assist the economy."

She added that in its current form, the party did not support the Land Expropriation Bill, because it still made room for a possibility of compensation.