

Land paper 'harks back to apartheid'

Donwald Pressly

THE FREE Market Foundation has submitted comments on the green paper on land reform, arguing that the government is imposing on black South Africans similar land-tenure restrictions to those imposed under apartheid.

The foundation, headed by Leon Louw, based its arguments on research carried out by Gary Moore, a lawyer, who argued that the green paper did not reveal a complete grasp of land-use realities.

The green paper was issued by Rural Development and Land Reform Minister Gugile Nkwinti in August. Moore argued that it "proposes more bureaucracy", administrative invalidations of land titles and various restrictions on land ownership for all.

The green paper refers to communally owned land and contemplates communal tenure, which the foundation argues is no different to the apartheid days.

"We recommend that all community, traditional and tribal land be unambiguously and democratically owned and controlled by the people concerned who should be allowed to give to each lawful occupant if they wish the plot they hold, in full unambiguous freely tradable ownership."

If the green paper proposals were adopted, there would be a land management commission "subservient to government and with advisory, co-ordinating and auditing functions. The document hints that this body would also make policy – the commission would issue guidelines to state departments dealing with land."

In terms of the green paper –

which precedes a white paper – the commission would have power to invalidate title deeds and confiscate land obtained through fraud or corruption. Moore argued that this may be well-meaning "but stripping registered owners of land titles administratively is drastic and unnecessary".

The foundation argued that fraud and land disputes should be left to the common law in the courts "not a commission... answerable to government".

Louw argued that the proposed office of the valuer-general would be superfluous. "Its envisaged functions of analysing markets and maintaining a valuation database could be carried out by existing departments."

The foundation said that in its submission it pointed out that "prices agreed by willing buyers and sellers do not distort markets".

The foundation also argued that imposing limits on the extent of privately owned land would prejudice the productive use of land. Likewise the proposed imposition on foreigners of precarious tenure would prejudice foreign direct investment and impair South Africa's economic freedom rankings.

The approach, it said, should rather be on the reform of urban land to provide access to housing. "The government should cease to pursue ineffective, slow, costly and insignificant measures that it has attempted to implement (in rural areas)."

Meanwhile, Deputy Agriculture Minister Pieter Mulder, who is also the Freedom Front Plus leader, argued that the land reform proposals would put pressure on food security.