

Unisa-Sowetan Dialogues kicks off with discussion around land debate

Late last month, Unisa's Graduate School of Business Leadership (SBL), in partnership with Unisa and *The Sowetan*, launched the first of the Unisa-Sowetan Dialogues, to be hosted by the SBL. The topic for the evening, "The great land debate: Whose land is it, by the way?" drew together five specialists from within academia and the private sector to frame the issue of land from philosophical and ideological perspectives through to political, economic and legal positions.



The discussion was facilitated by respected Unisa academic and well-known political commentator Dr Somadoda Fikeni, and included speakers Professor Lesiba Teffo, political analyst and director of Unisa's School of Transdisciplinary Research Institute (STRI); Dr William Mpofu, a researcher from the Wits Centre for Diversity Studies (WiCDS) who has a particular interest in decolonial studies; Bulelwa Mabasa, an expert on expropriation litigation from Werksmans Attorneys; Philani Madletyana, of the Foundation for Human Rights, the organisation which contributed a formal submission in favour of amending Section 25 to the Joint Constitutional Review Committee; and Professor Cyril Nhlanhla Mbatha from SBL's Department of Finance and Economics who has been widely published on topics including land redistribution and government economics.



Professor Cyril Ntshahla Mbatha, SBL Department of Finance and Economics

Intrinsic meaning of land and ownership

Speakers grappled with the complexities associated with the issue of land and traced the problem from the intrinsic meaning of what is meant by land and ownership. According to Dr Mpofu from Wits, a disconnect exists between the policy frameworks that define land and the immediate needs of dispossessed and impoverished communities.

Professor Lesiba Teffo said that in pursuing agrarian reform – which is a precondition for establishing a just and equitable South Africa – there must be strong political will, a clear understanding of the legislation, and efficient project management and design combined with a reasonable budget to implement reform. Most importantly, he cautioned, there should be a clear understanding of who the intended beneficiaries are and a commitment to providing such with practical support.



Bulelwa Mabasa, Werksmans Attorneys

Policy shortcomings

South Africa's land policy is beset with shortcomings, said Mabasa. She argued that the three key areas of the policy – restitution, redistribution and tenure reform - have all largely failed. As well as finding itself within the ambit of the

Department of Rural Development, which is a poorly funded department that has lacked the drive to move the process of restitution forward, unreasonable requirements have been placed on citizens to prove themselves as subjects of dispossession. The way in which redistribution has been articulated through the 'willing buyer, willing seller' principle, stated Mabasa, is at odds with the basic rights enshrined in South Africa's constitution. Land tenure, she claimed, has failed dismally as evidenced by the fact that more evictions have taken place after 1994 than those before democracy.

Philani Madletyana said that all stakeholders must grasp the opportunity to look at the land question as a human rights question which should prioritise the needs of the dispossessed in our country. He highlighted the concerning figure of only around 8% of land having been distributed since 1994. He added that land reform is linked to the problem of hunger where as many as 25% of South Africans go to bed hungry every day.



Philani Madletyana, Foundation for Human Rights

Backlog of land claims

SBL's Professor Mbatha said that the slow finalisation of land claims has led to a backlog of over 20,000 cases. Because claim evaluation is taking too long, he said, the result is an under valuation once the land is finally transferred. Furthermore, he argued that government has not given land priority in terms of budget allocations, with a meagre R50bn having been spent on land reform over the past 25 years.

The forum highlighted the fact that the time is ripe to extend the notion of land reform beyond a narrative of politics and to consider that the debate refers not only to agricultural land but to residential and commercial as well. Going forward, not only will it be critical to ensuring that everyone has a voice, but in seeking debate that does not polarise South Africa's

society.

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