

Five pillars to guide new land tenure system

PRETORIA: Rural Development and Land Reform Minister Gugile Nkwinti says government will introduce five pillars as part of the new land tenure system.

The new principle of a 'just and equitable' redistribution - a shift from the 'willing buyer, willing seller' system (which forces the state to pay more for land than the actual value) - was announced by President Jacob Zuma in the State of the Nation Address (SONA) last week.

Addressing the National Assembly on Tuesday, during the debate on the 2013 SONA, Nkwinti said under the new land tenure system, the five new pillars would be structured as such:

- State and public land - leasehold (the right to hold or use property for a fixed period of time at a given price, without transfer of ownership, on the basis of a lease contract);
- Private land - freehold (an interest in land - the duration of which is restricted to the life or lives of a particular person or persons holding it), with limited extent;
- Foreign land ownership - leasehold; and,
- Communal tenure - with institutionalised use-rights.

The minister said it was clear that through the restitution process, the state was a "compelled buyer".

"Prices in restitution were far higher than those paid in terms of strategic land acquisitions under the redistribution programme.

"This is a clear indication that where the state is able to strategically acquire land, it is able to acquire more land for less money, as the state is not a compelled buyer.

"Even by our own admission, we could have bought more, if the principle of a just and equitable redistribution was actively applied," he said.

Nkwinti said farms transferred to black people through various redistribution programmes, from 1994 until January this year, amounted to 4 813 farms. This translates to 4.123 million hectares, benefitting 230 886 persons.

He said a total of 50 440 beneficiaries were women (1.7 million ha in the hands of women); while 32 563 were young people, and 674 were persons with disability.

Nkwinti said the state spent R12.9 billion on land. Of the 4.123 million ha acquired, government has, since 2010,

recapitalised 696 farms into full operation, employing 4 982 permanent workers and investing R1.8 billion in infrastructure, inputs and strategic support.

Of the 696 recapitalised farms, he said 332 were cropping and 364 were livestock farms. The gross income generated by these farms, as of 31 January 2013, was R126 million.

"Land acquired by the state for the restitution of land rights, since the inception of the programme (in 1995), amounts to 4 001 land parcels, translating into 1.443 million ha.

"Of these beneficiaries, 136 968 are female headed households, and 672 persons with disability have benefited. A total of R16 billion has been spent on the programme thus far.

"This in settling 77 148 claims; R10 billion for land acquisition, and R6 billion for 71 292 financial compensation claims," he said.

Nkwinti said the 5 856 settled claims, translating into 1.443 million ha, was land restored.

He said this clearly illustrated that claimants had chosen financial compensation over land restoration, which was a reflection of poverty and unemployment.

During SONA, President Zuma announced the re-opening of the lodgement of land claims for those who could not claim during the first window of opportunity.

This announcement has two aspects to it. Firstly, the reopening of the lodgement of land claims. Secondly, the creation of exceptions to the 1913 Natives Land Acts for heritage sites, historic landmarks and opportunities for the descendants of the Khoi and San to claim.

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