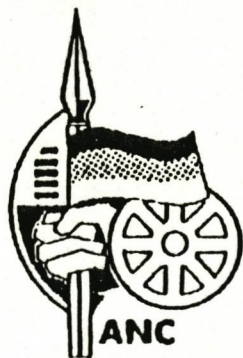


*Endorsed final draft:*



**LAND  
MANIFESTO  
for ANC  
Policy  
Conference**

MAC/011-84-2-4

# ENDORSED FINAL DRAFT: LAND MANIFESTO FOR NATIONAL CONFERENCE

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## PREAMBLE

The alienation of land from the indigenous peoples and the denial of the African majority's rights to land and political power in our country is intimately connected. This relationship is a central element of our struggle against apartheid and will be central to any resolution of our problem.

In our country 87% of the land is held by the white minority, while only 13% of the land has been allocated to blacks. This division of land is a result of conquest and dispossession. Thus, the question of land is a deeply felt emotional issue.

The present division of land embodies a power structure in which blacks have been denied the right to live and work where they want, in which there has been no security of tenure for black people and in which corrupt administrative structures were imposed to administer the land and the people living on it.

Thus, our people live in extreme poverty and starvation without access to the most basic human needs – land, food, shelter, water and work. Black women are the most oppressed and powerless section of the population.

The skewed development of commercial agriculture has resulted in environmental degradation and inefficient production leading to a national agricultural crisis of massive proportions. Apartheid has destroyed the productive capacity of black rural producers. On commercial farms workers are devoid of any legal protection and highly exploited.

The development of a productive agricultural sector and a dynamic rural economy is necessary for the well-being of a future South Africa. Our approach to both the land and the people living on it must ensure that this productive capacity can be realised to the full. We must guarantee human rights to all rural people. We must recognise that land is a natural resource to be used for the benefit of the nation. Land belongs to future generations and our policies must ensure its enrichment and conservation.

The crisis around land is also an urban question. For decades black people did not have rights to settle freely in urban areas. The massive housing backlog and shortage of land allocated for black people in urban areas has resulted in millions of homeless people squatting in appalling

conditions. In addition, where land is made available it is usually far from jobs and transport is expensive.

## A. THE GOALS OF A LAND POLICY

To devise a comprehensive land reform which includes the following:

1. To redress the injustices caused by apartheid's policy of forced removals, by restoring land and where this is not possible by making reparations through a just legal process.
2. To address demands and grievances around land redistribution by the creation of a land court through which competing claims to land can be heard and resolved. Such a claims process must be based on a set of just criteria including productive use, traditional access, claims on the basis of birthright, title deeds, tenancy and usufruct rights(right 'o benefits from use and duty to maintain), historical dispossession and need.
3. The ANC's overall economic policy should ensure that the present shortage of land in rural and urban areas is eliminated.
4. To ensure that the diversity of tenure forms existing in our country is recognised and protected.
5. A policy of affirmative action within a viable economic development programme must ensure:
  - (i) that all South Africans have access to a place to live as a human right;
  - (ii) the transformation of apartheid spatial geography;
  - (iii) that Women have the same rights as men in regard to all land related issues and must be given special assistance to realise these rights;
  - (iv) the growth, sustainability, and the increased productivity of the agricultural sector of our economy;
  - (v) that all rural workers, including seasonal and casual workers have human rights and protection under law;
  - (vi) that within the context of a national development policy, rural development is accorded priority;
  - (vii) that the environment is protected for future generations;
  - (viii) a comprehensive agricultural support structure as the basis for the development of the farming sector, in particular to enable full participation by resource poor farmers – including, collectives and cooperatives.
- (ix) that democratic principles are adhered to by local government in the allocation of land.
- (x) that the state plays a leading role in the acquisition and redistribution of land to the poor;

- (xi) a policy of maximizing employment creation;
- (xii) the improvement of rural infrastructure and processing and other industrial activities.

## **B. A DEVELOPMENTAL APPROACH TO LAND ISSUES**

Our approach to land issues must be understood in the context of an overall development strategy at both the national and regional levels. Land redistribution in this context will be implemented through a demand led process of land acquisition and redistribution.

### **B.1 Redistribution of agricultural land**

- (a) The present distribution of land has to be fundamentally changed so that landlessness and land hunger can be redressed.
- (b) The objective of a programme to redistribute agricultural land shall be to enable people to use the land more productively and in so doing to alleviate hunger and poverty.
- (c) Redistribution must take place within the context of a unitary South Africa.
- (d) Service delivery must be on an equitable basis to all rural dwellers.
- (e) Given the history of forced removals, dislocation and destruction of communities, redistribution of land must be premised on a respect for community cohesion. Communities shall be able to identify and negotiate for land suitable for their expansion needs.
- (f) The state must play a key role in the acquisition and allocation of land. The state must have the power to acquire land in a variety of ways: expropriation with just compensation, purchase, grants of state land, taxes on land and other mechanisms can be used to ensure this.
- (g) The sale and rental of land outside of state control, should be encouraged and mechanisms to enable and regulate this put in place.
- (h) Decisions on land allocation should be informed by consultation with local communities, using criteria that ensure that women and the very poor are given equal access to land and resources.
- (i) The provision of adequate infrastructure and support must form part of the process of allocating land.
- (j) While poor quality land may be the easiest to acquire productive land must also be made available for redistribution.

### **B.2 Access to land and ownership**

- (a) Any rights to land that our people have need to be recognised in the context of a set of duties that landholders have. These include respect for the human rights of people living on the land, productive use and

the protection of land as a natural asset.

- (b) The aim of a land ownership and tenure policy should be to ensure that all South Africans have security of tenure and are not subject to arbitrary removal and eviction.
- (c) All adult South Africans should have access to land regardless of their race or sex.
- (d) A diversity of forms of tenure and ownership must be recognised and protected. Inherent land rights presently existing in our country must be made explicit. This must include rights such as birthright which are not based on documentation of any kind. Individual freehold ownership, collective and communal forms should be able to coexist.
- (e) Communities must be carefully consulted on the form of tenure that they consider to be the best for their social organisation.
- (f) The rights of tenants must be strengthened under the law.
- (g) Land must be used as a national asset in the interests of the broader public.

### **B.3 Rural local government and development institutions**

- (a) In urban areas there has been considerable debate on how to create democratic forms of local government. This has not happened sufficiently in rural areas and we must recognise it as a major area for consultation, investigation and research so as to create financially viable rural local government.
- (b) The systems of administration that exist at present are undemocratic creations of the apartheid state. They must be replaced by democratic forms of local government formulated in close consultation with rural communities and based on principles of election and accountability established in the national constitution.
- (c) The position of chiefs within local government structures must be defined on a local and regional basis in consultation with the community as a whole.
- (d) Women shall be entitled to participate fully in all aspects of local government
- (e) A programme to train rural people in local government and administration shall be implemented as a matter of urgency.
- (f) A policy on the appropriate institutions to best facilitate land reform and rural development must be researched and formulated. Community participation and control of development processes must be central in the formulation of such a policy. Governmental, non-governmental and community based organisations all have a key role to play in the process of land reform and rural development.

#### **B.4 Protection for Worker Rights**

- (a) All rural workers shall have full human rights including full protection under law, as is the case with industrial workers. (b) All rural workers shall have full protection under law in regard to working conditions, housing, health and safety and remuneration. This shall include full-time wage workers, part time and seasonal workers, labour tenants, share-croppers, daily paid workers, contract workers and people working for sub-contractors.
- (c) Child labour on farms shall be outlawed.
- (d) The rights of farmworkers to stay on land owned by others must be separated from their rights as workers and this must be recognised in law.

#### **B.5 The position of women**

- (a) A land and rural development policy for the future shall recognise that black women are at present the most disadvantaged section of the population.
- (b) Women shall have the same rights as men in all respects.
- (c) Women shall have access in their own right to land allocations, to support services and to financing for agriculture.
- (d) The contribution of women's labour to the economy must be recognised and the principle of affirmative action should be applied to assist them to produce more effectively.
- (e) The problems and needs of women shall be taken into consideration in the formulation of land reform and rural development policy.
- (f) There shall be equal rights for all in any institution concerned with land reform and rural development.

#### **B.6 Urban land policy**

- (a) The existing shortage of land and housing in urban areas is a product of apartheid policy and must be eradicated. The spatial geography of apartheid must be eradicated. Housing and land for black people must be made available close to work and to the cities.
- (b) The aim of an urban land and housing policy is to meet the needs of the majority of our people for affordable, safe and secure land and housing.
- (c) In order to meet this aim the shortage of housing must be eliminated and homelessness must be eradicated.
- (d) The state must play an active role in achieving these aims by: (i) expropriating land where necessary (ii) buying land and allocating it to people who need it (iii) ensuring that low-cost housing is built (iv) passing laws preventing developers from speculating in land (v) generating revenue that will help to meet the costs of such a programme

- (e) a market in land and housing has a role to play and must continue to exist harmoniously alongside a state housing sector.
- (f) The private sector has an important role to play in the provision of land and housing. The private sector should: (i) be encouraged to build and finance low-cost housing (ii) contribute a proportion of profits towards a housing fund
- (g) Land owned by the mining sector near to cities must be made available for housing.
- (h) Collective means of acquiring and owning land, such as community trusts should be explored.
- (i) Special courts must be established to deal with disputes over land and housing.
- (j) Tenants rights must be protected and rented accommodation must continue to be made available. Rent control must be investigated with a view to reintroduction.
- (k) A programme for the renewal of inner cities and underutilised town centres must be implemented.
- (l) A programme of housing activities must be instituted as a developmental strategy. This must include the development of appropriate skills and the implementation of labour intensive projects.
- (m) A programme for the transformation of the apartheid city must include affirmative action for the provision of land for affordable accommodation, commerce and industry.

#### **B.7 Fisheries**

To optimise the utilization of the fishing resources with the view to provide employment and earn foreign exchange whilst preventing the over exploitation of this natural resource.

#### **B.8 Land and the Environment**

- (a) Land is a natural and national resource to be used in an appropriate and sustainable manner.
- (b) Laws on the conservation of the environment must be examined and consolidated. The implementation of conservation laws and the management of nature reserves must be done in consultation with the communities affected and co-management models put in place.
- (c) Declared nature conservation areas must be respected as part of the nations common wealth. However the interests of local communities must be considered and the benefits of this land shared with them.

### **C. PROGRAMME OF ACTION**

1. To prevent the implementation by the present government of a pre-emptive land and local government policy that will worsen landlessness in the future.
2. To identify and campaign for the restoration of land to victims of forced removals and against all evictions.
3. To investigate how a Land claims process to mediate disputes in this regard can be established.
4. To campaign against the state's privatisation policy in so far as it affects land questions.
5. To support and identify communities struggling for land in both rural and urban areas as well as attempts by progressive farmers to organise themselves.
6. To support the formation of democratic organisations which involve people in land issues.
7. To campaign for dismantling of the bantustans.
8. To campaign for democratic forms of local government.
9. To campaign for human rights and legal protection for farmworkers and other rural workers.
10. To identify suitable land for housing needs in urban areas.
11. The sale of all state, parastatal and mining land should be closely monitored and take place only after consultation with democratic organisations and affected communities.
12. To campaign for a single agricultural department for the entire country so as to ensure the provision of a comprehensive support service for the oppressed farming communities. To liaise with institutions which can contribute to these aims.
13. Land owned by the mining sector near to cities must be made available for housing.
14. To investigate mineral rights and the relationship to land rights.