# AGRI SA SE HOLISTIESE PLAN VIR GRONDHERVORMING IN SUID-AFRIKA

***Johannes Möller – President van Agri SA***

Agri SA se Algemene Raad het 'n Tegniese Taakspan saamgestel om hom te adviseer oor benaderings en verwante oplossings met betrekking tot grondhervorming, waarna daar ook verder in hierdie dokument as TTT verwys word. Insette is ook van affiliasies tydens vooraf vergaderings, onder andere twee werkswinkels en dié van die Algemene Raad verkry.

**UITGANGSPUNTE**

- Grondhervormingsvoorstelle moet boere en landelike bewoners bemagtig om hul eie toekoms te bepaal. Dit moet lei tot die verbreding van die aantal persone uit voorheen benadeelde gemeenskappe wat eiendomsreg van landbougrond het en bydra tot die voorsiening in die groeiende vraag na voedsel.

- 'n Weldeurdagte en goed geïmplementeerde grondhervormingsbedeling sal bydra tot 'n stabiele, lewensvatbare en winsgewende landboubedryf. Dit sal op sy beurt ook bydra om landbou-ontwikkeling in kommunale en ander onderontwikkelde gebiede te stimuleer. Dit sal verder verseker dat die landbou sy bydrae tot die bereiking van nasionale doelwitte ten opsigte van voedselsekerheid, werkskepping en armoede verligting, verder uitbrei.

- Agri SA verbind hom daartoe om voorstelle te ontwikkel en toe te pas waardeur die landbougemeenskap ‘n leidinggewende rol speel by volhoubare grondhervorming, die ontwikkeling van entrepreneurskap en die maatskaplike opheffing en ontwikkeling van plaaswerkers en plaaswerkergemeenskappe kan lewer.

- Sodanige voorstelle moet:
  - voldoen aan die riglyne van die Grondwet van Suid-Afrika;
  - ekonomiese realiteite verreken;
  - nie noodwendig afhanklik van die staat se ondersteuning wees nie; maar
  - die potensiaal van privaat–openbare vennootskappe sover moontlik benut.

- Benaderings moet voortbou op hoofstuk 6 van die Nasionale Ontwikkelingsplan (NOP) wat handel oor: “An integrated and inclusive rural economy” asook bestaande mandate van Agri SA oor grondhervorming.

- Grondhervormingsvoorstelle moet erkenning gee aan die diversiteit (streke, bedryfsvertakkinge en omvang/grootte van boerderye, ens.) van die landbou. Dit vereis soepelheid binne ‘n verskeidenheid van opsies waarmee grondhervorming toepassing kan vind.

- Deelname moet nie verpligtend wees nie maar daar moet genoegsame insentiewe wees ten einde alle grondeienaars in staat te stel om deelname te oorweeg. Dit sluit kommersiële boere, ongeag skaalgrootte of ras, en opkomende boere in.

- Terwyl privaat-eiendomsreg Agri SA se voorkeur-benadering tot landbou-ontwikkeling is, moet ook aandag gegee word aan benaderings waardeur die kommersiële ontwikkeling van landbou in kommunale gebiede bevorder kan word.

- AgriSEB-praktykkodes en verbandhoudende telkaarte moet voorsiening maak vir die volledige erkenning van bydraes tot bemagtiging.

- Goeie leierskap is tot op plaaslike vlak nodig om grondhervorming suksesvol deur te voer.

- Besonderhede van die voorstelle moet in samewerking met ander rolspelers ontwikkel word om konsensus en eienaarskap daarvan te bevorder en sodoende ook groter eenheid in die georganiseerde landbou.

## VOORSTELLE

### Restitusie

Restitusie hou risiko's in vir volhoubare landbouproduksie en kan beperkend inwerk op grondherverdeling en verbandhoudende bemagtiging. Soos deur die TTT voorgestel, moet alternatiewe institusionele reëlings, finansieringsmodelle en haalbare ondersteuningsprogramme oorweeg word. Verder moet daar in gevalle waar grondherverdeling met inbegrip van bemagtiging gedoen is, aan suksesvolle eisers kontant-kompensasie eerder as die herstel van grondregte aangebied word.

### NOP as 'n model vir grondhervorming

Die NOP se grondplan, maar ook ander modelle waardeur bemagtiging suksesvol bedryf kan word soos aandeelskemas en saamboermodelle wat berus op 'n simbiotiese verhouding tussen kommersiële- en opkomende boere, moet ge-evalueer en waar nodig aangepas word vir doeleindes van wyer toepassing. Die uitbreiding van loodsprojekte en 'n inklusiewe benadering met die evaluering daarvan, sal vertroue bou en toepassing versnel. The TTT se aanbevelings oor 'n

permutasie van grondhervorming- en finansieringsmodelle moet verder ondersoek word.

**Implementeringstrukture**

Die waarde en funksionaliteit van distrikskomitees, soos deur die Nasionale Ontwikkelingsplan in die vooruitsig gestel, moet proef-ondervindlik geëvalueer word as 'n medium waardeur die sukses van grondhervorming bevorder kan word. Sodanige komitees moet betrokke wees met die identifisering van grond en moontlike grondbegunstigdes asook met die ondersteuning van en toesig oor grondhervormings-inisiatiewe in hulle gemeenskappe.

**Databank**

- 'n Omvattende en toeganklike databasis van grondhervormingsmodelle wat in verskillende streke en bedryfsvertakkinge toegepas word, moet opgebou en in stand gehou word.

- Op-datum inligting oor vordering met grondhervorming moet in 'n databasis vasgelê word soos wat met 'n grondoudit in die vooruitsig gestel is.

**Oorsig en implementering - SPV**

'n Doel-spesifieke organisasie ('n "Special Purpose Vehicle" – SPV) moet op 'n vennootskapsbasis daargestel word met die taak om grondhervormingsmodelle se toepassingsmoontlikhede te evalueer en die toepassing van werkbare opsies te bevorder. Dit het ook die verantwoordelikheid om fasiliterend met die mobilisering van finansiering en die verkryging van insentiewe vir grondhervorming op te tree. Agri SA sal met ander organisasies wie se deelname aan so 'n SPV van deurslaggewende belang is, saamwerk om dit tot stand te bring en funksioneel te bedryf.

**Seleksie van begunstigdes en vestigingsondersteuning**

Met herverdeling is die identifisering en evaluering van begunstigdes van deurslaggewende belang vir 'n sukses. Dit moet gerugsteun word deur toepaslike opleiding en tegniese ondersteuning. Boere uit kommunale gebiede moet ook toegang verkry tot sodanige opleiding en tegniese ondersteuning. AgriSETA en opleidingsinstansies moet hierdie behoefte as 'n prioriteit stel vir hul programme.

**Beperkings op grondbesit**

Agri SA se standpunt oor die negatiewe impak en onaanvaarbaarheid van fisiese grondplafonne is in die NAREG-proses en in ander forums bevestig. Die voldoening aan AgriSEB-vereistes kan vir groot boerdery-ondernemings 'n meer aanvaarbare benadering met bemagtiging wees, onder andere deur die toepassing van deelnemende modelle as 'n voorvereiste met die uitbreiding van grondbesit.

**Reg van eerste weiering**

'n Reg van eerste weiering en voorkoopreg is instrumente waardeur die staat sy toegang tot die grondmark vir doeleindes van grondverdeling kan uitbrei. Omdat dit egter tot verwringing en wanpraktyke aanleiding kan gee, is dit noodsaaklik dat dit aan 'n verskeidenheid tegniese toepassingsvereistes moet voldoen om die aanvaarbaarheid daarvan te rugsteun. Voorwaardes soos aanbeveel deur die TTT moet oorweeg word, byvoorbeeld streng tydskale en die daarstelling van reëls in samewerking met ervare aktevervaardigers.

**Sosiaal-maatskaplike oorwegings**

Die verblyfsekerheid van plaaswerkers en die opheffing van plaaswerker-gemeenskappe vereis die betrokkenheid en insette van 'n wye reeks instansies vanweë die multi-dissiplinêre aard daarvan. Maatreëls wat hierop gerig is, moet nie produksie of mededingendheid van boerderye benadeel nie maar eerder bydra tot die stabiliteit, welvaart en welsyn van plaaswerkergemeenskappe. Dit

moet verkieslik ook werkskepping in die sektor aanmoedig. Dit sluit in behuising in lewensvatbare behuisingsontwikkelings – van die plaas af - waar eiendomsreg bekom kan word en ‘n reeks dienste op ‘n koste doeltreffende wyse verskaf kan word. Hierdie uitdaging vereis ‘n holistiese benadering ten opsigte van waardes en doelwitte wat nagestreef word asook onderskeie verantwoordelikhede wat ten beste deur ‘n ooreenkoms tussen belanghebbende partye (‘n “social accord”) omskryf moet word.

**Slotopmerkings**

Agri SA onderneem om binne hierdie raamwerk toegewyd mee te doen aan projekte waardeur vertroue in die landbou uitgebou kan word, groei moontlikhede ontsluit en deelname aan die landbou verbreed word. Dit is egter ‘n multi-dimensionele vraagstuk wat op verskeie vlakke aandag moet geniet. Dit is dus ‘n uitdaging om ‘n holistiese benadering tot die uitdagings te vind, waarvoor voorafgaande voorstelle voorsiening maak.

Ons vertrou dat die staat en ander belanghebbendes Agri SA se insette en betrokkenheid op hierdie terrein as ‘n konstruktiewe bydrae tot grond hervorming en landelike ontwikkeling sal ervaar en terselfdertyd hul verantwoordelikheid in dié verband nakom.

# AGRI SA's HOLISTIC PLAN FOR LAND REFORM IN SOUTH AFRICA

***Johannes Möller – President of Agri SA***

Agri SA's General Council has appointed a technical task team to advise it on approaches and related solutions with regard to land reform, also referred to in this document as TTT. Input were also obtained from affiliates during prior meetings, two workshops and from the General Council.

**POINTS OF DEPARTURE**

- Land reform proposals must empower farmers and rural dwellers to determine their own future. It should lead to an increase in the number of persons from previously disadvantaged communities who have property rights to agricultural land and who contribute towards meeting the increasing demand for food.

- A well-designed and well-implemented land reform dispensation will contribute to a stable, viable and profitable agricultural industry, which in turn will help to stimulate agricultural development in communal and other under-developed areas. It will further ensure that agriculture expands its contribution towards the achievement of national objectives such as food security, job creation and poverty alleviation.

- Agri SA is committed to developing and implementing proposals whereby the agricultural community can play a leading role in sustainable land reform, the development of entrepreneurship and the social upliftment and development of farm workers and farm worker communities.

- Such proposals must:
    - comply with the guidelines of the Constitution of South Africa;
    - give full recognition to economic and market realities;
    - not necessarily be dependent on state support; while
    - utilising the potential of private-public partnerships as far as possible.

- Such approaches must build forth on chapter 6 of the National Development Plan (NDP) which deals with "An integrated and inclusive rural economy", as well as Agri SA's mandates around land reform.

- Land reform proposals must recognise the diversity of agriculture (regions, commodity branches and size/scope of farming units, etc.). This requires suppleness within a variety of options whereby land reform can be achieved.

- Participation must not be compulsory, but it should be sufficiently incentivised in order for all landowners to consider participation. This includes commercial farmers, irrespective of scale-size or race, as well as emerging farmers.

- While private property rights is Agri SA's preferred approach to agricultural development, attention should also be given to approaches whereby commercial agricultural development can be promoted in communal areas.

- AgriBEE codes of good practise and related scorecards should provide for full reflection of contributions to empowerment.

- Good leadership, down to local level, is needed to implement land reform successfully.

- The details of the proposals must be developed in conjunction with other role players in order to promote consensus and ownership thereof and in so-doing also greater unity within organised agriculture.

**PROPOSALS**

**Restitution**

Restitution holds risks for sustainable agricultural production and could impede land redistribution and related empowerment. As recommended by the TTT, alternative institutional arrangements, financing models and viable support programmes should be considered. Furthermore, in instances where land redistribution (including empowerment) has taken place prior to the approval of a restitution claim, successful claimants should be compensated in cash rather than through the restitution of land rights.

**NDP as a model for land reform**

The NDP's land reform model, but also other models whereby empowerment can be successfully achieved such as equity schemes and joint-farming models based on a symbiotic relationship between commercial and emerging farmers, must be evaluated and where necessary adjusted for purposes of wider application. The expansion of pilot projects and an inclusive approach to the evaluation thereof will build confidence and accelerate implementation. The TTT's recommendations on permutations of land reform models and financing options need to be explored.

## Implementing structures

The value and functionality of district committees, as envisaged by the National Development Plan, must be evaluated as a medium for promoting successful land reform. Such committees must be involved in the identification of land and potential land beneficiaries, as well as in the support and supervision of land reform initiatives within their communities.

## Data requirements

- A comprehensive and accessible database of land reform models as applied in different regions and commodity branches, must be compiled and maintained.

- Up-to-date information on progress made with land reform must be captured in a database, as envisaged with a land audit.

## Oversight and implementation - SPV

A Special Purpose Vehicle (SPV) must be established on a partnership basis to evaluate land reform models and promote the implementation of viable options. It would also be responsible for facilitating the mobilisation of funds and for securing incentives for land reform. Agri SA will cooperate with other organisations whose participation in such a SPV is of critical importance for the establishment and functional operation thereof.

## Selection of beneficiaries and settlement support

With redistribution, the identification and evaluation of beneficiaries are of critical importance for success. This must be backed by relevant training and technical support. Farmers from communal areas must also obtain access to such

training and technical support. AgriSETA and training institutions must set this as a priority for their programmes.

**Limitation on land ownership**

Agri SA's position on the negative impact and unacceptability of physical land ceilings were confirmed during the NAREG process and in other forums. For large farming operations, compliance with AgriBEE requirements could be a more acceptable approach to empowerment and could include the implementation of participatory models as a prerequisite for expansion of land ownership.

**Right of first refusal**

A right of first refusal and a pre-emptive right are instruments whereby the state can expand its access to the land market for purposes of land reform. However, since this could give rise to distortion and malpractice, it is essential that a variety of technical criteria be met to support the acceptability thereof. Conditions proposed by the TTT will have to be considered, e.g. strict timeframes and the setting of rules in collaboration with experienced conveyancers.

**Social dimensions**

Tenure security of farm workers and the upliftment of farm worker communities require the involvement and input of a wide range of organisations given the multi-disciplinary nature thereof. Measures aimed at achieving this should not constrain production and the competitiveness of farming enterprises but rather contribute towards the stability, wellbeing and welfare of farmworker communities. It should preferably also promote employment creation in the sector. It includes access to housing in viable "off-farm" housing developments where property rights can be obtained and a wide range of services can be provided cost effectively. This challenge requires a holistic approach in terms of the values and objectives strived for, as well as the respective responsibilities

which should preferably be defined in an agreement between the stakeholders (a social accord).

**Closing remarks**

Within this framework, Agri SA undertakes to participate in projects in a dedicated manner with a view to enhancing confidence in agriculture, unlocking growth possibilities and broadening participation in agriculture. However, this is clearly a multi-dimensional matter to be addressed on various levels. A holistic approach is, therefore, required to address these challenges.

We trust that government and other stakeholders will consider Agri SA's input and involvement as a constructive contribution towards land reform and rural development, while also accepting their responsibility in this regard.