

## Understanding land & land reform in South Africa

Knowledgebase.land provides comprehensive and reliable content on almost everything to do with land in South Africa. We also cover land news from Southern, Eastern and Central Africa. We are the 'go to' resource hub for anyone with an interest in land issues and the planning and implementation of land reform. We also write a [weekly summary](#) of land news and podcast weekly at [KB.L Land News South Africa](#)

# Week 9: Monday February 24 – Sunday, 1 March 2020

## Expropriation

In Week 8 US Secretary of State Mike Pompeo was reported as stating that moves to amend the constitution and expropriate land without compensation would be disastrous for South Africa's economy and people. However, a more measured view has since been put forward by US Ambassador Designate to South Africa Lana Marks, who stated that she was "100% satisfied in the way in which President Ramaphosa is handling everything – in a totally open and transparent manner". ([Mail and Guardian 26 February 2020](#)) Marks said she was not consulted by the US State Department ahead of Pompeo's remarks the previous week. The ambassador is reported to have gone further to state that she had been informed that "there would be no confiscation of any private land whatsoever".

In response Presidential spokesperson Khusela Diko made it clear that the government intended to accelerate land reform, but stated that this would be done within the strict confines of South African law. While Ambassador Marks has stated her ambition to elevate South Africa into a top 20 trading partner with the US (it is currently 39<sup>th</sup>), Anthea Jeffery continues to beat the Zimbabwean drum ([BizNews 27 February 2020](#)) citing De Soto advocate Craig Richardson that the root cause of Zimbabwe's economic decline was "the expropriation of land without compensation (which) destroyed property rights – the foundation of the economy – and led to a chain reaction..." According to Jeffrey, South Africa "still remains far away from this haunting tale of woe" but she cautions that "there is no room for complacency".

If you're looking to take a deep dive to try to better understand the contemporary situation in Zimbabwe, a good place to start is Ian Scoones' [Zimbabweland](#) blog. Prof Scoones who is a Fellow at the Institute for Development Studies at Sussex University has asked [why is there food insecurity in Zimbabwe](#) (9 December 2019). His answer analyses a range of contributory factors rather attributing everything to a single story of the erosion of property rights.

Back home the Democratic Alliance released a statement on 28 February that it has submitted more than 94,000 public inputs on the proposed section 25 amendment. DA spokesperson Annelie Lotriet argues that “the failure of land reform over the past 24 years has been the lack of action by government to ensure justice is served and land ownership patterns are addressed”. ([Politicsweb 28 February 2020](#))

## Farm workers

Several stories this week feature farmworker protests led by the NGO Women on Farms in response to the eviction of six people from Anura Farm in Simondium near Paarl, apparently following a court order. Media coverage of the event has focused primarily on the arrest of WOF co-director Colette Solomons on charges of public violence which were subsequently dropped. Unfortunately, as with much reporting on land and eviction issues, the circumstances of the eviction case remain unclear.

The Anura farms [website](#) is silent on the case. However, you can read about the farm's development journey, opportunities for gourmet food and wine as well as investment in the planned Vini Fera estate “a novel development in the Winelands area... characterised by low density living and an effortless daily life”. A world unimaginable for those who work on farms and seemingly blind to their realities.

## Restitution

Public Works Minister Patricia De Lille continues to make the news with how she is “pushing ahead with the release of hundreds of land parcels to South Africans as part of addressing the land reform programme”. ([IOL 24 February 2020](#)) And the Minister provides some detail on what land is being transferred. This includes 14,105 ha released in October 2019 which was followed by a further 648 ha of land, state and properties in settlement of restitution claims in the Eastern Cape and the Northern Cape as well as in KwaZulu-Natal. The Minister reported that she had acceded to release a portion of the farm Elandsfontein in Gauteng which would allow for the building of 4000 houses to accommodate people living in surrounding informal settlements.

## Rural development, agriculture and the budget

Denene Erasmus ([Farmer's Weekly 26 February 2020](#)) reflects on the tabling of the 2020 budget by Finance Minister Tito Mboweni and its significance for agriculture, land reform and rural development.

Inclusive of all additional grant and government programme funding through various departments, the consolidated spending on agriculture and rural development functions was expected to amount to just over R28 billion, which represents a mere 1,43% of total government expenditure for 2020/2021.

Key features of the budget include:

- 500 million Rand allocated to finalise outstanding land claims

- 500 million Rand provisionally set aside for disaster management including floods and drought
- 957 million Rand for expanding extension services and training extension workers
- 495 million Rand for improved biosafety controls to protect exports
- 40 million Rand to fund a national livestock identification and tracing system
- a transfer of one, R1.2 billion to the Land Bank to finance 450 black commercial farmers Urban land

Meanwhile in other news ([IOL 1 March 2020](#)) reports on the upcoming appearance of a North-West businessman Derrick Montshwe who has been called to appear before the provincial legislatures Portfolio Committee on Economic Development.

Montshwe was due to be questioned on alleged dodgy deals including the delivery of 25 cattle worth 1.5 million Rand to former Pres Zuma's homestead in Nkandla in October 2016. It is also alleged that his company delivered sheep and cattle worth millions to a farm owned by the former North West Premier Supra Mahumapelo. This followed the award of a tender with 650 million Rand which appointed Montshwe's company Agridelight as the implementing agent for agricultural rural development programmes in North-West in 2014. The story first broke in the [Mail and Guardian](#) in May 2018 which reported that a senior official in Agridelight (Montshwe) had sought to turn state witness in the face of an investigation by the Hawks into the looting of public funds in the province.

However, according to a report in the South African ([3 March 2020](#)) despite prior media hype Montshwe's testimony was evasive, and all questions relating to senior politicians were evaded. Jacqueline Theologo, DA spokesperson on agriculture and rural development subsequently stated that Montshwe had deliberately misled the committee by the omission of critical details, characterising him as "nothing other than a hostile agent". In the end it seems that no beans were spilled after all.

## Urban land

In Cape Town housing activists launched a protest action by occupying the Rondebosch golf course where an area the size of 45 rugby fields is rented out by the City of Cape Town for just R88.17 a month. Housing activists have long argued that this land could be put to much better use for mixed use and mixed income housing and urban development to provide improved access to the city. ([IOL 1 March 2020](#))

Michael Clark from Ndifuna Ukwazi was quoted as saying:

"With these leases, the City is not even reaping financial benefits. It's actually externalising the cost of not providing housing to hundreds of thousands of people who have to live in informal settlements and spend money on travel costs to their workplaces,"

Clark noted that Cities such as Hong Kong in China and Canberra in Australia, public land-leasing programmes raise revenue to fund infrastructure. Not so in Cape Town.

"If we keep renewing these leases without considering their impact, then we are just reproducing colonial and apartheid spatial planning. This is simply unacceptable in a constitutional democracy that prioritises spatial justice".

## Week 8: Monday February 17 – Sunday, February 23, 2020

### Expropriation

For a change there has not been that much coverage on expropriation this week. Theunis Roux – a law professor, attempted to disentangle the politics behind the move to amend the property clause. ([19 Feb, 2020](#)) He observes that it's hard to comment on a draft constitutional amendment which does not appear to be in its final form. He notes that as the Constitution 18<sup>th</sup> Amendment Bill currently stands section 25(2)(b) would be changed to provide that:

a court may, where land and any improvements thereon are expropriated for the purposes of land reform, determine that the amount of compensation is nil.

In addition, a new section 25(3A) would be inserted authorising parliament to set out the circumstances in which such an order could be made, subject to the Constitution. Roux highlights the factional divisions in the ANC:

The ANC is currently split between a pragmatic, market-respecting faction aligned to President Cyril Ramaphosa, and a radical economic transformation faction associated with secretary general, Ace Magashule. Decision-making in the organisation is therefore a reflection of the relative strength of those factions.

Against this background, the proposed amendment to the property clause is not so much a populist containment measure as a political wedge.

Positive public response to the Bill will ensure that it passes as is, which will constitute a victory for the Magashule faction and by extension the EFF. However, if the public response is more muted the pragmatic faction aligned to the President may gain advantage. Whichever way it plays according to Roux:

The proposed amendment to section 25 represents a critical juncture in South African constitutional politics. The outcome of the current public consultation process will shape the nature of its constitutional democracy for years to come.

### Land policy and the budget

Jeandré van der Walt ([Farmer's Weekly 21 February 2020](#)) examines the gap between budget promises and implementation realities. These include the allocation of 1.8 billion last year for the implementation of 262 priority land reform projects over three years.

According to Annette Steyn DA member on the Agriculture, Rural Development and Land Reform Portfolio Committee the government had still not provided a list of these projects and how they would be executed. Dr Vuyo Mahlati of AFASA urged the Minister of Finance to pay particular attention to drought relief and forward-looking measures to address the impacts of climate change. Overall there were questions about whether the budget for land reform would increase, given repeated criticism that the allocation of land reform had been consistently too low to enable the programme to be effective.

## Farm workers

Barbara Maragele ([GroundUp 20 February 2020](#)) writes how farm worker Eric Lolo plans to take the Drakenstein Municipality and the Provincial Department of Human Settlements to court for their “failure to meet its constitutional obligation by not providing adequate emergency housing” to families facing eviction. The NGO Women on Farms has been admitted as a friend of the court. According to the article Lolo was retrenched at the Langkloof Roses farm in 2014, but he remained in his house on the farm. The farm owners subsequently sought to evict him in terms of the Extension of Security of Tenure Act (ESTA) as they wanted to allocate the house to other workers on the farm. Lolo says he has nowhere to go, although reportedly he has found work in Simondium. Apparently, the municipality offered him emergency housing at an informal settlement in Simondium which Lolo refused on the grounds that the informal settlement was poorly serviced and not a safe place to live.

Veteran land rights lawyer Johan van der Merwe seek to compel the municipality to use its own resources to house those evicted from farms, rather than rely on funding from provincial government. Interestingly however. It seems the legal team are not seeking an order compelling the Department of Rural Development and Land Reform which is responsible for ESTA to take responsibility to find solutions and provide resources, making use of the neglected Section 4 of the Act. In the view of the Executive Director of Community Services at Drakenstein Municipality:

“The National Department of Rural Development and Land Reform is the lead government institution to address evictions on farms in terms of the Extension of Security Tenure Act. They must provide legal representation and also secure the permanent tenure [alternative accommodation] of evictees”.

The case is being argued in the context of a deepening housing backlog. People wait years to access a subsidised house, so people evicted from farms – many of whom are not registered on the municipal data base – are inevitably regarded as ‘queue jumpers’, irrespective of their circumstances. Allocating housing to evicted farm dwellers can quickly become a flashpoint for conflict. There have been cases where members of local communities have threatened to mobilise to eject farm dwellers who have been allocated houses ahead of them. All of this makes for very messy and complicated local politics. Farm evictions remain a complex issue which is unlikely to be resolved any time soon.

## Land governance and administration

The Minister of Public Works has been making much of the reported release of 167 portions of land measuring 14,105 ha held by the Department. However an article in News24 ([23 February 2020](#)) which purports to quote the Minister, displays little understanding of land reform. It makes reference to “redistribution claims” and provides a garbled history of the dispossession of the amaMfengu community of their property in 1927 – something effected according to the article in terms of the Black Administration Act of 1972!

## Land policy

US secretary of state Mike Pompeo speaking in Addis Ababa waded into the South African land reform debate, characterising proposed moves to amend the constitution and expropriated land without compensation as being disastrous for the economy and the South African people.

Meanwhile Prof Brian Ganson ([BusinessTech 22 February 2020](#)), Head of the African Centre for Dispute Resolution at the University of Stellenbosch Business School has characterised the current land reform debate in South Africa as “a dialogue of the deaf” in which the protagonists do not listen, and cannot hear each other. Ganson argues that the land question will only start to be resolved if we as a nation employ conflict resolution skills by building bridging principles and recognising the power of AND as opposed to EITHER/ OR.

“We can insist that the interests of the poor, vulnerable, and dispossessed in land restitution and land distribution be put first – AND readily agree that we must have answers for those whose lives and businesses will be inevitably be disrupted.”

## Rural development

On 18 February Minister Thoko Didiza lifted the ban on animal movements to auctions three months after it was imposed due to the FMD outbreak. However, while she lifted the ban, she emphasised that livestock auctions need to be conducted under stringent conditions and all livestock agents must be registered with the Agricultural Produce Agents Council. She noted that while the ban had been lifted, this did not necessarily mean that animal health was safe and urged preventative disease control measures by all livestock owners and auctioneers.

Agbiz chief economist Wandile Sihlobo cautioned that it will take time for the livestock industry to recover as the latest FMD outbreak followed quickly in the wake of the 2019 epidemic. The livestock industry was still reeling from the prolonged effects of drought.

## Urban land

With unemployment running at unprecedented levels people are on the move in search of livelihood opportunities. However, with a housing backlog that was estimated to be 2.1 million units in 2018, life in a shack is the only option for many poor and jobless households. IOL ([21 February 2020](#)) runs a story about how retired residents of a four-storey apartment block in Isipingo Beach face off with the poorly serviced Dakota

informal settlement which has sprung up on adjacent land. This has contributed to rising tensions between property owners and informal settlement dwellers.

In Port Elizabeth residents of Vastrap, an informal settlement consisting of more than a thousand shacks report “being flooded with empty promises by the human settlements officials”. Resident’s frustrations boiled over as promises that they would be relocated, failed to materialise. People are reported to have taken to the streets in protest, burning tyres and torching vehicles including a municipal ambulance ([TimesLive 22 February 2020](#)).

## Week 7: Monday February 10 – Sunday, February 16, 2020

### State of the Nation

The news this week was dominated by the President’s State of the Nation Address which was delivered on 13 February 2020. However the speech paid very little attention to land reform with the president seeking to reassure citizens and investors that South Africa was in turnaround mode. With respect to urban land the president announced a social housing programme which was at the implementation stage and would result in the construction of 37,000 rental apartments. He also announced state investment of R64 billion in accommodation for students. It was unclear whether this initiative was going to be conducted independently of the universities and colleges in need of such accommodation, or whether the investment would form part of the package of financial support which government provides to the tertiary education sector.

The speech noted that “government stands ready to implement key recommendations of the Presidential Advisory Panel on Land Reform and Agriculture, so as to accelerate land redistribution, expand production and transform the economy”. Again, quite how this was going to be done will presumably be addressed in the Minister Didiza’s budget speech. The Minister of Agriculture, Land Reform and Rural Development along with the Minister of Public Works will need to provide details of how and where 700,000 ha state land will be released for agricultural production, as stated by the President. His speech also alluded to a new beneficiary selection policy which will require compulsory training for potential beneficiaries, before land can be allocated to them, together with the implementation of wide-ranging drought mitigation strategies. The SONA focus on expropriation was limited to a single paragraph stating that:

Government stands ready – following the completion of the Parliamentary process to amend Section 25 of the constitution – to table an Expropriation

Bill that outlines the circumstances under which expropriation of land without compensation would be permissible.

Perhaps Ramaphosa's speech was more significant for what he left out, rather than what he put in. There was no mention at all of the downgrading of the Land Bank to junk status by Moody's, no word of traditional leaders and the passing of the controversial TKLB; nothing about the immense challenges facing the restitution programme and the thousands of outstanding land claims, or what to do about land which has already been transferred but is no longer in production. His speech was also silent on land rights and mining.

Given the lack of substantive content in the SONA address, comment on the future land policy direction was fairly muted in the days that followed. Bulelwa Mabasa writing an op-ed in the [Financial Mail](#) ([13 February 2020](#)), praised the publication of the beneficiary selection and land allocation policy as being "a big step in the right direction". However, Mabasa singles out some of the more curious features of this draft policy including the rightful spouses of public servants to be able to access land noting that

"Land benefits in the context of marriages would ordinarily follow marital regimes, so the express inclusion of this category appears self-serving".

Mabasa approves the establishment of an independent land allocation panel, but notes that that its success will hinge on the capacity and resources which are allocated to it. Mabasa highlights how the panellists will have to find the difficult balance between prioritising the poor and vulnerable and advancing the agricultural economy.

John Purchase of Agbiz had some positive feedback for the President. Organised agriculture was reportedly pleased with the emphasis on improved logistics and the overhaul of South Africa's ports, as this will improve global competitiveness of many value chains in the agricultural sector. However predictably Agbiz reiterated their opposition to the constitutional amendment to enable expropriation without compensation.

## Expropriation

If the SONA speech was low-key with regard to expropriation, this has not been the case with the local media in the days leading up to the President's address. In an article published in [BusinessTech](#) ([10 February, 2020](#)) the Cape Chamber of Commerce and Industry waded into the debate around the role of the courts in regulating the extent of compensation payable in expropriation cases. This follows earlier remarks made by the Chair of the Parliamentary Constitutional Review Committee, who indicated that this should be a matter for the executive, rather than the courts. The CCCI issued a statement saying that such proposals were "outrageous" and warned of the backlash associated with government moves which it regards as "blasting holes in the Constitution and the Bill of Rights".

On the same day Pierre Venter from BASA was interviewed by Nompu Siziba on [Moneyweb](#) to answer whether will you still have to pay your bond if your land gets taken away? Siziba noted that according to the Draft Expropriation Bill of 2019, a mortgage bond would be automatically terminated on the date of expropriation, when ownership of the property would pass to the state. However, the question remained as to who would be responsible to pay the balance of the bond owed to the financial institution – the expropriated owner of the property, or the state?

Venter noted that BASA had approached the Department of Rural Development and Land Reform back in 2011 to argue that this would place an undue burden on the property owner. According to Venter, DRDLR presented a policy framework to Cabinet, which was reportedly approved, that the state would guarantee the difference between the compensation that a property owner received, and the outstanding balance owed on a bond. However, apparently this was never transformed into legislation or regulation. Venter noted that commercial banks currently have an exposure of around R150 billion in the agricultural sector. This was moderate when compared to exposure of around R1.6 trillion in the residential and commercial property markets. Venter notes that in terms of the original 1975 Expropriation Act the state was required to pay market - related compensation plus a *solatium* – redress for the ‘pain and suffering’ experienced by the landowner whose property is expropriated.

The BASA representative tried to strike a balance between recognising the need for land reform, while mitigating potential instability in the banking sector and hence the economy:

First of all, let me say that we do believe that it's absolutely essential that we have a comprehensive land-reform programme in this country, and that we rectify the injustices of the past. Having said that, though, we need to protect property rights and the bank sits in an invidious position where they need to protect borrowers as well as depositors. And if it's going to translate into losses, if severe enough, it could cause instability in the banking sector and in turn our entire economy.

BASA had called on the ad hoc committee to ensure that even if land was expropriated with zero compensation, the state would guarantee to pay the difference between the level of compensation decided on, and the outstanding debt on the property.

Cas Coovadia MD of BASA also weighed in on the debate in an op-ed published in Business Day ([12 February, 2020](#)), warning that the property market and economic growth would be “severely affected by the expropriation of land”, irrespective of the form that this took. He noted that “the possibility of expropriation without compensation has already started discouraging essential investment by farmers and others into their properties”. From BASA’s perspective, urban land reform is a high priority given that 1.2 million families live in informal settlements.

## Land rights and mining

GroundUp ([11 February, 2020](#)) reported on an application in the North Gauteng High Court by the Amadiba Crisis Committee and the Centre for Applied Legal Studies that all mining applications should be public documents. The applicants are seeking a declaratory order directing that communities are provided with full information on any mining application, so as to enable meaningful consultation and prevent future litigation, which would drain time and resources of both the community and the court.

## Land restitution

Lucas Ledwaba provides important insights into the complexities associated with the settlement of restitution claims by setting out the case of the Maila community claim ([12 February, 2020](#)). He details the ways in which members of the community were progressively transformed from owners and occupiers of the land into labour tenants, who were forced to pay a fee to graze their cattle on land they had occupied for generations. Legal complexities, a grainy historical record, coupled with competing land claims from neighbouring communities has forced the CRLR to offer compensation. All this has left the Maila community asking ‘where is our land?’ – a question that remains unanswered.

## Rural development

The Letaba Herald ([11 February, 2020](#)) notes that one more case of foot-and-mouth disease was reported in January, but it now seems that the outbreak is under control. According to the Herald both game and cattle farmers are holding their breath, waiting for government to lift restrictions on the movement of livestock and the resumption of auctions.

In more sobering news, the Farmer’s Weekly ([13 February, 2020](#)) confirms that stumbling sugar giant Tongaat Hulett has frozen operations at the Darnall sugar mill – the smallest of four sugar mills operated by the company. A forensic investigation conducted in 2019 found that the company’s financials had been deliberately misrepresented to obscure operational losses. The closure of the mill will result in the retrenchment of almost 400 employees. It also has major impacts on smallholder farmers and other producers who deliver cane to the mill, whose transport costs now be increased by having to divert their harvest to other mills at a distance.

## Urban land

Stephen Robins, writing in GroundUp, republished in Maverick Citizen ([12 February, 2020](#)) writes an interesting, if inconclusive piece, on how informal settlements can be better planned. The focus of his article is to compare re-blocking initiatives carried out by local NGOs ,versus what is described as ‘super blocking’ planning conducted by local government, and the critique that such approaches can engender. It seems that neither the approach of NGOs or government can avoid conflict in attempts to replan informal settlements, as contestation over access to land is never far from the surface. He highlights the primacy of local politics in driving conflict:

Where conflict is most likely to be generated in re-blocking and super-blocking exercises is when there is fear of displacement, or where there is concern that individual plot size will be reduced. These fears are often manipulated by shacklords and local politicians who seek to extend their own influence and access to land.

However, despite the struggles and challenges facing localised attempts to support informal settlement dwellers, Robins highlights examples of good practice which indicate that such approaches have potential to improve living conditions in informal settlements.

## Week 6: Monday 3 February – Sunday 9 February, 2020

### Expropriation

So, as reported in our roundup for January the Constitutional Review Committee agreed to extend the deadline for submissions on the proposed Constitutional 18<sup>th</sup> Amendment Bill. Bekezela Phakathi ([Business Day 5 February, 2020](#)) writes about the pressure which had been brought to bear by a range of civil society organisations and lobby groups to have the deadline extended. The first round of oral hearings on the bill is scheduled to take place between the 20<sup>th</sup> and 24th February in Limpopo and the Northern Cape.

Frans Cronje of the Institute of Race Relations ([BizNews 5 February](#)) writes a column reflecting on the decision by SA home loans to take to social media to explain that if the state expropriated a bonded property, then the bondholder would be liable to pay the bank the outstanding balance, despite no longer being the owner of the property.

Cronje argues that:

“If expropriation is a social good, and the country as a whole is thus to benefit from it, then whatever costs are attached to any expropriation should be carried by the broader society and not by expropriated individuals. Hence the cost of loans that remain outstanding following EWC appropriations should be carried by the taxpayer”.

Cronje critiques what he describes as the ANC’s ‘policy incrementalism’ asserting that “it is particularly skilled at stepping back in time from demands it is made in order to lull society into a false sense of security”. In this respect he highlights the requirement in the Bill that the courts are responsible to determine just and equitable compensation, while at the same time the ANC has been arguing that compensation should be determined by the executive rather than by the courts. In familiar IRR strident style, the article concludes with dire warnings for the country of what will follow if the Constitutional

Amendment Bill and Expropriation Bill are passed by Parliament: namely that “South Africa will come to stand at the age of an abyss from which its economy may not recover for a very long time”.

## Land policy

Stephen Meintjes writes an op-ed in Business Day ([3 February, 2020](#)) which makes the argument for levying rents on all land. He notes that countries that have opted to raise revenue from land instead of taxing labour, capital and consumption have prospered. He gives the examples of Hong Kong, Singapore and Taiwan.

In any event it stands to reason that if you charge land value rentals and lower tax inefficiently used or speculatively held land will either be developed or come to market. So you have a double whammy: land becomes more affordable and the economy gets a kickstart. It then gets better: as taxation gradually reduces and land rent rises, those areas with minimal locational advantage (read vast swathes of our rural areas and former homelands), which had been taxed out of business can resume normal economic activity. Absent ruinous retrogressive VAT and insane fuel taxes, they get a further boost. In the urban engines of the economy these carrot and stick incentives are even more powerful.

On 7 February, 2020 the Department of Rural Development and Land Reform published the draft [Land Donations Policy](#) in the Government Gazette. Members of the public have 60 days to comment on the policy. The stated objectives of this policy are to:

- Increase opportunities for land ownership amongst farm dwellers, labour tenants, small families and cooperative farmers, the landless in informal settlements, women, youth, and persons with disabilities;
- Ensure that the lower strata of peri-urban and rural citizens are afforded meaningful opportunities to participate in the economy;
- Promote primary shelter within proximity to employment opportunities including agricultural allotments, urban agriculture and agri-villages and urban agriculture;
- Contribute to the development of sustainable human settlements as well as economic and public amenities;
- Contribute land for facilities for incubation of youth and new entrants as well as enterprise development and innovation centres;
- Provide a framework to respond to the various forms and configurations in which land donations come;
- Provide a framework for managing risks associated with property donations, and
- Provide for the processes and institutional arrangements through which donations will be managed

The policy targets large institutional landowners as potential donors including agribusiness, mining companies, financial institutions churches and others.

The policy envisages two types of donation – one where land is donated and the land owner identifies preselected beneficiaries and the other where land that is donated has now identified beneficiaries.

## Restitution

The settlement of the District Six land claim and the redevelopment of the area feature in our restitution pages. You can listen to Refilwe Moloto from [Cape Talk](#) interview Nicky van't Reit a director at legal firm Norton Rose Fulbright, South Africa who took up the claimant's case and was involved in pro bono litigation for two years before finally succeeding to extract a plan of action from state.

On 4th February [News 24](#) reported that the District Six land claimants, together with their legal team were supportive of the land reform department's plan for the redevelopment of the area. The implementation of the almost 200 page plan is subject to a structural interdict which requires the Minister to report to the court every three months on progress made. The plan was presented to the land claimants for their approval. District Six committee chairperson Shahied Ajam was reported as saying that "the project had spurred an unprecedented level of positive political will and friendly cooperation between all three tiers of government". The plan is estimated to cost R1.5 billion over a period of four years. However, where this finance was to come from was not explicitly stated. The legal team has followed up the Minister requesting clarity on the sources of funding.