



[A new framework law for land reform](#)

The much anticipated [Report of the High level Panel on the Assessment of Key Legislation and the Acceleration of Fundamental Change](#) was published on 22 November 2017.

The report draws attention to a number of serious problems with South Africa's land reform programme and makes recommendations for how legislation can be used to address these challenges. In particular Afesis-corplan notes the following three issues raised in the report and strongly supports the associated recommendations.

- Efforts to redistribute land from whites to blacks (as required by section 25(5) of the constitution) has been exceedingly slow, and the target group for land redistribution has shifted away from the poor to a larger group that includes the more well off;
- People living in communal land areas, informal settlements, farms and in other off-register areas still do not have adequately secure land tenure as required by section 25(6) of the constitution; and
- Apartheid spatial patterns still persist more than 20 years after the new democracy with the majority of previously disadvantaged people still living in overcrowded former rural homeland areas and in informal settlements and townships on the periphery of our urban areas.

The report makes the following recommendations in an attempt to address these problems.

1. Develop a new Land Reform Framework Act

"The Panel proposes new framework legislation that ...

[will provide] a coherent and consistent set of guiding principles; definitions of key terms such as 'equitable access'; clear institutional arrangements (particularly at district level); requirements for transparency, reporting and accountability; and other measures that promote good governance of the land reform process. It would also allow government to consider both urban and rural land reform as part of a broader land reform programme, designed to address the spatial restructuring objectives of the National Development Plan, and thus address spatial inequality." (page 223)

2. Develop a new Land Records Act

"The Panel motivates for the enactment of a Land Records Act ... [that will establish] a robust, inclusionary land rights administration system to ... recognise and administer land tenure rights that are insecure. ... There are two key sides to this proposed law: firstly, the idea of having different categories of rights being made 'visible' and, secondly, the elevation of such rights to constitute property." (page 481)

3. Establish a new co-ordination structure responsible for spatial development

“The Panel recommends the establishment of a co-ordinating structure responsible for spatial development, similar to the South African National AIDS Council (SANAC), which will be able to drive a coherent and co-ordinated spatial framework for South Africa ... led by the Deputy President.” (page 462)

Also see [Afesis-corplan's previous submissions to the HLPKL](#) in 2016 and Afesis-corplan's previous post on [The 4th R - Restructuring](#).