

**NATIONAL LAND COMMITTEE
PRINCIPLES ON RESTITUTION, RURAL DEVELOPMENT, COMMUNAL TENURE,
REDISTRIBUTION & FARM TENURE**

ADOPTED AT THE POLICY SUMMIT HELD ON 1-2 JUNE 2000

RESTITUTION PRINCIPLES

1. ADDRESSING DISPOSSESSION IN SOUTH AFRICA

- ② The Restitution Programme should address the racially based dispossession of all forms of land rights that occurred after 1913.
- ② Government should acknowledge that certain communities were dispossessed of their land rights before 1913 and should address this through a comprehensive land reform programme

2. OBJECTIVES OF RESTITUTION AND FORMS OF COMPENSATION

- ② Restitution should transform land ownership patterns in the country. This must address racial inequalities in access to land and the results of spatial planning. However, claimants should be able to choose the most suitable form of compensation to address their particular situations.

3. CALCULATION OF COMPENSATION FOR BOTH THE DISPOSSESSED AND CURRENT LAND OWNERS

- ② Restitution should compensate the dispossessed not less than the value of the land rights dispossessed. In addition, pain and suffering, loss of economic opportunities and other consequences of dispossession should be taken into account when arriving at the compensation figure. Further more, restitution should be used as an opportunity to promote development by brokering in additional resources.
- ② Minimal compensation should be paid to current land owners based on relevant constitutional clauses.

4. COMMUNITY PARTICIPATION

The whole restitution process should enable the full participation of claimant communities to ensure meaningful developmental outcomes.

RURAL DEVELOPMENT PRINCIPLES

- ② Rural development must be premised on access to secure tenure
- ② Rural development must be premised on the sustainable use of natural resources
- ② Rural development must be people centered building on existing resources, skills, experiences and aspirations.
- ② The state must be pro-active in driving rural development and transformation in an integrated way.
- ② Rural development must pro-actively transform the spatial distribution of resources and people in order to create viable settlements equitable economic activity
- ② Rural development must be livelihoods/economic based
- ② Rural development must benefit the rural poor generally and poor rural women in particular rather than foster class formations
- ② Rural development must promote the integration of the rural sector into national economy development
- ② Rural development must strive to ensure social justice
- ② Rural development should in so far as possible contribute to enhanced sustainable livelihoods and resources should be made available to achieve this

COMMUNAL TENURE PRINCIPLES

- ② The aim of tenure programme should be to provide security of tenure for all especially the historically disadvantaged and women
- ② Tenure is an integral part of land reform and should not be considered in isolation from the three land reform programmes and rural development
- ② Tenure reform should address of all types of land where tenure insecurity exists
- ② Tenure programme must address the particular problems which prevents women from gaining security of tenure on an equal basis with men
- ② Tenure programme must contribute to minimising the constrains that prevent poor rural people from accessing credit, support services and infra-structural development

- ② The aim of tenure programme should be to create choices for communities and individual women and men to hold land under the tenure system most appropriate to their needs
- ② Tenure programme must promote clarity around the ownership and administration of communal land, promote secure rights for all occupiers especially women and ensure democratic systems of land management
- ② The national land survey system must be reformed in order to cope with the diverse forms of tenure found in the country including overlapping rights, group rights and ensure that the rights of women are subordinated to those of male family members

REDISTRIBUTION PRINCIPLES

- ② Redistribution must address the gross racial inequalities in land holding
- ② The state must proactively acquire appropriate land for rapid redistribution to the poor using expropriation where necessary
- ② demand for land must be identified through the active mobilisation of the poor and landless
- ② Redistribution policies and programmes must include positive discrimination to ensure that women and the poor are the primary beneficiaries
- ② Land must be redistributed under a range of tenure options

FARM TENURE PRINCIPLES

- ② Farm dwellers must have access to their own land where they will have opportunities for multiple livelihoods as part of a comprehensive land reform and rural development programmes
- ② Farm dwellers should be protected from evictions and have secure tenure which is not linked to employment
- ② Government must as a priority proactively provide resources and clear policies to enable farm dwellers to realise their land rights
- ② A culture of human rights need to be provided and built on farms

CROSS CUTTING ISSUES

The meeting agreed that the following principles cross cuts all the programmes and should therefore be taken into account when lobbying.

- ② There must be effective coordination between government departments and their resources to implement land rights and settlements
- ② Rural people must actively participate in and control land reform processes from design through to implementation and monitoring to ensure meaningful developmental outcomes
- ② When land is acquired for land reform purposes, the relevant constitutional clauses should be vigorously applied in order to pay minimum compensation to current land owners in the interest of a far reaching redistribution of land (**especially section 25 (3) a & e, section 25 (8) and section 25 (4)a**)
- ② Land reform must be driven as one coherent programme which responds to a range of land needs (i.e. tenure security, redistribution and restitution) as central o an integrated rural development programme.
- ② Government and other relevant institutions and support services must be structured and orientated to drive a comprehensive rural development programme which respects and enhances the initiatives of the poor to improve their livelihoods opportunities
- ② Community participation