

New land laws may preempt land reform

TOWARDS the end of the last parliamentary session, the government hurriedly passed nine new laws which affect land ownership, tenure, administration and allocation. The laws were passed within less than two weeks and this left little time for public debate about them or for public intervention.

The laws will allow the government to implement its process of preemptive and unilateral restructuring of land before elections for a democratic government. The new land laws will:

- transfer, in one way or another, large pieces of state and community owned land to bantustan and tricameral authorities
- entrench a process of land privatisation which will make it difficult to redistribute land
- force a policy of privatising communally-owned land on people without debate about what other more creative ways could be used to build security of tenure
- entrench complicated and bureaucratic process for managing land allocation in situation where communities get land. In most cases, such process are better handled at a local level by communities themselves.
- wreck any creative and constructive solutions that might be found to South Africa's very difficult land problems

What are the new laws?

1. The Abolition Of Racially Based Land Measures Amendment Act 110 Of 1993 which upgrades the status and power of the Advisory Commission on Land Allocation (ACLA) and gives it the right to investigate and make decisions and/or recommendations about various categories of state land.

2. The General Law Amendment Act 108 Of 1993 which amends other pieces of legislation such as the State Land Disposal Act, the Conversion Of Certain Rights To Leasehold Act, the Abolition Of Racially Based Land Measures Act of 1991, the Upgrading Of Land Tenure Rights Act of 1991. The amendments to the Upgrading Of Land Tenure Rights Act aim to make it easier to privatise communally owned land.

3. The Distribution And Transfer Of Certain State Land Act 119 Of 1993 which sets up a procedure through which certain state land will be distributed and transferred to private ownership.

4. Provision Of Certain Land For Settlement Act 126 Of 1993 which provides for the settlement of people on land set which the Minister of Regional and Land Affairs, and administrator or private landowner sets aside. Private ownership is the only form of tenure which is accommodated.

5. The Regulation Of Joint Executive Action Regarding Certain Land Act 109 Of 1993

6. The Regional And Land General Affairs Amendment Act 89 Of 1993

7. The Land Titles Adjustment Act No. 111 Of 1993

8. The Rural Areas (House of Representatives) Act 112 of 1993 (Own Affairs)

9. The Shortened Registration Procedures Of Land Amendment (House of Representatives) Act 76 Of 1993 (Own Affairs)