

Strategic Plan lays out land reform

Law Matters
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THIS month the Department of Rural Development and Land Reform published its current goals in a document named the Strategic Plan.

One of the main aims of the department is the redistribution of land to claimants in rural areas. The Strategic Plan envisages the:

- Extension of the cut-off date for lodgement of land claims from 1998 to 2018.
- Establishment of a valuer-general whose function will be to determine compensation payable relating to land claims.
- Formation of a land commission to create a database of all state-owned land.
- Limitation of ownership of land by foreigners.

The target date for all the department's objectives, including the acquisition of more than 1 million hectares of land, is 2018.

The Restitution of Land Rights Amendment Bill is likely to become law soon after the elections.

The Property Valuations Bill has been published for comment and this bill provides for the establishment of the valuer-general.

The Land Management Commission Bill has also been published for comment. This bill will establish the land commission.

The Land Protection Bill, which will deal with land ownership by foreigners, has not yet been published. The Strategic Plan indicates that the bill will limit the amount of land foreigners may own.

Land reform may not be confined to farming. For example, the plan states that the department may locate black people to benefit from potential businesses on unused land, such as mining ventures, by making use of the land reform programme.

All this should also be considered against the backdrop of the Expropriation Bill and the Promotion and Protection of Foreign Investment Bill. The Expropriation Bill expands the reasons for which as well as the types of property which may be expropriated.

The Promotion and Protection of Foreign Investment Bill applies to foreigners and South Africans. The bill provides that despite the forced loss of property to the state, certain acts will be deemed not to amount to expropriation. In such cases no compensation will be payable.

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