

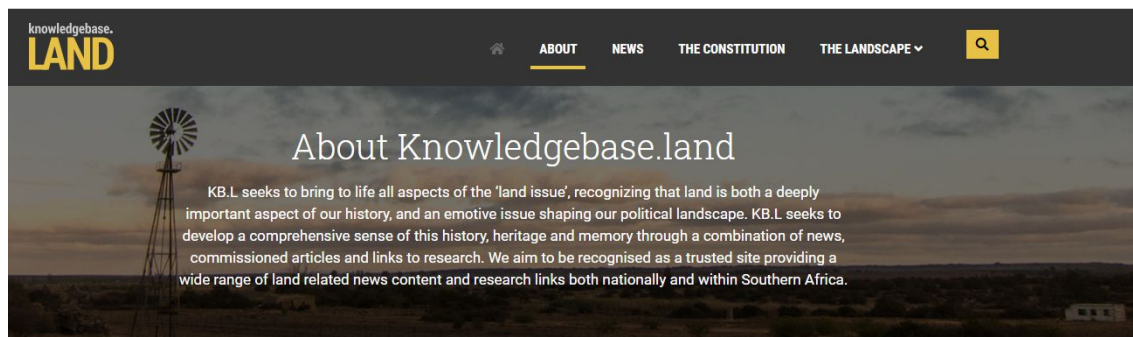
# Land News: Weeks 33 – 38

South Africa

Southern, Central and Eastern Africa

12th August – 20 September 2020

News curated via [knowledgebase.land](https://knowledgebase.land)



# 1 SOUTH AFRICAN LAND NEWS

## 1.1 THE CHANGING COVID CONTEXT

As of the 24<sup>th</sup> September 2020 South Africa's official Covid-19 figures were a cumulative total 667 049 positive identified cases with 16 283 deaths and a recovery rate of 89.3%. However according to radically different estimates Dr Ryan Noach CEO of Discovery Health estimates that **13 million South Africans** have actually been infected. The Discovery team based their estimates on the high number of 42,000 'excess natural deaths' reported by the **Medical Research Council**. Drawing on this data Discovery estimates that there have been around 37,000 deaths in total. However, the good news is that rates of infection are on the decline.



10 SEPTEMBER 2020 GROUNDUP

### Spatial injustice remains at core of rising inequality

Activists believe a radical "new normal" is needed for land reform

URBAN LAND

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09 SEPTEMBER 2020 IOL

### Stellenbosch municipality to oppose Bloekombos housing order

The Stellenbosch municipality will oppose an interim spoliation order ordering them to supply housing to those whose shacks were demolished in Bloekombos.

URBAN LAND

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08 SEPTEMBER 2020 EWN

### AS OCCUPATIONS GATHER PACE, SA LANDOWNERS FEAR FOR THEIR PROPERTY

Twenty-six years into democracy following the end of apartheid, land ownership remains a thorny issue in South Africa, which is one of the world's most unequal countries, according to the World Bank.



07 SEPTEMBER 2020 IOL

### Battle to rein in City of Cape Town's Law Enforcement unit heating up

Parliament's portfolio committee on police has

## 1.2 EXPROPRIATION

ENCA reported (16 Sept 2020) that Afriforum was back in the courts seeking to challenge the Parliamentary report which opened the door for expropriation without compensation. Apparently Afriforum seeks to belatedly argue that the 2018 report was unconstitutional because it allegedly excluded more than 170,000 submissions which rejected amendment of the Constitution. Advocate Tembeka Ngcukaitobi arguing on behalf of Parliament stated that Afriforum's bid to have the report declared invalid was a "wholly pointless exercise as the report was not binding on anybody".

## 1.3 FARMWORKERS

Farmworker retrenchment, evictions and the persistence of the dop system in the form of unethically cheap wine sales have featured in the news during this period.

In the Eastern Cape, DispatchLive (22 August 2020) reported on a Kei Road family threatened with unlawful eviction. This follows the purchase of the farm where they lived by the husband of the MEC For Transport, Safety and Liaison in the province who is alleged to have threatened to bulldoze the home of the Moyeni family who live on the farm. It is interesting to note that an earlier bid to apply Section 4 of the Extension of Security of Tenure Act to purchase the land on behalf of the farm dweller family had been turned down.

A subsequent article published in DispatchLive (8 Sept) indicated that the Deputy Minister of Agriculture, Land Reform and Rural Development had intervened to find "an amicable solution to the impasse" – a somewhat strange response given that the Department is constitutionally bound to protect the rights of the occupiers in terms of ESTA. Hopefully DispatchLive will print a follow up story to monitor the results of the Minister's intervention.

Anna Majavu writing in New Frame (25th of August 2020) exposes how land redistribution has led to the eviction of an 88-year-old woman who had lived and worked on the property for decades. According to the article the new owner just arrived and straightaway told the farmworker family to leave:

*"He didn't even have a meeting with us. He just told me I am old so I cannot work. I must look for a house in the location. He said if we stayed, we would probably make a land claim, so we had to get out".*

All of this provides further evidence of the ways in which land reform is failing to benefit poorer and more vulnerable households and may even be deepening the likelihood of their displacement by more wealthy and better politically connected citizens.

In other news, Food for Mzansi (10 Sept 2020) reports there is rising resistance from some actors in the wine sector to the continued sale and distribution of very cheap wine in unbranded packaging for under R20 a litre. In 2019 42,000,000 litres of cheap wine, or a total of 5% of total wine production was sold in plastic containers. Alex Milner of Natte Valleij Estate argues that:

*"Unethically cheap booze must go, we won't see the difference tomorrow, but in 20 years we will be in a far better space on all social fronts".*

However, Colette Solomons co-director of Women on Farms says that the more fundamental question that the industry should be addressing is its legal, financial and moral responsibility for the intergenerational legacy of the dop system.

In related news IOL (30th of August 2020) reported that black women in the South African wine industry marched to Parliament to protest against the economic exclusion of their businesses during the development of a national wine industry strategy. They demanded an urgent high-level intervention from the government stating that:

*“The department is not supporting black wine businesses in South Africa and is largely to be blamed for the slow transformation in the sector”.*

News24 (13 August 2020) reports on the anticipated retrenchment of permanent workers in the farming sector as a consequence of Covid 19. Women on Farms Director Carmen Louw was presenting as part of a webinar hosted by the Centre of Excellence in Food Security in which she examined the impacts of lockdown and the alcohol ban, particularly on the wine sector. A depressed wine sector would also result in limited employment opportunities and greater uncertainty for seasonal workers. WFP made the case for the introduction of the Basic Income Grant to cushion the impacts of the pandemic on households affected by unemployment and food insecurity.

#### **1.4 FOOD SECURITY**

With the ongoing food insecurity as a consequence of the COVID-19 pandemic there have been numerous news stories about how smallholder farmers and gardeners are producing produce for sale and own consumption. Despite this, the not-for-profit food redistribution organisation **Food Forward SA** has pointed to the rising numbers of vulnerable people needing access to food. This was corroborated by a **Parliamentary reply** in September which suggested that they were unprecedented levels of hunger being experienced by people in KwaZulu Natal where an estimated 24.5% of people living in the province were reported as being food insecure.

Meanwhile a recent **BFAP report** has predicted that although the farming sector recorded growth of 27, 8% in the first quarter of 2020, South African agriculture was likely to obtain more modest levels of growth going forward. BFAP also indicated that there were large **gaps in the available agricultural production data**, particularly when it came to the contribution of smallholder farmers to the informal agricultural economy in South Africa. BFAP cites a recent study undertaken for the South African Pork Producers Organisation which estimated that the total informal pig herd comprised almost 900,000 animals with an estimated value of R1.2 billion which generated the equivalent of 29,550 livelihoods.

AgriSA Economist Dr Tracy Davids has highlighted how the margins for field crops in particular are coming under increasing pressure, requiring sustainable productivity gains, rotation systems and diversification. However it seems that the real conversation about the cumulative impacts of industrialised, chemicalised, genetically manipulated farming systems has yet to seriously begin in South Africa. It seems that we have some way to go before the lessons from the pandemic (or the **‘syndemic’** as the Lancet has recently characterised it) are fully absorbed and the linkages between climate change, production and food systems, hunger, poverty and inequality are better understood.

In the third week of August it was announced that the **COVID-19 farmer support** vouchers will be extended for another month to 30th of September. The Department of Agriculture, Land Reform and Rural Development reported experiencing delays in the printing of vouchers which meant that many farmers were not able to redeem these in time. By the end of August Minister Thoko Didiza reported that approximately 15,000 farmers had already received vouchers from the relief fund.

On 8th September [BizCommunity](#) reported that the department had set aside one hundred million rand for a COVID-19 grant scheme available through the Land Bank to smallholder farmers who have loans to pay, but who are in financial distress as a consequence of the pandemic. The maximum that a single client may access for this non-repayable financial support is limited to R2 million. Application for this funding is open until the 16th of October 2020. However, it was noted “over indebted customers and those with distressed accounts due to other reasons which are not COVID-19 related will be excluded from the support”. Careful oversight will be needed for this initiative as state bailouts quickly become a site for patronage and capture.

## **1.5 LAND GOVERNANCE AND ADMINISTRATION**

The Cape Town Deeds Office which has been frequently in the news in recent months due to repeated closures as a consequence of the pandemic has reported that it is now engaging on a [major upgrade of its IT system](#) to try and address backlogs in property transfers. The new initiative is designed to assist officials to work and inspect documents from home.

In other news ([IOL 10 September 2020](#)) the minister revealed that the department has paid R3.9 million to 2 top officials who are on suspension in the office of the Surveyor General. Both officials are reportedly facing disciplinary action and the matter has been set down more than three times but did not proceed. In the meantime, the officials remain on full pay and benefits.

The troubled Ingonyama Trust continues to make the news. In one of the more recent developments the chairperson of the board Jerome Ngwenya has been asked by Chief Justice Mogoeng to [desist from calling himself a judge](#). Apparently Ngwenya had been appointed as a judge in 2000 but had subsequently resigned. He had later re-applied, but his application had been unsuccessful. Ngwenya was recently re-appointed as chairperson of an interim board from the 1st of September as the Royal Nominee.

The ongoing closure of the deeds office in Cape Town continued to make the news with the Western Cape Minister of Finance and Economic Opportunities calling on the Minister of Agriculture, Rural Development and Land Reform to intervene. The MEC highlighted the negative impact the closure of the deeds office was having on the property and real estate industry in the Western Cape. [BizNews \(12 August 2020\)](#) reported that the deeds office was facing challenges in that many of the staff employed there were unable to work from home, lacking Internet connectivity and the ability to access online systems. The following day [IOL \(13 August 2020\)](#) reported that the Minister had intervened to address the challenges faced by the deeds office in Cape Town. The Minister spoke of a plan to put in place emergency measures to improve social distancing and safety of staff on the deeds office premises, and to provide tools and equipment to enable staff to work from home more effectively.

However perhaps the most sobering story of the week was carried in [GroundUp \(13 August 2020\)](#). Bernard Chiguvare records the fate of the inhabitants of 33 villages which were affected by the construction of the R373 million Nandomi dam near Thohoyandou in Limpopo in 1998. According to [GroundUp](#) some 405 homesteads from 33 villages had to be relocated, losing land and livelihoods in the process. When compensation was not paid in full villagers approached the Public Protector who issued an 81 page report in 2009. Despite the intervention of the PP the majority of the complaints still remain unresolved, leaving people frustrated and angry.

*“If the department does not compensate us soon then we are going to open all dam valves and let the water out. Maybe that is the language the department understands better.”*

As has been pointed out by numerous commentators the real victims of expropriation without compensation in South Africa have largely been poor black South Africans who have lost land and houses due to mining activity and large dam construction. In 2019 it was reported that most villagers in Limpopo’s Vhembe district municipality were without water. These included those villages which were on the banks of the dam.

## 1.6 RESTITUTION

Further stories were published this week on a [contested land claim](#) lodged by different clans of the Mamahule in 1996. News24 ([14 August 2020](#)) carried an update on the complex dispute.

*In 1996, the Mojabelo clan lodged a claim for the entire Kalkfontein farm in terms of the Restitution of Land Rights Act. Part of the farms were restored to different clans except for portion 41. In 2015 the Mojabelo clan claimed portion 41 as its own and... started to demarcate residential sites which was sold to unsuspecting members of the public.*

Unfortunately, like most of the stories published on this land dispute the reader finishes the article without much further enlightenment on the background and facts of the case.

In other Restitution related news the Southern African Agri Initiative (SAAI) released a media statement on Politicsweb ([14 August 2020](#)) expressing concern about “the number of land claims actively processed in the run-up to the 2021 local elections”. SAAI chairperson Theo de Jager expressed concern about the lack of transparency in the process and the unavailability of key documents including claim forms and research reports assessing the validity of the claims and promised the support of SAAI to land owners whose property is under claim.

The SAAI website contains an [agricultural manifesto](#) which states that it is “not a traditional agricultural union, but rather a network based on cooperation and the application of modern technology and pure principles”. Presumably, the latter relates to the statement that the network is “unashamedly based on Christian values” while “irrefutably believing in democratic principles without discrimination based on race, riches, age, descent, language or gender”.

According to the SAAI website, De Jager was re-elected as president of the ‘World Agricultural Organisation’ (WAO) in Luxembourg in 2019. Internet searches by KB.L failed to identify any further information about this organisation. However, after some digging it turns out De Jager is actually President of the [World Farmers Organisation](#). According the FAO’s [Family Farming Knowledge Platform](#) the WFO is involved in the following areas of work: Agroecology, Farming typologies, Food chains, Indigenous peoples and Mountain farming – categories which makes WFO sound more like [Via Campesina](#)! (This most likely reflects the limitations of standard vocabularies used by FAO and other international agencies to describe and categorise organisations and land issues for ease of data sharing).

So what is the WFO? Its website describes it as a member-based association, bringing together national farmers’ organizations and agricultural cooperatives from all over the world. According to the WFO [strategic plan](#), the WFO was established in 2011 and by 2016 had grown to represent 71

farmers organisations from 49 countries. Its members include including AFASA and AgriSA from South Africa.

De Jager was apparently nominated for a second term by the Zimbabwe Commercial Farmers Union of which he is an honorary member. De Jager's re-election to the WFO was welcomed by Afriforum which also refers to the non-existent WAO. Afriforum reported that they were working together with SAAI to address "issues of common interest – such as farm security and opposing expropriation without compensation". According to the Citizen (8 July 2020) De Jager recently endorsed a call by AfriForum's head of community safety Ian Cameron who stated that "It is time that we encourage our rural communities to fight back and arm themselves". De Jager is also reported to have called for a Commission of Enquiry into farm attacks.

### **1.7 TRADITIONAL LEADERS**

An ongoing dispute over the chairmanship of the Eastern Cape House of Traditional Leaders continues. Nkosi Mwelo Nonkonyana recently obtained an interim court order challenging his removal from the position and interdicting the house from appointing a new chairperson. (News24 11 August 2020).

### **1.8 LAND OWNERSHIP**

Popular historian Patric Tariq Mellet has recently brought out a new book entitled *The lie of 1652: a decolonised history of land* published by Tafelberg. According to publicity materials the author "retells and debunks establish precolonial and colonial land dispossession history. He provides a radically new, fresh perspective on South African history and highlights 176 years of San/Khoe colonial resistance". Mellet provides insightful critique on contemporary South Africa so his rendering of this contested history will be valuable.

### **1.9 LAND POLICY**

Deputy President David Mabuza recently announced that government plans to undertake an assessment of failed land reform projects. When the president Cyril Ramaphosa came to power, he stated that there was a need for a census of land reform projects to determine their current status. However, this seemed to fall off the policy agenda for a long period and perhaps has now been reinstated. The report will no doubt cost millions of rand to produce. Of course, the big questions will be

- Will anyone ever read it?
- Will government ever act on the recommendations?

The lack of practical government response to the report of the High-Level Panel and numerous other reviews suggests that this assessment will have to buck the trends if it is to provide solutions to the vexing problems facing many land reform projects.

### **1.10 LAND RIGHTS AND MINING**

Kevin Bloom writing in the Daily Maverick (21 August 2020) tries to wade through the labyrinthine complexity to unravel the case of the missing millions of the Bapo Ba Mogale. This case involves a community investment company which made a secret and ultimately fraudulent deal to swap the 12% annual royalties from the platinum mines on the Bapo land for a once off hundred million rand

in cash and R540 million in equity from Lonmin plc. However, the deal was never endorsed by the community. Thereafter almost all the money disappeared and to date no-one has been held accountable (Where might you have heard this before?)

Mining is an extremely murky sector and Dr Mpho Tsepiso Tlale, a Daily Maverick opinionista provides important perspectives on the legal status of mining on communal land (28 August 2020) examining the relationship between the MPRDA and IPILRA. The full version of her analysis is available through the Potchefstroom Electronic Law Journal.

Perhaps the most sobering story in recent weeks (Daily Maverick 14 Sept) recounts how since 2016 there have been at least **38 assassinations and 14 attempted assassinations** in mining localities in KwaZulu Natal. The article examines the situation at Epembeni near Richards Bay. Back in 2017 the local traditional authority informed residents that some people would have to move because of a mining project which had been approved by the King. When local residents and activists sought clarity about the mining project and to resist their removal a ruthless wave of assassinations began. The elite compacts which form around mining opportunities seem to follow the same script:

- Deals are made in secret behind local residents' backs
- Local resistance to mining is met with threats, violence and death
- SLAPP suits are brought by mining companies seek to muzzle individuals and organizations exposing dodgy mining deals
- Residents in mining affected communities lose access to land and housing and are poorly compensated
- Revenues from mining intended to benefit local communities are either stolen or channelled to the connected few
- Local livelihoods and landscapes are destroyed.

### **1.11 RURAL DEVELOPMENT**

There has been a renewed focus on attacks on farmers and workers in the farming sector. In response the Chair of the Agriculture Parliamentary Portfolio Committee issued a statement condemning recent murders and robbery taking place on farm in the Northern Cape, the North-West and KwaZulu Natal.

*“Attacks on farms threaten the food security, employment figures and the economy of our country. Both farmworkers and farm owners are equal importance in the agricultural chain”.*

At the same time the Portfolio Committee cautioned against labelling farm attacks as racial crimes, noting that black and white commercial farmers and farmworkers have been victims of such attacks. (IOL 2 Sept 2020)

AgriSA is reported to have welcomed the “considerable attention” being given by government to crime and murder on farms in recent months. (IOL 3 September 2020) This includes a plan recently developed by an inter-ministerial committee to improve rural safety. (IOL 15 September 2020).



## 1.12 URBAN LAND

Our urban land pages have been particularly busy in recent weeks and we can only attempt a brief summary of the many stories featured there.

These include:

- The attempts by the city of Cape Town to defend its eviction policy following legal action taken by the Human Rights Commission, the LRC and the EFF to prevent demolitions without court oversight. ([GroundUp 22 August 2020](#)). This resulted in the Western Cape High Court ruling against the City – a ruling which has subsequently been challenged through [further legal action](#)
- The furore over the City of Cape Town extending low-cost leases for golf clubs which led to the council withdrawing the advertisement ([GroundUp 24 August 2020](#)) and abandoning the public participation process ([IOL 26 August 2020](#))
- The landmark [Tafelberg judgment](#) rescinding the sale of public land in Seapoint and requiring the City to take adequate steps to address spatial inequality and provide affordable and well located social housing. The provincial Premier recently announced the decision of the Province to appeal this decision characterizing the judgment as judicial overreach. ([Weekend Argus 19 Sept](#))
- In Cape Town relations between the City and housing activists continue to [deteriorate](#) with accusations by Councillors that activists are directly responsible for the spike in land occupations which [analysts](#) attribute to the eviction of backyard shack dwellers from township houses for defaulting on their rent as a consequence of the economic impacts of the pandemic.
- At the same time there have been moves to “[rein in](#)” the City’s law enforcement unit and improve its public accountability.
- Ongoing contestation over land occupations and housing development countryside – often with negative consequences for the [vulnerable](#).
- There are continuing reports of evictions in cities across the country carried out by councils controlled by different political parties. There are also reports of ongoing evictions by [vigilante groupings](#) in Alexandra.

All of the above attest to the mounting challenges facing the management, planning and equitable delivery of services in South African cities – challenges exacerbated by poverty, unemployment, the economic crisis triggered by the pandemic, exacerbated by corrupt practices and the failure of many municipalities to fulfil their constitutional obligations.

Older news reported on our [urban land pages](#) features clashes over access to land and housing ranging from [Soshanguve](#) to [Du Noon](#) and [Duduza](#). The Citizen ([12 August 2020](#)) reports on how some 2000 people were evicted after illegally occupying the Fleurhof housing development after they occupied flats built as social rental housing in Johannesburg.

Minister Lindiwe Sisulu said that “the illegal act of taking occupation of housing units in Fleurhof with the express intent of coercing government into providing housing for illegal invaders, on a preferential basis, will never be tolerated”.

*“Government will not tolerate those who seek to set back development and undermine the rights of other deserving people who have been on the database for many years waiting for their houses.*”

## 2 LAND NEWS FROM SOUTHERN, CENTRAL AND EASTERN AFRICA

A wide range of stories appear on the African Land News page. Some focus on regional issues while the majority are country specific. The bulk of our coverage features events in Zimbabwe as President Mnangagwa tries to reverse Zimbabwe’s economic decline, lift sanctions and end global isolation.



28 SEPTEMBER 2020 HOW WE MADE IT IN AFRICA

### Land hunters: App matches Zimbabwe's farmers with vacant plots

The app's creators hope it can help boost food security, in a country where more than half of irrigable land is lying idle.

AFRICA LAND NEWS

[READ MORE](#)

28 SEPTEMBER 2020 IUCN

### SUSTAIN: Driving growth by putting people and nature centre-stage

Following five years of climate-resilient development work in Tanzania and Mozambique landscapes, the SUSTAIN initiative closed its first phase by capturing key learning and progress against the goals set by the partnership in 2014. The new report provides a bird's eye view of the initiative from its inception to the end of the first phase (2014-2019).

AFRICA LAND NEWS

[READ MORE](#)



28 SEPTEMBER 2020 MISA

### Editor threatened over land scam stories

The Masvingo Mirror in Zimbabwe's southern town of Masvingo says it is "gravely concerned" with threats that its Chipinge Times editor Ellen Mlambo has been receiving over "land grab" stories she is covering.



28 SEPTEMBER 2020 VER ANGOLA

### Viana's administration delivers land to about 18000 families

The Viana Administration will deliver plots of land for self-construction to some 18,000 families living in areas of risk or in very degraded houses. This measure aims to help re-housing families living in "terrible conditions of habitability".

AFRICA LAND NEWS

## 2.1 REGIONAL

A range of factors impacting on food security are highlighted with a focus on the linkages between climate change and the growing [threat of locusts](#) posing a threat to food security in SADC.

## 2.2 ANGOLA

Angola launched a [farming and fishing census](#) involving 4,000 employees are mobilized for this campaign, which will cover 25,000 villages, 574 communes and districts in 164 municipalities in the country's 18 provinces.

## 2.3 BOTSWANA

Changes to the law in Botswana allowing [married women to own land](#) in their own right

## 2.4 DRC

The scaling up of food aid to the DRC which is reported to be facing the world's second biggest hunger emergency ([News24 14 August 2020](#)).

## 2.5 KENYA

Unresolved land struggles in the [Mau forest](#) in Kenya

The complexity of the [food system](#) and the need for food security for all in Kenya.

## 2.6 LESOTHO

[Lesotho's](#) rethinking of the contribution of agriculture to its economy and food security

## 2.7 MALAWI

Moves in Malawi to address long standing land disputes

## 2.8 NAMIBIA

Conflict over the alleged failure of the government in Namibia to address the urban housing crisis and make available serviced sites for construction

Corruption allegations over urban land allocations in Okahandja in Namibia ([The Namibian 13 August 2020](#)).

## 2.9 TANZANIA

Election pledges of [major land reforms](#) in Tanzania

## 2.10 ZIMBABWE

ZANU PF's decided earlier in August to compensate white farmers who lost their land in Zimbabwe as a consequence of the 'fast track land reform programme'. This decision and responses to it have dominated the African news pages.

Moneyweb (01 Sept 2020) reported that foreign farmers could apply to get back land which had been seized and which had been protected by investment agreements. If this proved to be impracticable they could be offered land elsewhere.

Three days later the BBC asked whether Zimbabwe was “extending an olive branch to white farmers” with its offers to pay for land which was seized 20 years before. The BBC noted that this move was designed to bring an end to sanctions and mend relations with the west.

The Daily Maverick subsequently reported what many people suspected – that Zimbabwe would be unable to afford to pay the billions to former white commercial farmers and that they were now going to offer land instead. (4 September 2020). This option was not well received. AllAfrica (4 September 2020) quoted a farmer stating that most former white land owners wanted cash compensation as opposed to getting land back arguing that farm infrastructure had been destroyed and assets stripped in many instances.

The Zimbabwe Mail (7 September 2020) reported that thousands of farmworkers who had been dispossessed and made jobless as a consequence of fast track land reform were unhappy that no consideration had been given to them in compensation agreements.

Then just as it looked that in Zimbabwe was making progress in its bid to re-establish economic ties and remove sanctions the media carried stories on ongoing land grabs.

Some 300 black smallholder families were being kicked out of a farm near Banket in a land grab by government officials.

A week later a story made the headlines about one of the few remaining white farmers being summarily evicted from a leased farm in Ruwa that he had been working for the past 22 years.

Then in more recent news EWN (16 September 2020) reported opposition by war veterans to the government’s offer of compensation to former white commercial farmers. This was followed by a story in New Zimbabwe which reported that the war veterans were threatening to sue the President over the compensation deal.

The possibility of the Zimbabwe government using land itself as security if it fails to secure international guarantees for the 30-year sovereign bond it wants to issue to raise US\$3.5bn to compensate white farmers (Fin 24 13 August 2020).

Clearly there is a long road to be travelled before there is final resolution to the land issue in Zimbabwe.