



FW de Klerk
FOUNDATION

SUBMISSION TO THE DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM ON THE DRAFT REGULATION OF AGRICULTURAL LAND HOLDINGS BILL

The FW de Klerk Foundation recently made a submission to the Department of Rural Development and Land Reform on the *Draft Regulation of Agricultural Land Holdings Bill* (the Draft Bill).

The salient aspects of the Draft Bill are the introduction of ceilings regarding farm sizes, while limiting the ownership of agricultural land to South African citizens. Foreigners will only have leasehold rights, valid for a few years, over agricultural land.

That land reform is a constitutional imperative is a given. That the slow pace of land reform and ill thought-out policies frustrate the restorative justice intentions of the Constitution is also a given. However, this Draft Bill is irredeemably flawed and if implemented will further frustrate the progress of land reform. It is unclear how limiting farm sizes will guarantee food security. Further, the placing of limitations on foreign ownership means that the property rights of foreigners are given less protection than those of locals - a distinction which finds no support in the Constitution. In any event, legislation should be geared towards curing certain mischief but in this instance, it is simply unclear what purpose the provisions of the Draft Bill seek to fulfill. If anything, the implementation of the Draft Bill will add to the existing malaise regarding land reform in the South African context.

It is for these and other reasons that the Foundation submits that the Draft Bill be withdrawn due to its unconstitutionality and unworkability.

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