

Resolution adopted by the Women’s Land Summit on 11 April 2019

 1/1. Land Reform and Restitution – Women Leading the Healing of the Divisions of the Past

 *The* *Participants*,

 *Mindful* of women’s voices being muted in the land reform discourse and the divisiveness of the dialogue that has not lead to a healing of the divisions of the past as envisaged by our transformative Constitution,

*Recognising* the important role of women in the land debate as well as the importance of harnessing women’s history of engaging meaningfully across political, colour, class and other divides with a view to exploring interests and eschewing a zero sum game approach to land redistribution solutions,

 *Welcoming* the initiative of the Trust Chair in Social Justice, Faculty of Law and the Social Impact Component at Stellenbosch University that brings women together in the sharing of ideas to address the difficult and emotional land question in a manner that advances social justice,

1. *Decide* to give life to the constitutional promise of social justice and to lift up women’s voices on the land question and it’s social justice implications,
2. *Encourage* a change in the public dialogue/narrative towards a unifying tone instead of the divisiveness of the past,
3. *Invite* a select committee to examine how current patterns in land reform undermine the rule of law with a view to generating solutions to be implemented under the leadership of women that enhances the rule of law, in particular to reach a common understanding of how ideas on reducing poverty and inequality move the land reform discourse forward in a manner that is in line with the constitutional objectives of a united South Africa anchored in shared humanity and prosperity; and within a common understanding of the psychological and emotional trauma underlying the denial or delay of land restitution,
4. *Agree* that a follow-up summit should take place in August 2019*,*
5. *Identified* the following current patterns in land reform that undermine the rule of law:
* There is a gap between the Law (Constitution) and reality, characterised by a dissonance between the constitutional vision guaranteed and anchored in shared prosperity and social justice, and land redistribution practices in the last 25 years.
* There is a gap in knowledge - a lack of education regarding land reform in general, and with each specific programme (redistribution, restitution and tenure security).
* The common perception that market value is still the primary factor to determine compensation – leads government to be slow to expropriate.
* Some voices are left out of the conversation – like the Khoi and San.
* People still feel disempowered in the land reform process – TRC was not enough – no apology for what was done in the past and no restoration means that people are still aggrieved.
* We can’t only speak about land reform for farming or for urban or peri-urban, or for other land users, it is therefore important to disaggregate land for different purposes.
* The institutional framework is very complicated, we should improve this by removing patronage, streamlining and integrating the process of land reform. This also speaks to the importance of land acquisition and planning at the local level.
* Land reform policies are gender blind and not sensitive to the vulnerabilities of women,
1. *Request* the Trust Chair in Social Justice, SU to bring the following resolutions to the attention of Parliament and all heads of Political Parties:
* Land redistribution must be expedited. Achievements of the last 25 years have changed some things, but are still lacking – the pace has not been good and the selection of beneficiaries has been questionable. For the sake of the youth and peace we need to do better fast.
* The policy should include a clear indication of beneficiaries and better protection of informal rights, such as those of farmworkers, women and those people residing in traditional communities.
* The policy should accommodate multiple distribution pathways.
* The policy should contain some incentives for those who voluntarily participate in land reform.
* We should broaden the land use perspective beyond agrarian reform – when we think rural land, we should not only consider farming. Land may be useless for farming, but may be appropriate for factories.
* Those who farm should be assisted to translate products into finished goods.
* Land should be separated from agrarian reform, as land has multiple usages.
* Land administration should be included as a fourth leg of land reform.
* Address implementation capacity within the state and society. Use as starting point existing reports that have identified the gaps within the state and judicial system around the implementation of existing laws.
* Address legal awareness including summarizing landmark cases, vernacular radio programs and helplines.
* Facilitate a process that will ensure constitutional clarity, thereby addressing the question of whether the Constitution supports land reform in multiple ways or not.
* Broaden the conversation around land reform to encourage voluntary participation.
* Social justice should be part of a land reform policy – as long as there is injustice somewhere, there cannot be sustainable peace.
* Failure is not an option.

*1st Plenary meeting
11 April 2019*