

Welcoming Remarks – Henning Suhr – Conference on Land and Property Rights – 04.07.2018

Dear President de Klerk,
dear Mr. Steward,
dear Theuns and friends from the FW de Klerk Foundation,
distinguished guests from various institutions, civil-society and media,
dear Ladies and Gentlemen,
all protocol observed,

Thank you very much for giving me the opportunity to welcome you on behalf of the Konrad Adenauer Foundation. The topic of this conference – the debate on land and property rights – is heavily discussed in media, politics and society – basically everywhere in the country. When the de Klerk Foundation approached us to support this event, we did not have to think twice due to actuality and relevance of the issue.

Land reform – and by that I mean the debate on restitution, redistribution and tenure reform as well as on the use of land – touches so many key policy areas, for instance the agriculture sector, housing, urban and rural development and so on. It is also relevant for constitutional questions or issues of social justice. And finally it is especially related to the past of South Africa and the overcoming of the wounds which were inflicted. Many people are somehow affected by land reform and therefore everyone has his or her own perspective on the matter.

You might laugh, but even I as German have a family story to tell when it comes to the topic of expropriation of property in South Africa. In the late 1890'ies my great-grandfather emigrated from Hamburg to Johannesburg. After working for a local company he built up his own cardboard packaging manufacturer. Eventually the whole company got expropriated by the English after the Boer War. Without a cent in his pocket and being angry with the English he moved back to Germany, where he then met my great-grandmother and married her. NO worries, I won't claim back the cardboard packaging factory here. I guess it was quite a while ago and maybe I should call it circumstances of history. Anyways, as I learned, restitution claims can be dated back

until 1913, when the Natives Land Act came into effect and my great-grandfather already had left South Africa.

Coming back to the present debate I would like to point out some important aspects:

One has to acknowledge that, yes, there is historic injustice. I would not go that far to call it an “original sin” as President Ramaphosa did. Nevertheless it was especially this Natives Land Act which disadvantaged the majority of South Africans, which could not create wealth by buying and owning land, while a minority of the population benefitted from the Act until the end of Apartheid.

By recognising this historic injustice I do not want to jump too hastily to any conclusion. Having a look at experiences in other countries one easily can see that expropriation is no good choice. Normally the guarantee of property rights is the fundamental core of economic and social prosperity. If owners are threatened to lose everything they have, if investors cannot trust that the investments they’ve done are safe, an economic downturn to the disadvantage of everyone is likely to happen. The debate on land expropriation without compensation is hitting hard the principle of property rights and that is the reason why it is so delicate. If the state has to expropriate, the circumstances have to be legally well-defined and it must not be implemented without compensation. Direct and indirect consequences would be too damaging for everyone.

In addition to that I would like to stress that the government already has various legal possibilities to correct injustice which had been done regarding land, but is not using the given instruments properly. The Motlanthe report clearly points out that since 1994 too little efforts had been done. It states that until now land reform is intransparent and not well-defined, especially when it comes to processes, objectives and target groups. Many expropriated farms are not productive at the moment. The reason for that is that the government does not support new farmers sufficiently. By giving whole groups expropriated land or by not transferring the title deeds to the new owners, they cannot apply for credits because of a lack of financial security. Claims are not processed properly and on time. The government lacks good negotiation capacity in order to pay fair prices for the expropriated land. And between the ministries there is no sufficient coordination, but a lot of bureaucratisation.

In the last months I tried to get familiar with the land reform and its details. This undertaking is quite difficult due to the fact that there is a lot of biased or simply wrong information out there – regardless the position someone is advocating for. The debate is primarily led by emotions and not on the basis of facts. As a political scientist I would argue that the land debate is a very good case to conduct a study on populism. Politicians and other spokespersons are offering easy solutions to a complex problem. Many of them use a so called “Enemy-Friend-Rhetoric” in the debate, in other words, a distinction between “us and them”, a typical technique of populists in order to divide social groups on purpose. For the very same reason they also link the debate to identity politics. And finally it is the language which uncovers the populist: it is marked by violence, radicalism, conspiracy theories, emotionalisation and exaggeration.

I will stop here, but I think it is evident that the manner in which the debate is conducted is not contributing to social peace. Obviously that has also to do with the upcoming elections, nonetheless I hope that the reasonable voices of the debate will succeed.

Concluding my remarks I would like to point out one thing: how come that especially young people are so much involved in the land debate? Recently an approximately 22-year old student of Wits told me she will “fight” until she gets “her” land back. She was studying political or social sciences. I doubt that she really wanted to move outside of Johannesburg to become a farmer since that isn’t the profession she is studying for. I also do not think she meant the title deed for the place she was living. To me it was obvious that she meant social disadvantages in general which she claims she is suffering from. In other terms, a big part of the land debate seems to be a kind of a substitutional debate for the inequality in South Africa and its consequences. In this regard no one can deny that in South Africa there is still a lot to be done. Access to and improving education certainly is the best way to guarantee equal opportunities for everyone. Furthermore generating jobs should be high on the priority list of the government, though I assume that the future of job creation will be rather in the industry and service sector than in agriculture.

Dear ladies and Gentlemen,

I hope this event today will bring more light into the debate and helps to bring different parts of society together to discuss ideas on how to deal with the issue of land and property rights in South Africa. We must not leave the floor to populists and demagogues who try to benefit from the discussion by introducing more distrust or even hate. We have to find solutions together.

The Konrad-Adenauer-Foundation is delighted to be part of the conference and I would like to thank the De Klerk Foundation for organizing this event and wish everyone an interesting and enlightening exchange of ideas. Thank you very much for your attention.