

Expropriation brings hope

We can likely expect the ANC to be backed by the EFF and small opposition parties to make the two-thirds majority threshold required, writes Zamikhaya Maseti

PRESIDENT Cyril Ramaphosa's overnight announcement that the governing ANC will amend the constitution to allow for the expropriation of land without compensation took many by surprise. Immediate reactions have been mixed, with some suggesting that the decision is a clear indication that the EFF, and not the ANC, is guiding national policy, with others commending the decision as evidence that the ANC has truly listened to what the people want through the recent public hearings conducted by the constitutional review committee.

For those questioning the ANC's commitment to effecting constitutional reform to accelerate land redistribution, the announcement will either serve to confirm its seriousness to deliver on the promise made at its elective conference last year, or will be another piece in what some deem to be a necessary electioneering tactic.

Agree or disagree, there is now no ambiguity: the constitution will definitely be amended. Furthermore, we can expect the ANC to be backed by the EFF and other opposition parties to make the two-thirds majority threshold required to effect this change.

Undoubtedly, this announcement brings the necessity for the recently established inter-ministerial committee (IMC) on land reform, to be led by Deputy President David Mabuza, sharply into focus. This committee has to hit the ground running. A panel of experts, expected to be made up of specialists and practitioners from across the agricultural spectrum, will support the committee in its work.

With this decision, their mandate will be somewhat clearer, although the conditions under which expropriation without compensation are to occur are not yet defined. What is still uncertain is where the money to fund the comprehensive land reform programme that Ramaphosa spoke about will come from.

One of the immediate tasks facing the IMC will be to establish a detailed plan around the required sources of funding, a question that all key players in the agricultural sector will now also be confronted with.

As an executive structure of government, the IMC exists to promote the interests of the government on the burning issue of land reform. It will have the required political oversight, enabling it to make serious choices and perhaps unpalatable decisions. Some pundits argue that money is not a problem in South Africa – the problem is how it is spent.

If we follow this logic, the need for a reorientation and reconfiguration of the national budget is necessary, something that the IMC might have to consider.

Within the reality of competing demands for resources across government departments, prioritising a holistic funding solution for the land reform programme should be one of the top agenda items the government should be considering. During the 2017/18 financial year, R6.8 billion was allocated to agriculture, with only marginal growth planned to 2020/21, taking the budget to R7.8bn.

Surely this will have to be reviewed if the land and agricultural reform programme is to be successful. Critical choices are going to have to be made to drive land and agricultural reform, especially in light of the support that new entrants wanting to participate in the sector will require. It remains to be seen whether Finance Minister Nhlanhla Nene will make any critical decisions when he delivers the mid-term budget speech next month. Given the rapid developments, it would make sense to see budget allocations to agriculture increase



ATTITUDES: With the land reforms coming up, people will have to be encouraged to work the land and contribute significantly to the country's food security, among others.

PICTURE: SIPHWE SIBEKO/REUTERS

significantly in the near future.

A reconfigured national budget focused on accelerating land reform will also have to set budget aside for the purchase of agricultural machinery, fertilisers and irrigation equipment. People must be encouraged to work the land and contribute significantly to the country's food security.

The government also needs to think about how these new entrants will obtain the necessary technical support to ensure that they can compete in the market and how they will access it.

It needs to begin to address the questions around what the opportunities for the different categories of contributors are or will be across the agricultural value chain. This is the shift in the budget that must be driven and influenced by the panel of experts who will serve as a think-tank

to the IMC.

The role to be played by those guiding the IMC in their processes cannot be understated. The policy proposals that this panel will make to the IMC must help change the attitude and mindsets of South Africans towards the land to ensure that no piece of land lies fallow, starting in areas where levels of poverty are extremely high. Additionally, this panel of experts should:

- Work to bridge the information gap – there is as much information about the sector that exists as there is that still needs to be generated or co-ordinated. For example, there is much work to be done to further existing knowledge of the role that subsistence and small-scale farmers play in accessing informal markets as well as their social and economic contribution in rural communities across the country.

- Follow an evidence-based approach – As the constitutional review process comes to a head, the input and information gathered will be top of mind. However, some of the current recommendations from reports such as the Kgalema Motlanthe High Level Panel (which the media incorrectly reduced to being just about the Ingonyama Trust Act of 2002) should be revisited. In short, the panel should not overlook existing guidance and recommendations, especially where there are valuable insights to be found.

- Critically review opportunities to integrate agricultural financing in support of transformation – the fragmented nature of current systems of agricultural financing to support transformation has to be addressed. A review of how the strategies, processes, systems and operations come

together across the agricultural spectrum to support transformation in the sector is long overdue. The structure of public institutions such as the Land Bank, which are mandated to facilitate transformation but without any financial flows from the government, should be revisited. The infrastructure exists, the strategy and co-ordination should now follow. Perhaps a central point for agricultural funding is now a necessity.

- Deliver a practical implementation plan to support black farmers – This committee will have to answer the grassroots questions black farmers will have around technical support and market access. Additionally, the government will have to give traditional leaders all the support they will need to help rural communities utilise agricultural land effectively.

The clarity of direction around a constitutional amendment to give effect to the expropriation of land without compensation brings to the fore pre-existing questions, including "under what conditions?" and "how?" In the midst of an often divisive environment in which individual parties easily take sides, the structures set up to mediate, counsel and guide us through this process, as envisaged by the role of the IMC, must not lose sight of the goal. That is, through effective and accelerated land reform, the opportunity to resolve the poverty, inequality and access gaps that currently exist for a majority of South Africans.

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Police, guns and gendered violence

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POLICING in South Africa carries a particularly violent history. In the past it was used as an instrument of repression and a means to curtail rights and freedoms. Its history is one of a police force policing the public rather than one serving and protecting the public.

As a result there is a historical and enduring distrust of the SAPS.

Police officers are confronted with a pervasive and malevolent cultural legacy of respect, discipline and authority. This legacy is derived from authoritarian practices found in colonialism and apartheid-style para-military policing. It grows toxic masculinity so that even in the face of severe trauma and violence there is a constant call to follow orders, display discipline and not show "weakness". This has severe mental health risks such as depression, post-traumatic stress disorder and substance abuse. For women that are in relationships (familial or romantic) with these police officers

Traumatised and uncounselled cops put their families and partners in harm's way

there are additional risks. In South Africa women are more likely to be killed by an intimate partner than by a stranger.

The violence in many familial or romantic disputes is amplified when firearms are at hand. This violence is more often than not directed at women. Firearms are used to kill, rape, threaten and intimidate women.

When police officers, often traumatised but not counselled, likely versed in

toxic masculinity, are allowed to bring their firearms home, their family and romantic partners are potentially being put in harm's way

On June 27, the Constitutional Court delivered judgment in a case pertaining to domestic violence by a police officer. The court had to rule whether or not the police minister should be held liable when an officer, in this instance Johannes Mongo, shot an intimate partner with a police-issued firearm.

Mongo, while on a break during his shift, had supper with his girlfriend Elsa Booyens's family. After the meal, without warning, Mongo shot Booyens in the face, then turned the firearm on himself, committing suicide. Booyens sustained injuries to her face but recovered. While the majority judgment dismissed leave to appeal, in a minority judgement Justice Raymond Zondo provided analysis that refocused the role and responsibility of police officers in South Africa.

In the judgment, Justice Zondo argues that Mongo and the police minister have constitutional and statutory obligations

towards Booyens "to protect her and prevent harm to her, to respect, promote, protect and fulfil her fundamental right in Section 12 (1) (c) of the Constitution to be free from all forms of violence".

When police officers are issued with firearms, it is their obligation to protect. When Mongo shot Booyens, he violated her constitutional right to freedom from all forms of violence. While Booyens's case is unique, with the deceased having showed no previous violent behaviour, it is reflective of a growing trend in South Africa of police officers committing murder-suicides.

An immediate solution to this problem is for the SAPS to prioritise the mental health of their employees and to take gun control more seriously.

Research by GunFreeSA has found that legal gun ownership significantly increases the risk of intimate femicide-suicide (the killing of a female by her intimate partner followed by the suicide of the perpetrator within a week of the homicide), with two-thirds (66%) of intimate femicide-suicide perpetrators legally

owning a gun. Section 98 of the Firearms Control Act states that members of the SAPS and security company employees "must at the end of each period of his or her duty return the firearm in question to the place of storage designated for this purpose by the official institution".

An exception to this would be permissible only if the firearm permit indicated otherwise.

But this is not standardised practice, or practised uniformly. Police officers who return their firearms to storage before heading home are the exception. In 2012, Parliament also expressed a concern in the rise of SAPS members using their service firearms to commit murder and suicide. Sadly they have proposed few proactive measures to ensure the violence perpetrated by police officers with their service weapons is mitigated.

There is an urgent need to re-evaluate the relationship the SAPS has with the public. What strategy is the SAPS set to employ to combat the violence of gendered crimes? Especially when this gendered violence has been and is being

perpetrated by police members too.

How can a policing service operate effectively if those who it is mandated to protect do not feel safe? What does this mean for women who are in intimate relationships with police officers? What does it mean for the legitimacy of the criminal justice system if women are at the receiving end of violence from police officers, who target individuals with state-issued service pistols?

These are urgent and important questions the SAPS and the state need to grapple with and answer.

As the public, we need to hold them to account. We should do so to ensure greater justice for Elsa Booyens, for every woman who has been threatened with a firearm by an intimate partner and for the families of our policemen and women who live with the impact of secondary trauma and in homes where state-issued firearms are readily at hand.

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