



COSATU

CONGRESS OF SOUTH AFRICAN TRADE UNIONS

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MANYABA RUBBEN MOHLALOGA

Chairperson Portfolio Committee on Agriculture and Land Affairs

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Dear Comrade Manyaba

COSATU CALL FOR WITHDRAWAL OF THE LAND USE MANAGEMENT BILL

COSATU notes that Parliament is under pressure to complete its legislative work by the end of 2008 and will hold minimal sittings in 2009 in the period running up to the country's general elections. Apart from the severe constraints this places on the public consultation process, we are also concerned that in order to meet parliamentary deadlines many Bills have bypassed the NEDLAC process as well as other consultation processes. Accordingly, COSATU is calling for the withdrawal of a number of these Bills especially where these raise substantive fundamental concerns, one of which includes the Land Use Management Bill.

COSATU would strongly support an appropriately formulated Land Use Management Bill that reverses the legacy of apartheid spatial planning, especially if it addresses such adverse effects as economic marginalisation of black communities who are located furthest away from job creating centres, with underdeveloped infrastructure and poor access to public transport, social and basic services etc. We are of the view that land use management reform is fundamental to the promotion of job creation, greater industrialisation, land reform, access to housing and general socio-economic development.

However, noting the following substantive concerns we are unable to support the Bill in its current form:

- The Bill will replace and repeal the whole of the 1995 Development and Facilitation Act, which was *explicitly* aimed at speeding up RDP programmes relating to land and in this regard placed considerable emphasis on land tenure security, small-scale farming and housing in determining land usage. The

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Development and Facilitation Act also provided for a series of procedures to facilitate the conversion of informal land tenure rights to proper ownership.

While we acknowledge that numerous objectives of the Development and Facilitation Act have not been met, we are of the view that this was largely as a result of constraints of the GEAR macroeconomic policy framework. Further within the context of severe service delivery challenges these objectives remain all the more valid today. However, this emphasis is not reflected in the main content of this Bill (despite symbolic references contained only in the beginning of the Bill).

We are of the of the view that despite its laudable objectives the Development Facilitation Act should be replaced since it is outdated and is unable to meet the current service delivery challenges especially taking into account increased rural-urban migration trends. However, the Land Use Management Bill in its current form is not appropriate.

- While the Minister is required to prescribe compulsory norms and standards policies, and frameworks, no provision is made outlining the process or for consulting stakeholders.
- Further we find it relevant that the Bill was drafted in 2001, and therefore reflects the influence and priorities of GEAR, as opposed to more recent policy shifts.
- We note the Polokwane resolution calling for economic transformation "overcoming spatial patterns of economic marginalisation and fragmentation and reversing the geography of apartheid in both urban and rural areas". Here spatial patterns (and the reform thereof) is correctly characterised as one of the pillars of economic transformation. This now poses a challenge for us to define (both legislatively and otherwise) how to give meaning to this resolution as opposed to being bound by the policy orientation that was reflected in 2001.
- Further noting the Polokwane resolution, the Bill does not appear to reflect a vision that could take forward the strategic role that land use management should play in economic transformation. In fact the Bill is more focused on the technical arrangements and procedures that various government spheres must undertake in town and urban planning processes. Clearly lacking is the emphasis on inter-sectoral processes that would be vital to driving reforms in such sectors as housing, industrial strategy, transport, land and agriculture, etc. Further, noting the distinctly different service delivery and infrastructure-related challenges, the Bill does not propose a distinct or separate strategy for rural development.

We have serious concerns with the consultation process of the Bill, which was limited to selected stakeholders (i.e. Government departments, SALGA and professional planning associations with no involvement of civil society) as far back as 2001, with no indication of any further consultation in the intervening seven years hence.

Noting the highly technical nature of the Bill and the constraints of the parliamentary process, and the pivotal role it could potentially play in underpinning the role of the developmental state and economic transformation, we believe that this Bill should be withdrawn to ensure proper consultation with a more representative range of stakeholders, as well as considering other relevant sectoral linkages with for example, industrial policy. Further we are of the view that this Bill (and the broader



land use policy framework) is of such a strategic nature that it should form part of the discussions at the proposed Alliance Summit on economic transformation.

Accordingly we are urgently requesting your co-operation in withdrawing the Bill.

For any clarity please contact the General Secretary or the Deputy General Secretary.

Thank you

Yours comradely

Zwelinzima Vavi
Zwelinzima Vavi
General Secretary

