



"I believe in full participation. We want the Forum to be credible. This means we have to be transparent and there must be no hidden agendas."

Professor Louise Tager is currently chairman of the Land Rights Advisory Forum, set up by the government earlier this year. She was a former dean of the Law Faculty at the University of the Witwatersrand and has been a professor since 1990. She also holds the position of Executive Director of the Law Review Project.

You have been appointed chairman of the Land Rights Advisory Forum. What is the role of this forum and what has it done so far?

Our first task was to expand the membership of the Forum, to bring everybody into the process of looking at land rights, landlessness and farm labour security. We have had one meeting so far, on June 7 1993. The purpose of this meeting was to discuss the administrative transfer of land to the homelands and what the implications of this would mean for our brief. At that meeting, we took a unanimous decision to call for a moratorium on the sale and transfer of all state land. This was with the exception of Mr Bailey, who was absent from that meeting. We are now preparing to get more details from the Department of Regional and Land Affairs about how much state land there is and where it is located.

We have also commenced networking informally with others in various fields with the aim of getting them to participate fully in the work of the Forum. I don't believe in consultation. I believe in full participation. We want the Forum to be credible. This means we have to be transparent and there must be no hidden agendas. I am not involved in any political organisation. We want to have meetings with all the key role players around the issue of land rights.

'No hidden

Who are the other members of the Forum? What are their functions? How were they appointed and what was the basis for their appointment?

The other members of the Forum are:

- Professor Julius Jeppe, a professor at the University of Stellenbosch
- Mrs Esme du Plessis, an attorney from Pretoria
- Mr Herman Bailey, from the Rural Foundation
- Mr Colin Steyn, chairman of Barlow Rand Properties
- Mr Boet Fourie, president of the South African Agricultural Union (SAAU)
- Mr Matome Maponya, president of the National African Farmers' Union (NAFU)

Being very busy people, with other fulltime commitments, none of us has any specific function. We have all agreed to network with people in our respective fields as much as possible so that the Forum can be broadened. I presume the other members of the Forum all have some connection with land issues. The Deputy Minister of Land and Regional Affairs, Mr Scheepers, appointed the members of the Forum.

How does the Land Rights Advisory Forum differ from the Advisory Commission on Land Allocation (ACLA)?

The Forum looks at land rights broadly while ACLA looks at specific cases. When we called for a moratorium

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on the sale and transfer of all state land, the chairman of ACLA phoned me to ask if this would affect ACLA's work. I assured him that it did not and that we expected ACLA to continue to consider land claims.

What is the relationship, if any, between the Land Rights Advisory Forum and ACLA?

Other than this point of clarification, the Forum and ACLA have not had the need to relate as yet.

You have called for a moratorium on all land transactions involving state land, including transfer of state land to joint homeland/SA control. Does this mean that joint administration land transfer deals should be reversed?

The call for a moratorium means that until such time as there is a representative body, such as the National Housing Forum that can discuss the issue of land rights, state land should not be alienated. We are not even talking about a new government, simply a representative body.

What is the current status of the agreements concluded with homeland governments around joint administrative control?

I do not know what the status is of the joint administrative transfer deals concluded last year. I understand there is a Bill before parliament at present

which will give legislative effect to the agreements. I don't know if anything has already been implemented in terms of those agreements. I am unsure about what the land transfer deals actually mean. The Forum wants clarity on this. We see this trust land as good agricultural land where black farmers could derive benefit and become more than subsistence farmers. However, once this trust land is transferred out of the current control exercised over it, it will no longer be a resource which is easily available. If the Forum has to address landlessness where would we look if state land has been alienated? In the third interim report of the Goldstone Commission, the Commission called for the suspension of the transfer of further state and trust land to the homeland governments. We felt that there was little practical difference in the transfer of title to the homelands and transfer of joint administration.

If the joint administration deals have already been implemented there may be little that can be done. Calling for a reversal of agreements already implemented was not contemplated in our call for a moratorium. If we got to hear of cases where the joint administration transfer deals have been implemented we would want to ask questions.



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What do you believe should happen with the almost 3 million hectares of state land transferred to the homelands in March 1992?

I am unaware that 3 million hectares of state was transferred to the homelands in March last year. I was always under the impression that incorporation had stopped some time ago.

What should happen in cases where state land has been sold to private owners, such as in the Majeng community's case where the land they were claiming through ACLA was hurriedly sold to six white farmers?

I am unaware of the Majeng case. I understood that ACLA had been set up to deal with such cases. If something like this came to the Forum we might take it up, talk to ACLA about it. We feel strongly about being an independent committee which involves all other interested parties. We would appreciate this community and others who have had similar problems sending us information so that we can investigate the problems further.

AFRA has tried, in vain, to establish from the government how joint administration of state land with homeland governments would address land hunger or have actual benefits for communities. How do you understand the government's plan to implement joint administration of state land

with the homeland governments?

I am very confused about the joint administration plans. I thought we were moving into a new constitutional framework.

If regionalism is contemplated or even federalism, the continuation of current structures is still very hard to understand.

What is the state of negotiations around the transfer of state land in Natal to KwaZulu?

I have no idea about what is happening with state land transfers to KwaZulu. I thought a similar agreement had been reached with KwaZulu as was reached with the other homelands. The Forum is arranging to get a senior official from the Department of Regional and Land Affairs to brief us on what is happening around state land.

Why are you calling for a freeze on all land transactions involving state land?

Our brief cannot be properly addressed if this state land is alienated.

In December 1992, the Goldstone Commission recommended that such land transfers be halted. A wide range of organisations which work in the area of rural development and land rights also called for a moratorium on the sale and transfer of state land. Yet, in his statement about the establishment of the Land Rights Advisory Forum, Mr

Scheepers reiterated the government's opposition to the call for a moratorium on the sale and transfer of state land. How do you intend to ensure that such land deals are frozen?

We can only say what we think. We don't have any power. We hope that the government will listen to our request.

What do you see as the main challenges facing the satisfactory resolution of land rights in South Africa? What are the types of mechanisms, in your opinion, that should be set in place to assist the process of extending land rights? What is your opinion of the concept of a land claims court to resolve land claims?

Unless the Forum is able to bring everybody together for deliberation, it won't be able to go far at all. I am not in favour of administrative processes to address land rights, because of the history of what has happened in South Africa. I am in favour of resolving land rights issues through negotiation, and, failing that, a judicial process, such as a land court. Such a court could deal with a range of land issues.