

THE MECHANICS OF INTERVENTION AND THE GREEN PAPER ON LAND REFORM

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SUMMARY

The South African land control system has always, to some extent, been interfered with by government. Interventions in the course of the twentieth century in particular have resulted in an unequal, fragmented and diverse land control system. The law has been integral to this process. Since 1994, within a constitutional paradigm, interventions have been aimed at untangling the complex web of land-related measures so as to affect an equitable, co-ordinated and less complex land system. In this process law - including policy documents, plans, programmes and legislative measures - is again integral. The aim of this contribution is to ascertain whether, under the present government, the mechanics of intervention within the land reform arena have resulted overall in a sensible, workable framework within which challenges and weaknesses linked to land reform can be addressed effectively. In this regard both the structural and material dimensions of recent interventions are set out. Within this context the most recent intervention dealing with land reform in particular, the *Green Paper on Land Reform* of 2011, is placed in perspective and investigated further in light of the recent National Development Plan. Specific themes that have resonated in the recent mechanics of intervention, as well as the persons and communities who stand to be affected by them and the possible extent of their collective impact, are thereafter discussed. Due to the general vagueness of the *Green Paper* and its lack of depth and detail, the extent of the impact of the recent measures cannot be ascertained fully. The alignment of the new bodies and institutions proposed by and their contribution to actually addressing the challenges identified in the *Green Paper* are furthermore problematic and disappointing. Excluding vast portions of rural land comprising communal areas from all of the recent tenure-related measures is especially disconcerting. Clearly, huge gaps prevail in the resultant framework. Overall, the analysis of the recent structural

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and material dimensions of the recent mechanics underlines that further engineering is urgently required.

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