

## Of Poverty and Privilege: beware Hypocrisy, beware Grandstanding

Those famous words “all men are created equal” are not from the Bible. They were penned by one of the most brilliant men in all of history. He spoke eight languages; he had the wide-ranging interests of a Renaissance man; he built a university in Virginia. But even a bright light like Thomas Jefferson recognized the implicit hypocrisy in his staunch opposition to slavery – while he himself owned slaves on his Virginia plantation. He excused it as an irreconcilable clash between justice and self-preservation.

It was he who wrote the Declaration of Independence in 1776. Like our Freedom Charter, this anchors the Constitution, which was written later, in 1787. He was also on the team that wrote the first Constitution of a democratic republic. That became a model, replacing older landmarks like the Magna Carta, the Torah and even Hammurabi’s Code as the charter guaranteeing justice and freedom for citizens. Hammurabi was the first to accept that even the supreme ruler is under the Law. Yet in the 230 years since Jefferson and others wrote that mother-of-all-constitutions, it has been amended 27 times. That averages one amendment every 8.5 years.

In South Africa it seems that no one wants to amend the “never-again Constitution”. Whether to outgrow the PR system (proportional representation) or to allow the State to expropriate land without compensation, it seems that the Constitution is un-touchable. Even though people like Cyril Ramaphosa, Thuli Madonsela and Rolf Meyer – who we can thank for drafting it – are still around and politically active.

After this week’s budget speech for the Presidency, there was a heated exchange between President Ramaphosa and Julius Malema of the EFF. Ramaphosa implored local municipalities to “release” land legally to poor people for housing. But he warned citizens against occupying land illegally. This prompted an outburst by Malema, who publicly encouraged poor people to grab unused, unproductive, vacant land. He claimed that it belonged to them (morally). For saying this, the Speaker asked his party to leave the National Assembly. It was a graphic confrontation of the Rule of Law and the Occupy movement. Between self-preservation and justice.

It rather looked like the EFF gave up some of the high moral ground that it has held for several years. It has served with distinction to oppose and root out corruption and patronage. But now that the State has an honest leader, making a brave effort to put things right, suddenly the EFF outburst was cast in a different light.

The ruling party has recognized that there is a huge distinction between the rural and urban demand for land reform. In urban areas, the focus is on housing, and thus the amount of land required is relatively small. Whereas in rural areas, the focus is on land for farming, so larger acreages are needed.

In both settings, land without other inputs is useless. For housing you need roads, water, waste as well as schools and clinics nearby. For farming you need equipment, inputs and know-how.

This very same week saw violent clashes between Abahlali and the Anti-Land Invasion Unit in Clare estate. S’fiso Ngcobo, Abahlali’s chairperson in eKukhayeni, was assassinated. Ndumiso Mnguni’s house was torn down, he went to try to recover some possessions. He was shot by the A-LIU and landed in

hospital, gravely injured. The very existence of an Anti-Land Invasion Unit within SAPS is clear signal that government is serious about the Rule of Law.

On the other hand, Premier David Makura of Gauteng is leading this new strategy of “land release”. In his speech in Parliament, the President implored other LMs to follow suit. To find land that belongs to government or SOEs that is vacant and unoccupied – and to “release” it to poor people *for housing*.

There is already a Not-in-my-back-yard (NIMBY) response – and not only from white rate-payers. Black homeowners in Soweto have been very vocal against random land occupation adjacent to their neighbourhoods.

In terms of proportions, there is no research that measures the number of those who need building plots around cities, compared to those who need land for farming in rural areas.

The EFF’s case all along has been to expropriate land from white farmers, to hand over the “means of production” to blacks – for farming. Opponents like Agriforum have argued that these black farmers will not be equipped or have the requisite services to succeed. So they will end up just selling off the land, which is what 75 percent of those who have settled Land Claims since 1994 have done. The white farming community has raised concerns about the effect that this can have on Food Security.

But we are left with an unknown, and people are naturally afraid of the unknown. What are the proportions? How many poor black people actually want land to farm? Is the 4 500 hectares of land that government already possesses for this purpose not enough?

And going deeper – whose land will be expropriated? Surely not all land is needed! So who will have to give up land, and who will get to keep it? Will they cast lots? Draw straws? Will black farmers lose any of their land? Or will every white farmer have to give up, say, ten percent of their land? That would be a very expensive proposition which would only serve land surveyors and urban planners well! But if only one farm out of every ten farms is needed, then how do you decide which one? Who decides? Will this play out like Zimbabwe, where land confiscation became a way to settle personal scores?

And who will check if some corrupt beneficiaries don’t get more than one plot of land, as was the case in Zimbabwe, while others waited in line for an allocation? We all know how the patronage networks operate. Can this government be trusted to referee such a Year of Jubilee?

Worst of all is the opportunism inherent in the dialogue looking for a Solution. Some call it “grandstanding”. Here is the thing to remember – “politicians think of the next election, whereas statesmen think of the next generation”.

Are we already seeing, in the ANC’s calls for “land release” in urban areas, a way of countering the threat of EFF succeeding at the polls in 2019? Is the hunter now being hunted?

When the EFF walked out of Parliament this time, it seemed a bit hollow. In the past, it always looked principled and gained them the high moral ground. But the President’s call for “land release” by LMs and a stern warning against illegal occupation actually stole the EFF’s thunder.

Opposition leader Maimane says that we must deal with white privilege as well as black poverty. Both are a problem indeed. And both need to be addressed. One suggestion has come forward, for example,

that Inheritance Tax be increased to such an extent that the State steps in at that point to essentially confiscate land that can then be re-distributed.

More radical suggestions – like nationalization of all land – mean that whoever is occupying it (and for whatever purpose) pays rent to the State. Raising the resources needed to provide more developmental assistance to the poor. Mozambique's Land Act is something like that, and functions with Democracy. But it doesn't function very well, to be honest.

But radical change like that will require constitutional amendments. Which brings me back to the American Constitution and its 27 Amendments in 230 years. At that rate, we could have amended our Constitution three times by now! So we need to put less emphasis on the next election, and more on the next generation. We need less grandstanding, less hypocrisy, and better research to support informed decision-making.

Jefferson was right – *all men are created equal*. Another hypocrisy was that he and the fathers of Constitutions everywhere forget to mention that women are also equal to men. We are all South African citizens, there is no exception. So we have to change both poverty and privilege.