

## Editorial

PER 2014(17)2 Editorial Special Edition

On Friday 27th July 2012 the conference on the "Green Paper on Land Reform: Challenges and Opportunities" was held at the Hakunamatata Estate in Muldersdrift. The conference was a joint project by the Konrad Adenauer Foundation (KAS) and the Faculty of Law, North-West University. While the main focus of the conference was on the specific issues raised by the Green Paper on Land Reform of 2011, it also addressed current and contemporary issues relating to the Land Reform issue as experienced in South Africa.

Papers were delivered on various aspects of land reform relating to or arising from the Green Paper on Land Reform, 2011. The programme included a large number of excellent and thought provoking papers as well as a number of panel discussions that resulted in enthusiastic audience participation. Of these, the following papers and presentations were collected, evaluated and published in this special edition of PER. The first contribution by [Wian Erlank](#) (North-West University) gives an overview and discusses the challenges the Green Paper on Land Reform bring to the fore. It sets the stage for the publication at large. This is followed by [Juanita Pienaar](#) (University of Stellenbosch) who deliberates on what she calls the "mechanics of intervention" and the Green Paper on Land Reform. [Henk Kloppers and Gerrit Pienaar](#) (North West University) gives a historical context of land reform in South Africa and early policies; and [Henk Kloppers](#) then considers Corporate Social Responsibility (CSR) in the context of land reform. He is followed by [Hanri Mostert's](#) (University of Cape Town) contribution on land as a 'National Asset' under the *Constitution* and what this system change envisaged by the 2011 Green Paper on Land Policy means for property under the *Constitution*. [Elmien du Plessis](#) (University of Johannesburg) article on the lack of direction on compensation for expropriation in the 2011 Green Paper on Land Reform. This special edition ends with [Motsepe Matlala](#), the President of the National African Farmers Union gave an illuminating oratio on the opportunities and challenges of the 2011 Green Paper on Land Reform for the National African Farmers Union (NAFU SA).

The timing of this edition is fortuitous, since a follow-up to this conference was held at Hakunamatata, Muldersdrift on 19 and 20 June 2014 with the specific focus on Land Reform and Food Security.

More on the theme.

The contributions contained in this special edition provide an extensive overview of land reform, especially in their introductory sections - before delving into the more technical aspects. However, a very brief note on the issue of Land Reform in South Africa might be beneficial for foreign readers. As in most other areas of the world, ownership of and access to land is an important issue in South Africa. This is especially topical in South Africa due to the fact that the racial segregation policies and laws of the past had the effect of removing people from their land, of restricting their access to land, and also in most instances of prohibiting their ownership of land. Ever since the abolition of "apartheid" and the introduction of the new, democratic dispensation, the initiative of "land reform" has been identified as requiring active promotion in order to address these injustices of the past. Mandated by the Constitution and implemented through legislation, the South African Land Reform Programme has seen many developments over the past few years. While it is clear that much has been done to address these issues, it is also clear that current land reform strategies have not have the intended effect and would need to be adapted before this important programme is resumed. The Green Paper on Land Reform of 2011 is one of the instruments that has been used to create new interest and public engagement both in Land Reform, the development of

better public policy and - eventually – of legislation. In the context of this brief description of the existing situation, this issue focusses on the most pressing aspects of land reform at the moment.

Edition Editor:  
Dr Wian Erlank