

breaking ground

review Land Reform Policy

Rob Dow reviews

The book *Land Reform Policy, The Challenge of Human Rights Law* by Ben Chigara, professor of international law at London's Brunel University, is an attempt "to formulate and recommend a juridical model for the resolution of past and continuing social injustices that are rooted in colonial or some other experience of States".

Chigara's particular interest is the situation surrounding the South African social development treaty. In the book he discusses the many issues of reforming rights of ownership and access to land within the region.

The author reviews the effects of colonialism on the original patterns of land use practised by indigenous populations. He discusses rights of access to land in what are for the most part agrarian economies.

That Chigara's first points of reference (the frameworks of international and developing human rights law) are not sufficient for the purpose is neatly illustrated by his account of the age-old African concept of 'humwe'. Humwe is a philosophy of the relationship between people and land. It rejects private property rights. It requires that "those holding land beyond their need/use should accept that the poverty of land of their fellow countrymen in the midst of their excess of it dehumanises themselves." It connects the rights to land of successive generations.

That account and his references to philosopher John Rawls' 'original position', where justice is created by humans deprived of the ability to seek personal advantage from it, are useful reinforcements to the thinking of Henry George.

While the book is useful reference material, it should have been much better proofed and edited to serve adequately this complex and interesting subject.

The book left me wondering whether we can ever expect politics or law to deliver justice, riven as both are by so many different creeds and faiths. I was reminded that no government can give humans more rights than those they are born with.

Ashgate, 2004. ISBN 0754622932

European Social Forum London

Jon Mendel on land rights and human rights at the ESF

More than 20,000 people from almost 70 countries spent a long weekend together in London to discuss how another, better world might be possible. This third European Social Forum



was made up of hundreds of seminars, lectures and cultural events, both as part of the 'official' forum and on the 'fringe'. Thanks in large part

to the presence of the Henry George Foundation and the Labour Land Campaign, it also had a noticeable land reform component.

The LLC led a seminar on housing problems in the UK. Delegates heard how how taxing land values could help to make quality homes more affordable.

In partnership with the LLC and the food rights group FIAN, the Henry George Foundation presented a seminar on land rights and human rights - looking at the links between our rights to life and dignity and our rights to land. Throughout the three day event, LLC ran a book stall offering a wide range of literature. As well as the georgist presence, there were countless other seminars on issues such as international wealth distribution, genetic modification and patenting, the global commons and many more. Issues of land rights - even if those discussing them did not talk about 'land' - received a great deal of attention at the Forum.

One memorable moment came from the occasion which ended the forum - a remark overheard at the massive anti-war and anti-capitalist march through central London: when asked why he was walking with the communist section of the protest, one marcher replied "I'm just with them to get somewhere else".

There was much about the Social Forum which was out of harmony with the georgist paradigm. But even those who disagree vehemently with much that happened at the European Social Forum could benefit from walking with new companions. We have to be with them to get them somewhere else.

letter from the editor

Fred Harrison's forecasted economic depression for 2010 may ease the problem of house affordability - albeit at a heavy cost elsewhere to society. But the UK government, recognising that affordability remains a serious problem, has launched *Sustainable Communities: Homes for All* - a "five year plan offering everyone the opportunity of a decent home at a price they can afford."

One key aim is to lower the first rung of that hankered-after property ladder. The plan is to construct around 80,000 new homes with "about 30% ... built to a target cost of £60,000". The government selling price will equal the construction cost only: the cost of the land beneath the houses will not figure. Purchasers will acquire 'shares' in the property's bricks and mortar: the land will be held in trust. It seems the government has seen that land is the key.

On the apportionment of the equity, the plan proposes that "the share of the home the buyer purchases will, at a minimum, need to be large enough to cover the home's construction costs. The landowner will retain a share worth up to the full value of the land."

Most of the homes will be built on "surplus" public land. "When buyers move on," according to the plan, "the landowner will have first refusal to buy back the home so that it can be used to help another first time buyer". It adds "any increase in the value of the share they own can be used to help them move on as their housing needs change". But any change in the bricks and mortar value is likely to be small, certainly in comparison to falls or rises in the land value.

The proposal is an attempt to neuter rent. It seems the government is willing to write-off the land values created by public investment in services and infrastructure.

The question of how these houses are exchanged from the first owner onwards is a pertinent one. If they were re-allocated by some bureaucratic method then the houses would remain 'affordable' - but simply because individuals would be unable to exercise preference in a market situation. On the other hand, if these properties were to be bought and sold freely on an open market, then there will arise, no matter the tenurial arrangements in place, a premium to be paid for the most advantageously located houses. It does seem that the second, market, solution is the one which will operate. Unless the land share holder's right of preemption is systematically exercised, effectively acting as a market spoiler, the paying of a capitalised sum (for rent) will continue. Affordability will evaporate - near-instantly - as first purchasers cash-in a publicly-funded windfall gift.

But if preemption is operated, then the scheme is effectively a return to the realms of feudalism: though statist or corporate feudalism. Without radical action to eliminate the capitalisation of location values, those land interests will burgeon in asset value. The massive aggregate value of the land beneath those 'affordable' homes, lying somewhere on the public accounts, will surely come to the attention of a future chancellor. Right to buy will be extended again, and the government's land interest equity will be disposed of. Land assets will be transferred, into corporate hands. Publicly created land value will slip further from the hands of the community.

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