LAND REFORM

Land Reform – ANC To Amend Constitution

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- The ANC has been embroiled in an internal debate on how to operationalise the resolution it took in its 54th National Conference in Nasrec, to expropriate land without compensation in December 2017.
- The Nasrec resolution was followed by a Parliamentary motion mandating Parliament to explore whether or not section 25 of the Constitution ought to be amended in order to make it possible for the State to expropriate land without compensation. The Parliamentary process was led by the EFF and supported by the ANC and a majority of the parties in Parliament, with certain amendments and caveats made by the ANC adding that expropriation without compensation must be done in order to promote food production and agricultural reform.
- The ANC thereafter internally held a Land Summit which I was invited to and attended, where there divergent views, on whether or not section 25 of the Constitution, as it stands, is adequate for purposes of expropriating land without compensation.
- Parallel with the ANC internal processes on this issue, Parliamentary public hearings have been taking place in various provinces, where the public is giving input on whether or not section 25 ought to be amended. The public hearings were followed by a public process in terms of which written submissions were invited from the public.
- President Ramaphosa then appointed an Inter-Ministerial Committee in July to deal specifically with the issue of Land Reform.
- The ANC held its lekgotla on 26 July to 31 July, the result of which is that the ANC has now adopted a position that it will move to amend the Constitution. The ANC move, does not affect the Parliamentary process currently underway.
- The Joint Parliamentary Committee will be expected to report back on the parliamentary process on 28 September 2018.
- Ultimately, there will have to be a proposal on the proposed wording of the Constitution and such proposal will have to be implemented by way of a two thirds majority in Parliament. The latter will be a process and it is anticipated that opposition parties will challenge the motion in Parliament.



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