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MINI PLENARY SESSION – OLD ASSEMBLY CHAMBER

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PROCEEDINGS OF MINI-PLENARY SESSION – OLD ASSEMBLY CHAMBER

Members of the mini-plenary session met in the Old Assembly Chamber at 10:01.

House Chairperson Ms M G Boroto took the Chair and requested members to observe a moment of silence for prayer or meditation.

THE HOUSE CHAIRPERSON (Ms M G Boroto): Members of the gallery, you are not allowed to participate in the processes of the debate. The participation includes taking of photos using your phones, cameras or Tablet, and the clapping of hands. Unfortunately that is not allowed. However, we really welcome you, and we acknowledge your presence.

I can still see some cameras being used. Please let that not happen. We have already started.

APPROPRIATION BILL

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Debate on Vote No 39 – Rural Development and Land Reform:

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon Chairperson, hon Ministers, Deputy Ministers, Hon Members of Parliament, ...

Sepedi:

... ba ka difokeng – batho ba mafaseng a matelele,

English:

... officials of the department, our partners and stakeholders in Rural Development and Land Reform, distinguished guests, fellow South Africans, ladies and gentlemen, I am honoured to present the Budget Vote speech of the Department of Rural Development and Land Reform in the year that we celebrate the centenary of the birth of the father of our nation, Nelson Rolihlahla Mandela, and Mama Albertina Sisulu.

It is in the year when we commemorate the centenary of Madiba that we should remember, the first law to be passed by the first democratically elected Parliament in 1994 was the Restitution of Land Rights Act, Act 22 of 1994. This was done with the conscious acknowledgement of land justice. It is important to deal with the challenges of poverty, unemployment and inequality.

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In 1995, barely a year into our democracy, Madiba recalled that, and I quote:

With freedom and democracy last year, came restoration of the right to land. And with it the opportunity to address the effects of centuries of dispossession and denial.

At last we can, as a people, look our ancestors in the face and say: Your sacrifices were not in vain.

Madiba understood the importance of ensuring that land is returned to the dispossessed masses of our people. He understood that land redistribution, restitution and security of tenure are important elements of the covenant to build a society in which all South Africans - black and white- will be able to walk tall assured of all their inalienable right to human dignity.

During the handing-over of land to the Cremin community in 1998, Madiba reminded us, and I quote:

South Africans have fought wars with each other over land. Bitter feuds have raged. People have died for it. In this regard, South Africa is no different from most countries in the world. But in our country, the dispossession of land was also

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part of the oppressive apartheid system that set us one against the other. By making most South Africans landless in the country of their birth, that system produced inequality, division and poverty.

The 54th ANC conference resolution on land expropriation without compensation brings into sharp focus the challenges of land reform, including the slow pace and high land prices that distorted the land market impeding speedy redress of land imbalances.

In his first state of the nation address, President Cyril Ramaphosa committed the government to accelerate the land redistribution programme not only to address a grave historical injustice, but also to bring more producers into the agricultural sector. Our people are sick and tired of belonging to the second economy as they used to be second class citizens in their country. They now want to be main players in the economy of South Africa because land is an economic asset. It should not just be about ploughing potatoes and standing on the corner of a street boiling a bag of peanuts that rots and then you go back home. But we should go into the mainstream of the economy. Land is an economic asset. So, it will mean that we will live, play and be educated where we want to be because that's what our freedom is about. [Applause.]

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In this context, the President committed the government to pursuing a comprehensive strategy that makes effective use of all mechanisms at our disposal, and that this strategy will include consideration of expropriation without compensation in light of the resolution of the conference of the ruling party.

During the debate, the President further emphasised that the dispossession of land through the Natives Land Act of 1913 was just another thorn in our flesh. He refers to it as an original sin. The international community, through the United Nations, refers to it as a crime against humanity.

In line with the parliamentary process now underway, we are appealing that we all participate in the constitutional review process because it's a parliamentary process on the issue of expropriation of land without compensation. Our department will contribute to this debate, including providing our position on the modalities and policy implications.

In pursuit of radical socio-economic transformation, we are determined to ensure that land ownership becomes an economic asset for our people. While the parliamentary process unfolds, the department will continue to advance land reform through existing programmes of land restitution, land redistribution and land tenure

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reform using the existing constitutional provisions to argue for limited compensation, including in cases such as the return of land to labour tenants and farm dwellers. Through the establishment of land valuer-general, we utilise the current provisions of the constitution to begin to yield positive results so that we do not speculate on this very emotive issue of land.

We intend to introduce in this financial year the Regulation of Agricultural Land Holdings Bill which, if implemented in conjunction with the Property Valuation Act of 2014, will give impetus to section 25 on the principle of just and equitable compensation. The Regulation of Agricultural Land Holdings Bill seeks to provide a framework to introduce land ownership ceilings on agricultural land.

We will continue to use the full potential of existing laws to fast-track rural development and land reform. By the way rural development doesn't mean that where black people live is rural and that where people of other colour live is where the real economy happens. It is provision of urban infrastructure in rural areas so that our people can also join "uhuru".

Hon Chairperson, the current unlawful land occupation we have observed across the lengths and breadths of our country is a reflection of the frustration of our people with the pace of land

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reform. When we were young during apartheid, when there was talk of unemployment, it meant men. So, when we talk of landlessness, you have not even started touching the landlessness of women. This is the time when women – who make the majority of the population of this country – and our youth – our future in this land of our ancestors – become the future of the economy of this country. [Applause.] They will be skilled. They will use modern implements, and they will go back and use their land as we have borrowed it from our forbearers and keep it in trust for our future.

The fundamental question we must continue asking ourselves is how do we quicken our steps in opening up the economic gates. We must open them fully and make the citizens of this country from whichever corner they live full participants of the economy of this country through land redistribution.

To improve efficiencies in the land restitution programme, we commit to strengthening the capacity of the Commission on Restitution of Land Rights. This includes consideration of a suitable operating model, a redesign of the claims process to reduce unnecessary bureaucracy mechanism and to fast-track the settlement of claims. Let's do away with speculations, please; it's not fun.

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Hon members, to date we have settled 80 664 claims benefitting 2,1 million beneficiaries at the cost of R40 billion inclusive of financial compensation to beneficiaries. A total of 163 463 of these are female-headed households. To date we have restored 3,5 million hectares of land which can be used as a catalyst to change the lives of our people.

In this financial year, we will pursue aggressively the strengthening of integrated development to ensure that land access yields broader economic spin-offs. The Communal Property Association in the areas where it has been successful continues to record profits and has been exporting their produce. Like the Communal Property Association we successfully undertook in the Ravele area in Vhembe, they continue to export their produce even to overseas countries like Europe, China and other markets. Our challenge is to ensure sustainability of these successful examples of land restitution and to replicate it so that it becomes the norm and not an exception.

The land redistribution programme remains key to providing access to land to the previously disadvantaged persons. Since 1994, through the land redistribution programme, we have acquired 4,8 million hectares of land at a cost of R17 billion. Of the 4,8 million hectares, 4 million is agricultural land, and 779 000 hectares was

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land acquired and allocated to labour tenants and farm dwellers for tenure reform purposes. The department has recapitalised 1 675 farms equating to 1,5 million hectares at a cost of R4,8 billion. During this current financial year, the department plans to acquire 98 100 hectares of land through the pro-active land acquisition strategy, financial partnerships and Operation Phakisa initiatives. We had many white-owned land farmers who started coming to us to say they were prepared to participate more into this. They are more than welcome because this is our land.

Finally, the department will pilot 18 farms to support the accelerated land development and redistribution initiative in support of the peri-urban agriculture and the revitalisation of rural towns. The total budget of R1,2 billion is set aside for the acquisition of land to support these programmes.

Governance issues in communal property associations have been one of the key challenges affecting sustainability of the land reform programme. We have recently tabled the Communal Property Associations Amendment Bill, and we hope progress in its enactment will be made in the current financial year. The Bill provides for the establishment of the office of the registrar, which will improve the capacity to monitor, train and deal with conflicts that may arise.

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It is shocking that in 2018 – 24 years after we achieved democracy – illegal evictions and human rights abuses on farms still persists. It has recently come to my attention that in some parts of our country, people still face the indignity of not being able to bury their loved ones on the land they have resided on for most of their lives. These kinds of incidents undermine the land rights culture we are trying to instil. In this regard, we will focus on improving the security of farm dwellers through the amendment of Extension of Security of Tenure Act.

In the state of the nation address, the President instructed that an assessment of all farms acquired through land reform programmes should be done. Hon Chairperson, I am pleased to announce that we have already embarked on this exercise with regard to land acquired through proactive land acquisition strategy. To date we have finalised the assessment of the Western Cape province. Work in all other provinces is underway, and it is intended to be completed by November 2018.

The results of this assessment will assist government in accelerating development support for economic transformation through identification of training requirements, socio-economic conditions and infrastructure support.

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The department completed the state land audit in 2012. Early this year we released Phase 1 of the private land audit. Although there may be certain limitations to the data provided regarding race disaggregation, it provides a stark picture of the inequality that still perpetuates in our land ownership patterns. The report is very clear that regarding individual land ownership, black South Africans still lag far behind and own only 4% of land.

The next phase of the audit of private land will focus on disaggregating information regarding ownership of land by companies, trusts, banks, community-based organisations, etc. This phase will commence in the current financial year, and we will work with other key stakeholders to access the necessary information which we believe will contribute to the modalities of land reform. However, as South Africans, we must accept that even without the finer details that will come forth from this phase of the audit, only 10% of the 82 million hectares of agricultural land has been redistributed since 1995. This means we have not yet managed to redress the landlessness caused by apartheid. It means we have not brought to fruition the covenant that Madiba spoke about – the covenant to build a society in which all South Africans – black and white – will be able to walk tall and assured of their inalienable right to human dignity.

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To contribute to improved land administration and economic transformation, the department initiated the alignment of deeds registries areas of jurisdiction to provincial boundaries programme in 2014. It is aimed at aligning the deeds registries areas of jurisdiction to provincial demarcations as articulated in section 103 of the Constitution, and to ensure that each deeds registry services the province in which it is located, making it accessible to clients. Under this programme, the department has already achieved significant milestones, amongst these being the establishment of the Limpopo Deeds Office in Polokwane on 3 April 2017, the separation and transfer of all physical and electronic Eastern Cape records from the Cape Town deeds registry.

Hon Chairperson and hon members, rural development remains key to economic transformation of the poor in rural areas. To this end, 5 448 jobs were created through rural development programmes in the past year – not temporary jobs, but permanent. For 2018-19, we will focus on bringing this into operation in the nine rural economic zones originally anchored and pursued under the agri-park programme. Agri-park should simply be linked to integrated human settlements. They must not be in isolated pockets where people work somewhere and get transported somewhere else overnight. Where they work plays a role as participants in the economic wellbeing of this country. The key aim of this initiative is to ensure that our people continue to

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be players – as I said – in the economy. In my mother tongue they say ...

Sepedi:

... tau tša hloka seboka di šitwa ke nare e hlotša.

We don't have any other way in which we can present this rather than to say South Africa has resolved very difficult political questions started by apartheid because we had no foreign assistance or intervener to come and negotiate a political settlement on our behalf. We did this ourselves. We have an opportunity to do that again. I hereby present the budget for 2018-19 with your support. I Thank you. [Applause.]

IsiXhosa:

Mrs N W MAGADLA: Ngaphambi kokuba ndithethe malunga ngokwenzayo kwiSebe lezoPhuhliso lwamaPhandle noHlengahlengiso lwezoMhlaba, mandikhumbuze uluntu kancinci ngokubaluleka kwalo nyalo nyaka wama-2018. Kulo nyaka sikhumbula kwaye sibhiyozela amaqhawe ethu kwihlabathi liphela, uNelson Rholihlahla Mandela, aah Dalibhunga nomama u-Albertina Sisulu, malibonge! Siyambulela uThixo ngabo.

English:

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The department draws its mandate from the sections 24, 25 and 27 of the Constitution of the Republic of South Africa, which addresses three rights and that is the right to equitable land access, tenure that is legally secured or comparably redressed and rights to restitution.

The ANC 54th National Conference noted that “despite the economic advances of the past 23 years of freedom and democracy, the legacy of colonialism and apartheid is still deeply entrenched in our society and in the structure of the South African economy. This legacy expresses itself in racialised patterns of poverty, inequality and unemployment, in land and spatial disparities, in infrastructure and service backlogs”, which are more entrenched in rural areas. It therefore, amongst others, made the following resolutions on rural development and land reform, that: We must pursue with greater determination the programme of land reform and rural development as part of the programme of radical socio-economic transformation. Expropriation of land without compensation should be among the key mechanisms available to government to give effect to land reform and redistribution.

In determining the mechanisms of implementation, we must ensure that we do not undermine future investment in the economy, or damage agricultural production and food security. Furthermore, our

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interventions must not cause harm to other sectors of the economy. The conference also reaffirmed ANC's adoption in Mangaung of the National Development Plan, NDP, as our guiding programme for accelerated and radical socio-economic transformation in South Africa. These resolutions were reiterated by our President, His Excellence, President Cyril Ramaphosa during the state of the nation address in February 2018. He said that "government would accelerate land redistribution programme not only to redress historical injustice, but also to bring more producers into the agricultural sector and to make more land available. It would also pursue land expropriation without compensation guided by the resolutions of the 54th 'National Conference of the ANC'".

However, this would be implemented in a way that increases agricultural production, improves food security and ensures that the land is returned to those from whom it was taken under colonialism and apartheid.

The Annual Performance Plan, APP, and budget of the department - As reported in the committee report tabled in this house, the programmes of the department are aligned to the ANC-led government priorities outlined in the NDP and 2018 state of the nation address. The programmes also respond to the relevant Operation Phakisa initiatives as the Minister has alluded to, especially in

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acceleration of the settlement of land claims as well as redistribution of land. However, the major concern is whether there is appropriate capacity in the department to deliver on these priorities.

It has been raised in the report and by many nongovernmental organisations, NGOs, that the budget of the department does not talk to the urgency to accelerate land reform, as it constitutes about 1% of the fiscus. It is mentioned in the report that the continuous real terms decline of budget of the department could potentially affect service delivery amid growing calls for acceleration of the redistribution of land through expropriation of land without compensation.

The decline in the budget for the department should be understood within the economic situation in the country. Due to insufficient economic growth, which implies constraint of funding for government, Cabinet has approved a budget cut of R725 million. All programmes were affected by the cut but the Department of Rural Development Programme, with a nominal budget decrease of 4.8 per cent in 2018/19 compared to 2017/18 is most notable.

Despite these reductions, the department expects to ensure service delivery through reprioritisation of funds from non-core programmes

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to critical areas, and intensify its implementation of cost containment measures on non-core services.

With regard to personnel, it is of concern that there is a decrease in the number of employees for the department. This decrease has a potential to affect service delivery. Further, due to high staff turnover, over 58% of all top management positions of the department were occupied on an acting basis which could affect decision making on key service delivery issues. Such could further be compounded by the vacancy rate of 13.22% in the administration programme. This is 3% higher than the acceptable 10 per cent vacancy rate.

It is on these bases that the committee has recommended that the department should ensure that all vacant positions in senior management level are filled by the end of the first quarter of 2018-19. Further, the department should engage the National Treasury on funds required to accelerate the process of land reform, in particular the finalisation of land claims.

With regard to policies and legislation, it is good that the department is developing policies and pieces of legislation over the medium term in line with directives of the ANC, such as the Regulation of Agricultural Land Holding Bill, 2018, which seeks to place a ceiling on land ownership and prohibit land ownership by

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foreign nationals. However, there is still no overarching policy framework that creates linkage among various policies that have been created over the last five years.

In addition, the silence of the departments APP on expropriation of land without compensation could be an indication of lack of policy, which needs to be addressed. Therefore, it is recommended in the committee report that the department should start a wide consultation process on national land and agrarian reform policy whose outcome is a framework policy document. Thank you Chief Whip for the workshop that you were talking about.

The policy document must ensure policy coherence and clarity coherence and guide the state in the implementation of land reform including governance and administration. Further, the department, working with the Office of the Valuer-General, OVG, must develop a policy position regarding the expropriation of land in the public interests, taking into consideration the state of the nation pronouncement around expropriation of land without compensation in a manner that does not harm the economy and food security as the Minister has alluded to.

Chairperson, lastly, we have the Commission on Restitution of Land Rights, the main finding by the committee is the failure to finalise

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the transition of the commission to being an autonomous entity reporting directly to the Minister. This means that the commission continued to operate as programme 4 of the department, which is inconsistent with the legislative intentions under the Restitution of Land Rights Act, No. 22 of 1994.

Secondly, the Office of the Valuer General, reported saving of the fiscus by regulating the valuations in a welcome development. On the Ingonyama Trust Board, ITB, there has been the delay in finalising engagements between, ITB, Auditor-General, Department and National Treasury about the qualified audit opinion of ITB, as well as engagements regarding royalty revenue with the Department of Mineral Resources. If not addressed, this issue would continue to result in negative audit opinion. The ANC support Budget Vote 39. I thank you.

The HOUSE CHAIRPERSON (Ms M G Boroto): Order hon members!

[Interjections.]

Prof B BOZOLLI: Chairperson, on a point of order: I don't know if I heard correctly but I heard the hon member saying shut up white boy. I would like him to withdraw. I think it is totally out of order.

Mr N PAULSEN: Chairperson, I admit, I did say shut up because he said shut up first ...

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member ...

Mr N PAULSEN: I withdraw the white boy and I will say shut up white girl. [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member, hon Paulsen please stand up. Hon Paulsen you were heard and I also heard you saying shut up white boy, please withdraw.

Mr N PAULSEN: I withdraw

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you.

Prof B BOZOLLI: Chairperson, he said he only withdraws shut up ...

The HOUSE CHAIRPERSON (Ms M G Boroto): What is it hon member?

Prof B BOZOLLI: He withdrew conditionally.

The HOUSE CHAIRPERSON (Ms M G Boroto): Can you please withdraw unconditionally hon Paulsen?

Mr N PAULSEN: I withdraw unconditionally.

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The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much. Continue hon member.

Ms T M MBABAMA: Madam Chairperson, Wandile Sihlobo, a leading agricultural economist shared a map showing unused land suitable for agricultural production in Limpopo, KwaZulu Natal and Eastern Cape. The land is approximately 1,8 million hectares. In the Eastern Cape the bulk of the opportunity lies in a single 250 kilometre band which stretches from East London on the coast past Queenstown to the North. Included in this band of unused land are 88 farms laying fallow, belonging to the Gwatyu community. The unregistered Gwatyu Communal Property Association representing the people of Gwatyu came to Parliament in 2015 around this time, to appeal to the then Minister of Rural Development and Land Reform to register their Community Property Association and process their application to take ownership of the land which is registered in the state's name.

Promises were made for the speedy resolution of their problems. The then-Minister even formed a special Ministerial Task Team headed by the extremely dubious Mr Dumisani Liphungela. Needless to say as usual the ANC government failed to deliver.

IsiXhosa:

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Bayakhala abantu baseGwatyu bazibuza ukuba benzeni na? Senzeni naaaa? Singing.

English:

Disillusioned, they turned to the DA – the party for all people of South Africa for assistance. Once again the Gwatyu Communal Property ... [Interjections.]

Ms T V TOBIAS: Hon Chairperson we cannot be subjected to horrible singing in the House, it's not allowed. [Interjections.] Hon Chairperson the DA is having posters in the House. The DA is carrying posters in the House – it's not allowed.

The HOUSE CHAIRPERSON (Ms M G Boroto): Order! Hon members, let me address something before I come to you. Only the person at the podium can show us pictures or something. Please hon members we know the Rules let's not do that. Thank you. Did you have anything to say hon Paulsen?

Chairperson can we also not be subjected to horrible speeches from the benches there.

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member that is not a point of order. What you think is horrible might not be honourable to the speaker. Continue hon Mbabama.

Mr N PAULSEN: Chairperson!

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay, I asked you; I thought you had ...

Mr N PAULSEN: No I didn't

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay

Mr N PAULSEN: Chairperson, when sis Thandi stood up to sing, Mbulelo here ... [Inaudible.] ... told sis Thandi to shut up ... No its ugly for a man to say that to a woman. He must withdraw.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Paulsen your point of order is that when the hon member was speaking, there was a shout of shut up – by who? [Interjections.] By hon Macpherson? Okay, hon Macpherson may I ask you if you did?

Mr D W MACPHERSON: I did not

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Mr M L W FILTANE: Point of order Chair

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members its unfortunate ... [Interjections.]

Mr D W MACPHERSON: I did not

Mr M L W FILTANE: Point of order Chair

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member

Mr M L W FILTANE: He looks very innocent. [Laughter.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon members can we allow the speaker on the podium to continue without this. Hon Macpherson you have said that you ... can you take your seat please. Let me

Mr N PAULSEN: And Mbulelo there

The HOUSE CHAIRPERSON (Ms M G Boroto): Okay let me address hon Macpherson with the point of order. Hon Macpherson says he did not say it. It is unfortunate that your speakers are not on and we don't have the Hansard to take what you said slowly. Can you please respect the House, we will investigate. Thank you very much.

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Mr D W MACPHERSON: chairperson with respect, there is quite a big difference between me and my colleagues behind us – for obvious reasons so it would be strange ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member I am going to enter into that.

Mr D W MACPHERSON: ... the hon Paulsen cannot tell the difference between us.

The HOUSE CHAIRPERSON (Ms M G Boroto): thank you. Please lets respect the members that are here as guests.

Mr N PAULSEN: Chairperson

The HOUSE CHAIRPERSON (Ms M G Boroto): No, no please

Mr N PAULSEN: I like to know what the obvious reasons are ... [Interjections.]

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Chief Whips of the DA and the EFF, please take your members outside to resolve the matter. We can't be held ransom by the two members. What is it hon Khawula, let me hear you.

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IsiZulu:

Nk M S KHAWULA: Sihlalo, nginephuzu lokukhalima okuphambukayo.

Ukuthi nami ngiyabona ukuthi benza kahle laba abenza kanje. Kungeke sithi sikhuluma ngento enzima yomhlaba owathathwa ngesikhathi esinzima sobandlululo sishoda nangezindawo zokungcwaba, azohlabelela amagama anjena?

English:

No! We are not playing here, we came here to work. We want to know what happened to our land.

The HOUSE CHAIRPERSON (Ms M G Boroto): Hon member you are not in the speakers list can you allow the speakers to continue? I am not going to take that point of order

Ms T V TOBIAS: Chair, on Rule 92, we cannot allow the speaker to continue with the poster which is not allowed in the House

The HOUSE CHAIRPERSON (Ms M G Boroto): Which poster? Hon members I said only the speaker on the podium is allowed to do what she is doing. Let's continue. Those are the rules. [Applause.] Hon Mbabama Lets continue.

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Ms T M MBABAMA: Thank you Chair, once again the Gwatyu Communal Property Association has come to Parliament in the hope that the new Minister would heed their call for land.

IsiXhosa:

Phakamani banibone bakhaya bam, phakamani.

English:

How many similar landless communities are there in all the provinces that can be owners of land overnight if only the department did its work? Ntate Rakgatsi in Limpopo has lived on his farm for 40 years. He was given a Land Redistribution for Agricultural Development grant but when it came to registering the land in his name the ANC government made him sign a 30-year lease instead. Why is the government reluctant to make people owners of the land?

Instead of transferring ownership of the many hectares of land registered under the state, including the commonages administered by the municipalities, the department is slowly but surely nationalising the land through its PLAAS Postgraduate programme which buys land from willing sellers, registers it under the State and then leases it out to beneficiaries. Why are people not allowed to have title to the land? Why must people rent the land? By supporting the EFF's motion to expropriate land without compensation

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the ANC government has proven its allegiance. The people will never own the land outright as the EFF's manifesto promotes the ownership of land by the state.

IsiXhosa:

Vuka mntu ontsundu. [Kwaqhwywa.]

English:

The ANC has again shown with its departmental budget that they don't care about land reform ... Chair please protect me.

Ms S P KOPANE: House Chair, on a point order

The ACTING CHAIRPERSON (Ms L M MASOKO): Order hon members

Ms S P KOPANE: Chairperson, on a point of order

The ACTING CHAIRPERSON (Ms L M MASOKO): Order! What is the point of order hon member?

Ms S P KOPANE: May you kindly protect our speaker Chair because they are drowning our speaker. Politics is hot so if you can't take the heat you are not supposed to be here.

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The ACTING CHAIRPERSON (Ms L M MASOKO): Hon members can we listen to the speaker on the podium please, thank you. Please continue hon member.

Ms T M MBABAMA: The ANC has again shown with its departmental budget that they don't care about land reform spending more on VIPs at R2,9 billion than it does on land reform at R2,7 billion. We thus argue that it is the ANC government's inefficiency – and not the Constitution – that has failed to address this injustice. What we need is a change in government, not a change to Section 25 of the Constitution. It is high time that President Ramaphosa makes a firm stand of land reform and finally confirms exactly what his government's position is.

Just yesterday Julius Malema, who seems to be leading the policy discussion in the ANC made a declaration that expropriation without compensation includes private land. The rural people of Gwatyu, the people in the former TBVC states, the people living under the Ingonyama Trust and the thousands living in shacks on the outskirts of cities deserve better. The DA is committed to total change that delivers one South Africa for all. Enkosi! [Applause.]

ILUNGU ELIHLONIPHEKILE: Ukulimala kwengqondo!

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The ACTING CHAIRPERSON (Ms L M MASOKO): Hon members!

IsiZulu:

Nk M S KHAWULA: Uxolo Sihlalo!

The ACTING CHAIRPERSON (Ms L M MASOKO): Wait a minute mam'ukhawula. The Chair who was here before me made a ruling in relation to the demonstration of the posters. You did it again, can we warn you, please stop it. I am saying please stop doing that.

IsiZulu:

Nk M S KHAWULA: Sihlalo, nginephuzu lokukhalima okuphambukayo. Besizocela ukuthi laphaya phezulu siyababona amalungu e-DA bathole umhlaba ajabulile wona, abayeke ukushaya ihlombe laphaya phezulu ngoba asiwazi lo mhlaba abawutholile ukuthi ukuphi.

The ACTING CHAIRPERSON (Ms L M MASOKO): Thank you very much hon Khawula. Order! Order! Can I ask also to our visitors in the gallery not to clap, not to whistle and not to take photos. If you fail to adhere to the Rules of the House after being warned, sergeant at arms will have no option with my permission to take you out of the gallery. And I don't think that you want to be taken out. Can I have the hon Matiase.

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Mr N S MATIASE: house Chair, we dedicate this speech to the victim of farm evictions from white-owned farms. We dedicate this speech to the people of Gwatyu. And the people of Gwatyu are not for sale - DA that you must know. It is our firm believe that a legislative reform programmes have hopelessly failed indigenouse people and dismally betrayed to restore the dignity and humanity of the oppressed African masses of this land. Land expropriation without compensation cannot be vulgarised - ANC style- as just one of the mechanism to give effect to land reform.

It is a mainstay of land reform and agrarian revolution which represents what the struggle for liberation has always been about. The truth no matter how inconvenient, mama Mabagla, my dear mother must be told and we are here to tell the truth. How disappointing to see scenes where Africans ... fight over acquiring piece of land for simple thing such as residential purpose near Protea in Johannesburg and elsewhere across the country. The ruling party seems to rejoice over black on black violence, quarrels, ... and squabbles on matter as simple as this one because the government lacks the necessary political will to pre-emptively prevent such incidents of violence.

IsiXhosa:

Thina sithetha ngabantu abagxothwe ezifama nabantu baseMbizana.

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Sesotho:

Mokga o busang o bonahala o nyakallela diqhwebeshano, dikgulakgulano le dikgoka tse etswang ke rantsho tseo mmuso o lokelang ke ho di qoba.

English:

We submit the legislative arrangement and policy such as special land, use management amongst others have failed to close the rural and urban divide. Spatial Planning and Land Use Management Act must bring about fundamental radical transformation of public, private and municipal land spatial framework for the modernisation of the rural areas to end the divide between the rural and urban South Africa as it was envisioned by the leader, the militant and most principle leader, comrade Chris Hani.

We reject the lame and petty moralising excuses of the office of the ... general about its failure to bring forth meaningful and responsive policy and regulations which will radically impact on the current segregating, racism land use realities in South Africa. Of the 2,7 billion allocated to land reform, 440 million is assigned to OVG over the medium term. The OVG must speedily get its act together in order to ensure efficient acquisition and equitable and just evaluation of land. We demand the OVG to temper with apartheid land

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use and property valuation norms and standard and produce cogent alternatives.

We demand radical change to the land and property valuation regime through which the colonial apartheid and race base spatial land use will come to an end. Restitution of land has failed and the restitution commission has failed in its mandate to research and investigate land claims and ensure successful land restitution to rightful claimants. The 2016 ConCourt judgement invalidating the restitution of land rights management act is enough evidence to demonstrate that the commission lacks capacity and it must be done away with.

With a budget of 3,3 billion over the medium term, it has failed to meet its clear mandate. What is the use of keeping a commission in its current form and configuration? With this arrangement, government will continue to fail to transfer land to rightful owners through its various policies, regulatory and institutional platform, the department has disastrously failed to temper with the triple fourth lines of land disposition due to feudal apartheid colonial and capitalist patterns of land ownerships and forms which are the base of discriminative and exploitative unsecure tenure system in this country.

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The role of the state in land revolution should be through legislative capacity to transfer land to the state which will administer and use land for sustainable development purposes. We call upon the public to embrace the call by the EFF for the socialisation of the ownership of the land in the era of capitalism and it must happen. We declare war to the land owners. The EFF objects this Budget Vote. [Applause.] [Time expired.]

Inkosi R N CEBEKHULU: Hon Chairperson, amongst the primary targets of this department is the management, monitoring, restoration and restitution of land amongst the previously dispossessed and marginalised rural people of South Africa, whilst ensuring sustainable rural livelihoods and fair employment in an environment of increasing social and economic advancement for all South Africans.

The department has been working closely with the land claims commissioner to investigate and process all land claims lodged. It was also assisting in comprehensive agricultural programmes jointly with the Department of Agriculture, Forestry and Fisheries, with its role being to assist with the improvement of food security.

Acceleration of the settlement of land claims and the redistribution of land shall remain a key challenge for the department. This has

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given birth to a slogan, expropriation of land without compensation, which is currently being actively voiced by many members of this Parliament as well as the public.

This issue which will shortly be before the Constitutional Review Committee in the 3rd term of this Parliament must be looked at very carefully. The IFP's position on this view of expropriation of land without compensation is that it should never be the default position of government but should rather, if employed at all, only be used in the most extraordinary, marginal and unique circumstances, as one of a possible basket of options available to address land reform in South Africa, once all other options have been exhausted.

Programmes by the department are failing miserably. Rural development was introduced with the hope of emancipating the rural communities in communally-shared land, as well as farm dwellers. Yet what is actually transpiring in our communally-shared land appears to be nothing but mere lip service. Those who were fortunate enough to be assisted in the agrarian and land tenure transformation programme – the One Household One Hectare initiative – are even without water to irrigate their vegetables.

Additionally, such transformation was only provided to a very few amongst our smallholder farmers who actually received assistance,

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with very little else taking place in communally-shared land. Farms that were commercially productive and employed seasonal workers are now lying fallow. There are also reports of employees on some of these farms that were leased to individuals in terms of agrarian transformation programmes being exploited and not receiving their wages at the end of the month.

In conclusion, rural development is failing in this country. We still find large numbers of families and individuals flocking to big towns and cities with the hope of finding employment, only to end-up building temporal informal shelters occupying open land that municipalities have reserved for other developmental projects. Chairperson ... [Interjections.] Oh!

IsiZulu:

Ngiyiseka kunjalo kodwa ngifisa ukugcizelela ukuthi akungathi kule nkinga eshiwo habahlonishwa la yendawo yomhlaba weNgonyama bese kuba ngathi kukhona umonakalo ongaka okhona. Asifundeni ukuqonda ukuthi asingachithi ingane namanzi. Ngiyathokoza.

Mr A M SHAIK EMAM: Hon Chair, once again I saw the highest level of hypocrisy. Yesterday the audience was gagged; today they are asking the audience to applaud them.

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Let me start off with the Minister in the House. Minister, I think its now time for action. We have been talking, talking and talking. Enough talk. Let's get to the real challenges that we face in South Africa today.

The issue of land expropriation without compensation must be addressed without any further delay. The NFP is of the opinion that government must intervene now, here today, whether it's through amendments or motions to put a moratorium on the sale of all state-owned land which is clearly being abused, particularly by the DA in the Western Cape.

Let me also remind all my colleagues, including all South Africans, don't forget where you came from. Don't forget how you were dehumanised. Don't forget how you were forcefully removed. Don't easily forget the past and what your families and forefathers went through.

Government has either turned a blind eye or are ignorant of the fact that while we deliberate on the important aspect of land occupation in South Africa, my oppressive colleagues on the left are clearly benefiting, and must be receiving substantial kickbacks and donations to promote their political ideology of divide and rule, power and control ... selling of state land and misleading the

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people in the Western Cape into believing that it is for the poorest of the poor. Ask them about the link between the developers in the Western Cape ...

Ms A STEYN: Chairperson, point of order.

Mr A M SHAIK EMAM: ... the developers in the Western Cape, the land that they are selling and the relationship with Israel.

[Interjections.]

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Hon Emam, please ...

[Inaudible.]

Ms A STEYN: Will the hon member take a question?

The TEMPORARY CHAIRPERSON (Ms L M Maseko): She wants to know if you'll take a question.

Mr A M SHAIK EMAM: No time for questions. There are more important things to deal with here.

Ms A STEYN: I just want to find out about ANC membership.

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Mr A M SHAIK EMAM: Let me reiterate again. Ask them about the relationship between the developers in the Western Cape and the government of Israel, and the kickbacks that they are getting. Ask them. They will tell you about that.

The NFP is saying very clearly, stop all evictions immediately! That's the first thing. Ensure that there is beneficiation for all farmworkers. [Interjections.] Put a moratorium on the sale of all state-owned land.

Whilst government is dealing with the issue of land, these racist oppressors are going ahead and selling the land in the Western Cape. Day in and day out ... [Interjections.]

Ms P T VAN DAMME: Hon Chairperson, as a fellow member ...

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Order hon members, I can't hear! Order hon members! I can't hear what the member is saying.

Ms P T VAN DAMME: Hon Chairperson, as a fellow member of this House I feel very aggrieved for hon Shaik Emam. He looks like he's about to faint.

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The TEMPORARY CHAIRPERSON (Ms L M Maseko): On what point are you standing?

Ms P T VAN DAMME: He's working so hard for the ANC to give him a job. He's going to faint there. The ANC must give him a job.

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Hon Van Damme, please take your seat.

An HON MEMBER: He's own party rejects him.

Ms P T VAN DAMME: It's not right what's happening. He's going to faint there. He's begging. You must hire him.

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Hon Van Damme, please take your seat. Hon Shaik Emam, please continue.

Mr A M SHAIK EMAM: Hon Chairperson, it's only a matter of time. It was Patricia de Lille, its Mmusi Maimane, it's Lindiwe Mazibuko and then it will be Van Damme, Damme, Damme! [Interjections.] She will be dancing ... [Inaudible.]

Ms S P KOPANE: On a point of order, Chair.

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Mr A M SHAIK EMAM: ... let me tell you, sir. Now let me tell people here that 75% of individuals are blacks. Only 1,2% of the land is owned by blacks in South Africa, and we are saying its business as usual.

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Hon Emam, please hold on. Yes, hon member?

Ms S P KOPANE: Chairperson, with due respect the hon member there is making a noise. We can't hear him.

The TEMPORARY CHAIRPERSON (Ms L M Maseko): On what point are you standing?

Ms S P KOPANE: He's making a noise. We can't hear him. Can he please lower the volume?

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Okay, please take your seat.

Mr A M SHAIK EMAM: Now let me reiterate, Chairperson ...

An HON MEMBER: He's singing for his supper.

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Hon Emam?

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Mr T C R WALTERS: Chairperson, I'm feeling threatened by the hands waving here next to my head. Can you please look after my safety in this House? [Interjections.]

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Please take your seat.

Mr A M SHAIK EMAM: Hon Chairperson, let me reiterate. Those that are in possession of stolen land knew they were buying stolen land. In fact they are criminals. They must return the land and return it immediately! They have no right to be in possession of land that they actually stole. [Interjections.] So, we must either charge them criminally or ensure that they return the land to its rightful owners. All these people on the left are occupying land that belongs to the Khoi and the San. They stole the land from those people and they must return it to those rightful owners.

Let me also add that the life of the farmworker, specifically in the Western Cape, is shocking! We must stop ...

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Hon Emam? Hon Filtane? [Interjections.] Order! Hon members, you are not supposed to use your microphones when you are calling for order or when you are interjecting. Can you please refrain from doing that? Hon Filtane?

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Mr M L W FILTANE: Chair, I challenge the speaker to correct his statement. He said, all these people on the left, and I'm on the left. He must withdraw that now! [Interjections.]

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Thank you, hon Filtane. Hon Emam, those hon members sitting there are taking offence.

Mr A M SHAIK EMAM: I think he is correct. It's on the left here. [Laughter.] He's correct. Maybe he's not ... Thank you very much. Maybe he is not from the oppressive organisation here.

Let me also add that farmworkers in South Africa, especially in the Western Cape, are tortured, harassed and intimidated on a daily basis. They are evicted by these merciless farm owners and I think as government we need to deal with this issue, and I think we need to deal ...

We also need to ... Listen, when they stole the land they also stole our water. They have stolen our dams. We need to deal with it because most of the dams – of the 5 500 – are in the hands of these white farmers and we need to deal with it. Remember the Water Act that they brought in 1956?

Mr D W MACPHERSON: Sorry Chairperson? Chairperson?

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Mr A M SHAIK EMAM: What was it? To benefit a few of their people and that is exactly what they did.

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Hon Emam? Hon Emam? Hon Emam?

Mr A M SHAIK EMAM: Let me also add that we need a fund to be created ...

Mr Z N MBHELE: Chair?

Mr A M SHAIK EMAM: ... because through their farms ... [Inaudible.] ... alcohol foetal syndrome and we must compensate our people.

Mr Z N MBHELE: House Chairperson, on a point of order.

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Hon Emam? Wait a minute. Hon member?

Mr D W MACPHERSON: Chairperson, I just want to bring something to your attention.

The TEMPORARY CHAIRPERSON (Ms L M Maseko): On what point, hon member?

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Mr D W MACPHERSON: The hon member is misleading the House because he said we as government need to address something. I'm not sure if this is an admission that he has joined the ANC now.

Mr Z N MBHELE: Thank you very much. House Chair, will the hon member take a question as to how you steal rainwater? How do you steal rainwater ... [Inaudible.] ... put it in your dam?

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Order hon members! Yes hon member?

Mr T C R WALTERS: Chairperson, that's actually a very serious question raised by the hon Macpherson because it does affect the allocation of speaking time. If there is an extra minute of the ANC's ... [Inaudible.]

The TEMPORARY CHAIRPERSON (Ms L M Maseko): The more you interject the more we stop the clock, and the more time he has.

Mr T C R WALTERS: Please make a ruling.

The TEMPORARY CHAIRPERSON (Ms L M Maseko): The more you interject the longer the time is prolonged, but we stop the clock as soon as there is an interjection.

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An HON MEMBER: Please give him a job already.

The TEMPORARY CHAIRPERSON (Ms L M Maseko): Hon Emam, please conclude.

Mr A M SHAIK EMAM: Hon Chairperson, I'm not sure what DA government they are talking about because the DA government is in crisis at the moment. They couldn't even manage the water crisis here. They can't manage the City of Cape Town. They have underspent the capital budget by 40%. Fraud, corruption and maladministration are the order of the day. Every day they are corrupt. Now tell me what government they are talking about. I cannot understand.

As the NFP we want to make it very, very clear that we support the Vote tabled here today. Thank you very much. [Interjections.]

An HON MEMBER: Political hobbit.

The DEPUTY MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Hon Chair, hon Minister Nkoana-Mashabane, Ministers present, Deputy Minister Mashego-Dlamini and all Deputy Ministers in the House, Members of Parliament, MEC Mthembu, Deputy Mayor of Bitou, Gcabayi, ladies and gentlemen,

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IsiXhosa:

Mandinibulise nam ngale ntsasa.

English:

Let me also join my colleagues and say I am pleased to be amongst those debating here today on such an important issue of land reform. As a country we have just emerged from the April month which was a period to celebrate the birth of our democratic dispensation. As part of those celebrations we can never forget that on 10 May 1994 Madiba proudly walked into the Union Buildings and became the head of state after more than 300 years of colonialism and apartheid.

I think there is also sufficient consensus amongst all of us that the April month has been a very difficult and painful month to all of us. We have lost distinguished members of this society. At a local level in April I was part of those who were present when present when the late comrade and friend, Reverend V V Mthini's remains were entombed at the Maitland Cemetery. I dedicate this input today to him this hall.

This year we celebrate the centenary of two icons, uMama Nontsikelelo Sisulu and uBaba Rolihlahla. It is fitting to go back to that founding document for some inspiration and guidance. I wish to quote the preamble of our Constitution when it says, and I quote:

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We, the people of South Africa, recognise the injustice of our past, honour those who suffered for justice and freedom in our land. We therefore through our freely elected representatives, adopt this supreme law of the republic so as to heal the divisions of the past.

I invoke this declaration to reach out to every South African and all parties represented in the House that the time is now for us to rise above our party-political interests and embrace the parliamentary process underway because it is largely to heal the heal the divisions of the past. It is a known fact that the indigenous people of this country were dispossessed of their land through brutal force, their livestock forcefully captured and they were made slaves and beggars in their own land. This original sin was consolidated with the formation of the Union of South Africa in 1910 and ultimately the passing of the Native Land Act in 1913.

Ubaba Madiba on the adoption of the Constitution said, and I quote him:

We strike out along a new road, in which the preoccupation of elected representatives, at all levels of government, will be how to co-operate in the service of the people, rather than competing for power which otherwise belongs to the people.

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It is our submission as the ruling party that now it is another opportunity for us to walk side by side along this new road of exploring peaceful means of addressing the land question. We will do this in the service of our people as guided by that particular icon.

Fellow South Africans, it is this understanding that we appeal to our people to desist from illegal invasions of properties and land. Illegal invasions can be successful in the meantime, but they are very short-lived.

Let me now turn my attention to our programmes in the land reform space whose focus is intended to address a rapid and fundamental change in the relations systems and patterns of ownership and control of the land, livestock, cropping and community. We call it agrarian transformation. At the end of the day we want to see the positive impact of these programmes being felt at household level. These programmes must improve food security, reduce the number of people who are vulnerable to hunger, reduce unemployment, poverty and inequality.

On land acquisition and redistribution the progress on the redistribution of agricultural land in the previous financial year is as follows. The department acquired 155 786 hectares of land from the three programmes of land reform. A total of 53 368 hectares was

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allocated to smallholder farmers and a total of 16 294 hectares was allocated to farm dwellers and labour tenants. This achievement benefited 1 353 individuals from the programme redistribution where 336 of them are women, 259 are youth and 11 are military veterans. They form part of the special category for land allocation amongst the target groups.

The department intends to acquire 98 100 hectares during the financial year 2018-19, and 40 500 hectares of the targeted land will be allocated to support smallholder farmers. A total of 8 100 hectares will be acquired under financial partnerships for accelerated land redistribution emanating from the Operation Phakisa initiative and 9 100 hectares will be acquired and allocated to labour tenants and farm dwellers. The total budget allocation for the land redistribution programme is R1,2 billion to achieve these targets. Land acquired through redistribution supports smallholder farmers, farm dwellers, labour tenants and military veterans.

Before I get to strategic land reform, the issue we are addressing today is a very very emotive one. We cannot solve it with anger. When I notice how the EFF was talking here, they speak about the Valuer-General. Why do you need the Valuer-General if you want to expropriate land without compensation? Unless if you don't know the role of the Valuer-General.

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Let me spend the last one minute to the people of Gatyu say that, really, there is a challenge here. There are challenges that we openly want to admit to. But, EFF, don't make a mistake the people of Gatyu are not members of the DA. These are South Africans concerned and their problems are going to be solved by this ruling party. We are going there. When Mama Mbabama started singing *Senzeni na*, I just remembered Mzwakhe Mbuli's song that says,

IsiXhosa:

Ukulimala kwengqondo kukulimala komntu. [Kwaqhwyatya.]

English:

How can a person whose land was forcibly taken from her speak like that? What we need in South Africa is that we do not need that others own more than others. The ruling party is saying let there be equality. We want to take back what belong to us. And I can assure you the problem of Gatyu will be solved by this government. [Time expired.]

IsiXhosa:

Siyaya phaya eGwatyu. Siyeza apho kuni eGwatyu bantu bakuthi.

English:

We will solve the problem. Thank you. [Applause.]

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Mr M L W FILTANE: Chairperson, the Preamble to the Constitution of the Republic of South Africa states: "We ... Believe that South Africa belongs to all who live in it ...". The question is, Which part of South Africa actually belongs to the landless? They look around. They can't find any piece of South Africa that actually belongs to them.

Hon Minister, please respond to this question by providing radical action to help them get their land. Stop for a second. Listen - and you will hear the millions of landless South African citizens. They are crying out for land. Help them get what is, in reality, and constitutionally, theirs - land. They want to belong to South Africa. They want to own South Africa. They want their acre of our beloved country.

To them, this budget means nothing - because it talks about development programmes on land, yet they own no land. An example of skewed land-ownership patterns, as reflected in the recently released departmental report, is that, in the Eastern Cape, 3 million hectares are in white hands. Only 253 000 hectares are owned by blacks.

So desperate are their circumstances of the landless, so dire is their situation, that 11 million of them are likely to go to bed

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tonight without a meal. They need land on which to build family homes; from which to produce food for their families; from which to conduct business; on which their children will play; and on which their budding sportsmen and -women can develop their talents.

The people of Baziya and Highbury, in Mthatha, are waiting painfully for the finalisation of their land claims. Please, Minister, we need action and we need it now. Go and find the R30 billion to finalise the 1998 land claims. They need land which they can hold and horde for future generations, on which they can keep their livestock and milk their cows and feed their children, nutritionally. Minister, Africans will not ask for one more penny from you in order to do the above for themselves. I personally experienced that lifestyle as I grew up in the Transkei.

The much spoken-about radical economic transformation needs radical legislation. The Bills that are with us in Parliament come nowhere near achieving that. Just over a year ago, I questioned the then Minister of Rural Development about this weak Extension of Security of Tenure Amendment Bill. His response was that that can only be done with a new Bill. Would you look into that, hon Minister? Farm workers continue to be evicted without getting much effective protection from government. Municipalities need land to resettle these evictees.

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Three weeks ago, the UDM finally cleared the myth that Isilo owns Ingonyama Trust land. I took the committee through this Act, clause by clause. The Ingonyama Trust Board chairperson, Judge Ngwenya, did not rebut my statement. So, your department can now go out and develop parts of that 2,9 million hectare land.

The committee has yet to see a departmental report that shows that as few as 1 000 people supported by your department are earning a mere R1 000 per month each, on the trot. In the absence of such a report, this department does not qualify to be part of the Economics Cluster. It should be moved to the Social Services Cluster, as there is no economic development visible.

We support this budget. Menial as it is, it only shows that the ANC is less than committed to land reform. Thank you. [Time expired.]

Dr P J GROENEWALD: Hon Chairperson, at the outset, I would like to say to the people of South Africa that they must take note of what the hon Minister said this morning. She justified the unlawful occupation of land by saying that is proof of the frustrations of the people. That contradicts the hon President, who said it is not allowed. You did not say that it is not acceptable. So, by that, you actually confirm and justify that.

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The hon Minister also refers to the prices of land as inflated and distorted. Let me tell the hon Minister why. Her predecessor admitted that in 93% of cases, the beneficiaries didn't want the land, they wanted the money. Now, what happens, in practice? The government buys the land - let's say for R5 million - but because the people don't want the land, they want money, the government has to take another R5 million to pay the beneficiaries. Therefore, the prices are distorted because for the same piece of land, you have taken the taxpayers' money and paid R10 million for land reform. That is the distorted matter, as far as prices are concerned.

Afrikaans:

Die ANC-geleide regering mislei die mense van Suid-Afrika om te sê dat onteiening sonder vergoeding is noodsaaklik om grondhervorming te bespoedig. Wat is die werklike feite?

In die eerste plek wil ek vir die agb Minister sê die staat sit tans met 4 000 plase wat hulle besit. Die vraag is: Hoekom gee u nie daardie 4 000 plase vir die mense nie? As u sê u wil die proses bespoedig, doen dit. U departement sit nou al sedert die sluiting van eise van 1998, waar daar 80 000 eise vir restitusie was, en u het dit nog steeds nie afgehandel nie.

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Die staat - en dit is in 'n amptelike vraag aan die Minister bevestig - besit 17 miljoen hektaar grond in Suid-Afrika. Ek vra vir die agb Minister: Buiten die 4 000 plase, hoekom gee u nie daardie grond wat die staat ook besit vir die mense nie? Moet nie u kop skud nie. Dan het u voorganger vir die Parlement gelieg, want hy het dit in 'n amptelike vraag gesê in die Parlement.

So, u misbruik die gevoelens van die mense om u eie onbevoegdheid as 'n rookskerm te gebruik om dit te verbloem. Daarom sê die VF-Plus reguit vir u u mislei die mense om te sê onteiening sonder vergoeding gaan grondhervorming bespoedig.

Ek wil ook vir u sê dat as ons gaan kyk na die projekte, het u voorganger ook erken dat 90% van die herverdelingsprogramme misluk het. Die vraag aan die regering is: Hoekom verdeel u nie weer daardie plase wat u gekry het om grondhervorming to bespoedig nie?

Die laaste vraag wat ek wil vra, gaan hieroor.

English:

You said, hon Minister, that we don't need to change the Constitution to ensure expropriation without compensation. So, why do you continue with the whole process of changing the Constitution? Stop it, if you are so sure about your case. Thank you.

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Ms D CARTER: Chairperson, let me be blunt. The Constitution is no impediment to land reform.

Let me repeat that. The Constitution is no impediment to land reform. In fact, section 25 of the Constitution provides a mandate for transformation; for restitution; for redistribution; for equality; for security of tenure; and for access to land. All of that appears in section 25 of our Constitution. It even provides for the expropriation of land on the proviso that it is not arbitrary; nor subjective; nor vindictive – but rather, that it is undertaken in terms of a legal framework and for a public purpose or in the public interest, and subject to compensation that is just and equitable.

Now, Cope reiterates its position and we are convinced that history will prove us right. We are firmly of the view that the current provisions of section 25 of the Constitution provide the vision and the foundation to heal the divisions of our past and to establish a society based on social justice and fundamental human rights, in respect of land. We will continue to defend the Constitution; promote land reform and equality; restore lost dignity through land reform; and protect the rights of the present generation of titleholders, as provided for in the Constitution.

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I have here, in my hand, a copy of the ANC's 1992 Ready To Govern: ANC Guidelines for a Democratic South Africa policy document, as adopted at its national conference. It states:

It will be unjust to place the whole burden of the costs of transformation on the shoulders either of the present generation of titleholders or on the new generation of owners. The state therefore must shoulder the burden of compensating expropriated titleholders where necessary and subject to the provisions in the Bill of Rights.

It is beyond doubt that it is the ANC that is deviating from its values and principles.

The DEPUTY MINISTER OF RURAL DEVELOPMENT AND LAND REFORM (Mr M SKWATSHA): Chairperson, is it in order for member Lekota to still have ANC documents and pass them on to her? [Interjections.]

Ms D CARTER: As long as it's not going to take up my time, I will answer that.

It is beyond doubt that it is the ANC that is deviating from its values and its principles. We put it that the genesis underpinning this sudden change is to be found in the factional battle that

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continues to threaten to split the ruling party. This is a battle in which issues, such as expropriation of land without compensation, the nationalisation of the Reserve Bank and the white monopoly capital narratives were and are being used as proxies between two warring factions.

The High Level Panel report is clear. Compensation for land has not been the main obstacle to land reform. It is government that is failing, as a consequence of rampant corruption; the capture of land reform budgets and projects by a political elite; incapacibilities of the current administration; insufficient budgetary provision for land reform which, in real terms, has decreased over the past 20 years - which points to a lack of political will; a movement towards making land-reform beneficiaries tenants - and I want to repeat that, a movement towards making land-reform beneficiaries tenants instead of empowering them and ensuring their sustainability; an unwillingness to resolve land tenure in tribal areas for narrow political ends - where is the backbone? - and little or no attempt to implement or test government's expropriation powers, as currently provided for in section 25.

Therefore, Cope cannot support the Budget Vote. Thank you. [Time expired.]

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Mr M E NCHABELENG: Madam House chair, I was listening to the hon member who was speaking, Carter, and I understand why we say, "Once a pirate, always a pirate." She is still stuck in the ANC. Yesterday I was watching eNCA news bulletin and there was this article about celebration of victory by the Russian army over Nazism, and I was watching it with a young person from Pretoria, Tumi Mokgotlo and he remarked, "Bro Elleck, you know, this thing reminds me of my grandfather who was killed when he was only 28 years old and my mother at that time two years old, so all of us don't know who my grandfather was, including my mother who has never seen his father"

His grandfather was Comrade Modikwane Ratsoma from Sekhukhuneland but he was known as Phooko David Molefe. He was part of a group of young South African volunteers who joined the uMkhonto weSizwe in the 1960s, and their quest was to liberate their country. After training, the ANC had a relationship with the Zimbabwe's African People's Union and they had a joint operation with Zimbabwe People's Revolutionary Army and the quest was to liberate both these countries.

I had an opportunity in life to talk to some of the surviving commanders of the Luthuli Detachment and amongst them was Comrade General Bra Ike Maphotho, Ntate Mzimela from KwaZulu-Natal and Gizenga Mpanza. They talked about young men who were gallant

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fighters and revolutionaries who fought to the last drop of their blood in Zimbabwe. They were fighting so that their people can regain dignity as full citizens of their respective countries and specifically restoration of their people's rights to land and participation in the development of the economy.

That actually brought memories where I remember one interview that was done ... there was an interview by the BBC where they were interviewing Joshua Nkomo, and he was asked a question that time about the kind of system they are going to bring in Zimbabwe and he had this to say and I quote, "This war is about land and private ownership of land is foreign ideology."

In dealing with land reform in this country, we need to draw lessons from our neighbours, particularly Zimbabwe, their best practices as well as not to repeat the mistakes they made in the past. We also need to draw lessons from our allies in the Brazil, Russia, India, China and South Africa, Brics. We could learn from the Brazilian Constitution in how it deals with expropriation of land. It has an interesting concept of the social function of the land. The social function requires land to be adequately used in a way that preserves the environment, respect labour laws and benefits the owners and labourers.

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We should sit down together as South Africans and address what the social function of land in our country should be. It includes addressing past injustices, allowing space for our religious and cultural practices, and agreeing on how land should be used for the benefit of all who live in it. We must embrace the constitutional review process as a platform that could assist us move forward to address the land injustices. Where land is not performing a social function, the constitution of Brazil gives the state powers to expropriate land in favour of the landless people who will use it to achieve its social function.

We need to use state power to enforce laws that will protect our people from racist landowners. Let me remind you all that the state is an instrument of cohesion and a mechanism of force. We can talk about this after the sitting. It is on that basis that constitutional review and amendment is necessary in far as it removes any ambiguity about expropriation of property and the purposes of expropriation, particularly in the public interest. It is important also to ensure that the review and amendment are to clarify, beyond any ambiguity, what some experts say, that the Constitution in its current form allows for expropriation without compensation. Therefore, the amendment must help to clarify such position.

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The colonial and apartheid violent dispossession, forced removals and influx control robbed our people not only from their land, it also robbed them of their dignity and plunged them into stinking poverty for hundreds of years. Returning the land to its rightful owners is critically important in our efforts to build a truly non-racial, non-sexist and prosperous South Africa. It is possible to expropriate land in a manner that will bring about more people into the agricultural industry.

To our Minister – to our brand new Minister, I would like to invoke the echo of the Red Army during their war against Nazism, when they said that everybody should go to the front to liberate human kind of Nazism and all forms of racism, and their battle cry was *tolka period nasat nyet*, which means “Forward ever, Backward never.”

Sepedi:

Ga re boele morago, Tona, gomme re kgopela le wena o se ke wa boela morago ...

English:

... we are behind you. We will defend you all the way until the last piece of land is given to those who deserve it. Thank you very much.

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Mrs C DUDLEY: Thank you Chair and I would like to thank the Table staff for ensuring that they have taken away the discrimination against the four people here at this podium. The ACDP reflects with dismay however and concern on a Budget that instead of being increased in line with the obvious urgency of the land question, the land budget which declined over the past few years is now at a level that it was in 2008. Hon Minister we really feel your pain at this stage. In speaking to the National Budget for 2018-19 Minister Gigaba says the Department of Rural Development and Land Reform will accelerate the settling of restitution claims. Now, we acknowledge the progress of restitution of land has been very slow up until now with most rural claims not resolved and poor implementation and inadequate support for resolved ones. The limiting of restitution to dispossession after 19 June 1913 has also discriminated against the Khoi-San people causing much uneasiness. What we know is that at the end of apartheid about 80 million hectares of commercial farms were owned by 60 000 families and 13 million black people were crowded into homelands. The new government promised people access to land on an equitable basis with legally secured tenure and the expectation was created that 30% of white-owned land would be redistributed within five years. By 2014 only, only 8% of agricultural land, had been redistributed. Although the Constitution allows for compensation that is 'just and equitable', government chose to redistribute land at market value on a 'willing buyer, willing

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seller' basis. Interestingly access to land on an 'equitable basis' has not – as far as I know – In more than 20 years been interpreted judicially.

I know personally what an uphill battle it was for me when I tried to convince an ACDP congress that supporting market value as opposed to an equitable basis as expressed in the Constitution, would increase the risk of the demand for far more drastic measures down the line. The ACDP understands however that for socioeconomic justice to be reality land redistribution is necessary and expropriation is inevitable but expropriation of land without fair compensation cannot be condoned. We also take seriously what the Minister of Human Settlements said yesterday that:

The failure or success of our human settlements expansion programme depends on accessing and releasing optimally located land. Houses can only be built on land which is suitable and well located.

People need roofs over their families' heads and land is needed for this purpose. Title deeds must unconditionally be in the hands of the people of South Africa and not the state or other powerful entities The ACDP calls on government to champion a pragmatic land redistribution drive guided by the principles of equity and justice.

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The Zimbabwean example, having been shown to be socially and economically hazardous, even if politically appealing in the short-term, is not an option. Expropriation of land without compensation has historically destabilised economies and destroyed the hopes and dreams that freedom promises. Thank you.

Mr K P ROBERTSON: Hon Chair, Minister we are speaking about the skewed patterns of land ownership but phase two of the land audit has not even come to the portfolio committee yet. It has been handed out far and wide throughout South Africa but the very people that have got the knowledge to discuss this issue have not even had it given to them in the portfolio committee. Where is this department heading if we cut the budget meant to upskill youth in rural areas? Budget cuts will limit the department's ability to implement policy and execute strategies. The department's budgetary cut of 4.8% from R1,9 billion to R1,8 billion from rural development and reducing the budget by nearly R100 million over the mid-term period, will mostly affect the skills development programmes such as the National Rural Youth Service Corps, NARYSEC.

It ultimately means that 1 515 students will not be receiving the necessary skills in agriculture, motor mechanics, water and sanitation and electrical engineering, all important trades to have while navigating one through the quagmire of abject poverty in rural

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areas. This department, which currently has no director-general and seven of the top positions are yet to be filled will not be able to perform its functions as mandated to do so.

It will not be able to skill the very people we so desperately depend on land reform, these are the beneficiaries and emerging and commercial farmers. The ANC's Department of Rural Development and Land Reform are nowhere near achieving the real progressive move towards alleviation of poverty through rural development. The ANC has failed has failed in land reform, land distribution and in land tenure. The High Level Panel headed by ex-President Kgalema Motlanthe has indicated the reasons why land reform is not performing and the panel has indicated that Section 25 of the Constitution is not the impediment to effective service delivery.

According to its findings; the ANC lacks the political will to address the inequalities in land; they lack of departmental capacity which directly affects verification of claimants and creates a lack of policy implementation which ultimately means a R461 million budget will be used on consultancy fees alone. The shocking truth about poor capacity is that 55% of those consultancy fees will be spent on consultation of administration staff. This figure towering over the mere 27% left for restitution. They found massive corruption by departmental officials involved in land deals and

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post-settlement support. Lastly the prioritisation of claims with excessive land deals such as the infamous Mala Mala land deal costing taxpayers R1,1 billion was deemed both excessive and invalid by the courts and the commission alike. Had the prioritisation of claims been handled justly and fairly, the money spent on Mala Mala could put between 60 000 and a 100 000 South Africans one step closer to the ownership of land and title deeds.

IsiZulu:

Awuyeke umsindo mama.

Mr K P ROBERTSON: The DA would expedite the verification of claimants through increased budgets so that each provincial commission would be armed with private sector researchers that would consist of professors of local area history as well as anthropologists that could diligently assist with the verification of processes. Through disciplined and transparent financial management the DA would ensure that wasteful and unauthorised expenditure of our various departments could benefit the poorest of the poor and ensure that we alleviate the stresses of landlessness and the lack of ownership. We recognise the necessity to transform state apathy towards black emerging farmers into effective productive implementation of Section 25 of the Constitution. The DA

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is the only party that will lead the way in successes of land reform. I thank you. [Applause.]

The DEPUTY MINISTER OF RURAL DEVELOPMENT AND LAND REFORM (Ms K C Mashego-Dlamini): Chairperson, hon Minister, all members who are here, our officials, our esteemed Guests, ladies and gentlemen.

It is a great honour and privilege to be given this opportunity to present our Budget and Policy Speech to this august house, on this month in the evolution of our country's democracy. It was during this month of May 1994, when our first democratically elected President Nelson Mandela was inaugurated.

In his State of the Nation Address, the hon President Cyril Ramaphosa said and I quote:

"In celebrating the centenary of Nelson Mandela we are not merely honouring the past, we are building the future. We are continuing the long walk he began, to build a society in which all may be free, in which all may be equal before the law and in which all may share in the wealth of our land and have a better life".

The National Development Plan, NDP, provides a long-term vision for accelerating development so that food security can increase,

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unemployment and inequality be reduced, creating a more inclusive society. This will be achieved through diligent implementation of our Annual Performance Plan, APP.

I would like you to walk with me as I present the achievements of the 2017-18 financial years and furthermore, indicate the priorities for this financial year.

The department is facilitating Integrated Spatial Planning in rural areas to ensure that there is alignment between sector departments, parastatals, private sector and the municipal development agenda in order to achieve sustainable development.

To date, the Department has facilitated the compilation of 43 district- level Rural Developments Plans, RDPs, with the participation of all provincial stakeholders and overall ownership by districts.

In this financial year, the department will be finalizing the Rural Development Policy Framework, which will lead to the development of the Rural Development Bill. The Bill is intended to fulfil the objectives of Operation Phakisa on Agriculture, Land Reform and

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Rural Development which is to strengthen coordination among role-players involved in rural development. The Bill will also provide for the establishment of a Rural Development Agency.

As indicated by our Minister here, the department will be taking a wide rural economic development focus through the implementation of Rural Economic Development Zones. These will act as catalysts for integrated rural economic transformation.

The current Agri-Parks being developed by the department will continue being among the key deliverables within the Rural Economic Development Zones. Through Household Profiling, communities will be actively mobilized to participate in planning, identification and prioritisation of development initiatives.

As you continue to walk with me on this road, I am proud to announce that progress has been made to date, as we all know that, the Agri-Parks program seeks to improve production by small holder farmers, improve access to markets and help emerging farmers to participate meaningfully in the agricultural value chain.

During the last financial year, the department has deepened its support to farmers by providing them with the necessary equipment to help them till the land. In this regard, we delivered state of the

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art tractors with full sets of implements across the country. In the Eastern Cape as an example, we delivered 61 tractors with full sets of implements at a cost of approximately R145 million. Listen, this is Agri-parks in action.

The primary production is one of key elements of the value chain that we want to pursue within the Agri-Parks Programme. In this regard, the Farmer Production Support Units are being operationalised as One-Stop-Service Centres to support rural communities in their enterprises; farmers and producers participating in the One Household One Hectare and the One Household Two Dairy Cow's Initiatives. This support includes a provision of mechanisation, equipment, management, skills development, mentoring, as well as production inputs such as fertilizers, seeds and seedlings from their own nurseries.

The department, in close collaboration with a variety of commodity associations and research institutions, is fully in pursuit of the process in which communities are engaged across commodity value chains and their commercial markets.

With the Agricultural Research Council, we have supported 628 households in the training, production, packaging and marketing of cotton.

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With the National Wool Growers Association, we have supported over 3 000 wool producing farmers in about 1 440 villages, these are the people that are shedding their sheep at a cost of R313 million from and their exporting internationally their wool.

With the Mdukatshani-Heifer Organisation in Kwa-Zulu and the Provincial Department of Agriculture and Rural Development, we have supported 1 500 households in improved goat production and marketing.

With the National Agricultural Marketing Council, we have supported 700 rural livestock producers in quality red meat production through their value chains. This support includes amongst others, the construction and the equipping of Customary Feedlots in villages to supply quality meat to our Agri-Hubs for processing and marketing.

In last financial year, we delivered 47 infrastructure projects to support the Agri-Parks Programme, 149 infrastructure programmes to support primary producers and 45 socio-infrastructure projects linked to revitalise the rural towns and villages.

Through these few examples we have mentioned above, we are demonstrating our continued support to rural primary producers with the ultimate aim to getting them ready to supply and fully

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participate in their commodity value chains through the Agri-Parks Programme. When this is in full swing, the nation will begin to see the dualistic gap between the first and the second economies narrowing.

On-going support will be provided to the rural women controlled Mzansi Arts and Craft Cooperative Finance Institution. To date, we have launched seven branches of this bank. The day of dependency on exploitative commercial loan from the loan sharks and the monopoly of handful and commercial banks are numbered.

In this financial year, the department is aiming to organise and establish three new cooperatives and one of it is in wool growers with Wool Growers Association. We have also educated 38 young people in cooperative management which they got their diplomas now in April. They will be deployed throughout the province.

We have young people that have been supported on Information Communication Technology, ICT, school programme and they are here in front of us today. They are now in the system. They are using computers. They are using Ipad in their classroom activities.

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There is a gentle man here who undergone our programme of National Rural Youth Service Corps, NARYSEC. He is today a business person in Tourism. His business is called Sakisizwe Tours

This is where he identified an opportunity to start his business in the Tourism Industry. He is the owner of Sakisizwe Tours. This shows that our NARYSEC programme is yielding results.

According to the words of our former President Nelson Mandela and I quote: "we were all human until race disconnected us, religion separated us, politics divided us and wealth classifies us". I thank you all.

Mr L R MBINDA: Thanks hon Chair. Over the last two decades of democratic South Africa the programme of land reform has adopted a strongly pro-market approach; but as we speak today it is a shame that in more than two decades into this new dispensation we still have more than 70% of the production land being owned by 10% of the population of whom remain white males.

As a country we invest above R2 billion on the land reform programmes and this is a course for concern because most of our budget goes to programmes that have no meaningful impact in the lives of our people.

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Chairperson of the session and Members of Parliament, as the PAC we consider the land issue as a matter of life and death as it has a direct impact on the wellbeing of our people.

Chairperson, the sea side is part of our land and this I mention because our local fisherman and women are being marginalised and disadvantaged by the regulations set by the department themselves.

The allocated budget for 2018-19 for land reform programme is R2, 7 billion but the theory that you read in the departmental plans gives a picture of the land reform programme being accelerated.

As the PAC, we are calling for the restoration of the land back to its rightful owners. To those who do not understand the sensitivity of this issue they must also understand - I think they will agree with me that crime is a continuous subject.

We all remember the Berlin Conference of 1884 where the Europeans were busy slicing Africa like a piece of cake for their own benefit; a stolen property in terms of the international law. It remains stolen until it is restored to its rightful owners.

The international law also addresses the question of unjust enrichment. So even if you are beneficiaries of the present setup,

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at least you need to understand because this is the South African history that we got from the then apartheid government.

No one in terms of the international law may benefit from his own illegality. So there is no question - there is no need for us to discuss whether they should be compensated or not because to us as the PAC we regard land as the commodity it cannot be sold it cannot be bought. It is a gift that we are given by God in this country. Thank you. We support the Budget Vote with reservations. [Applause.] [Time expired.]

Mr T C R WALTERS: Hon Chair, I would like to assume the role of a TV critic, as Parliament has become a well watch favourite of the public in our connected age. The members present and the public watching have been entertained by another session of what is best described as the pilot episode of a new soap opera called 9 Months of Electionitis.

In this pilot episode we saw a couple of themes being set up for viewer entertainment over the coming electoral season.

Let's start with the main actor, the ANC an aging and declining former A-list movie star, who recently went to the plastic surgeon to get a cosmetic make over, Mr Ramaphosa.

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This ANC wants to reboot its thriving career in government yet the budget is being cut. All these things that are being claimed, the basic facts are the land reform budget has been cut and has been cut for the last couple of years.

In this reboot the nostalgia of the struggle is evoked and amplified in the hope that former fans of the actor keep on watching the show. This now where hon Nchabeleng came in and he had a good heartfelt nostalgic reference to the great patriotic war of the Second World War for some reason or the other.

Artificial tension is created with other characters although in the case of hon Shaik-Emam it was a bit of comic relief as well; racial groups are being set up against one another to create artificial tension; and of course that is used to exploit to get fake ratings up.

Dramatic effect, poorly executed because not all ANC members read the original script, in the form of an about turn on our Constitution, is used to titillate a largely misunderstood target market.

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We have the hon Deputy Minister Cronin here, who last year had a magnificent defence of section 25 of the Constitution, yet some of the ANC has a banana about turn. You are contradicting yourselves.

Fake props like the premature reintroduction of the opening of land claims - you know conferences, one or two beneficiaries while the rest of the people are not benefiting are getting trotted out.

It is all fake props that are used to take off tension away from the real series that everyone should be watching; the betrayal of beneficiaries, the forgotten poor, especially those on communal and state land far more compelling because it is rooted in reality.

Above all, this show suffers from the same defects of previous shows aimed at rebooting this tiresome actor: A budget that does not match the hype; Lots of money spent on friends of the actor with no improvement in performance; Lots of poorly crafted policies never properly thought through as we saw with the reopening of land claims.

In every election we have changes and legislations because they are using the legislative process to get electoral gain. No, no this is the ANC - a sterling show that we are seeing just now.

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Increasingly another show called Property Rights for the Poor, a show that everyone should be watching supported by the Western Cape government, a coalition Metros is the talk of the business.

This show shows a real human interest, compelling as it relates to the real experiences of struggling South Africans. It recounts a wonderful story of title deeds being conveyed real ownership to the poor, and self-confidence and pride that it gives to new stakeholders in the economy.

It shows how a caring government provides proper support to beneficiaries and like all good series, keeps innovating and attracting bigger budgets and investments.

Nine months of Electionitis seems to be a cobbled together script; characterised by complicated fights around artistic direction because you got hon Julius Malema as your artistic director, and will fail unless it emulates the successes seen in the Western Cape with the Coalition Metros. This actor should maybe accept that it is time to retire. Thanks.

Mr P J MNGUNI: Hon House Chair, I just want to dedicate this input to the loving memory of the daughter to our chair who passed on and was laid to rest in the past few days and at the same breath

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dedicate to own niece in-law who is being late to rest as we speak in Phakamisa. The name of the daughter's chair is Bawinile Marry Jane Ntlapho while my own niece Aviwe Sihlabaka. We continue to do work in the name of the fallen ones and also in the name of the future generations. Greetings to you hon House Chair, to the Minister, in our mist and other Ministers. I can see Hon D-H, I call him like that, the Deputy Ministers, hon members of the House, our guests, notably MEC Mthembu, the officials, acting director-general and the officials of the department and everyone else in the room.

Throughout these mini-plenary sessions there has been a clear message coming overwhelmingly from the ANC to dedicate the space in recognising the April Month as the hero's month in a sense that it is a month that in the context of this year that marks the centenary of the heroes and heroines Baba Madiba and Mama Sisulu but that the April Month itself robbed us of our own beloved Mama Winnie Madikizela Mandela and our own Dr Zola Skweyiya.

It is a month just about 11 days ago that saw the 24th anniversary of the brutal slaying of one of our outstanding sons of the soil Christopher Thembisile Martin Hani who was slain in cold blood by the agents of the enemy. In fact through Comrade Chris Hani's slaying who were able to get the ANC to force the regime to determine the date of negotiations rather the date of elections and

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this is how, no matter what distortions can come from whatever corner, the 27 of April 1994 came about through the blood, in particular, of the fallen general secretary Chris Hani.

I do want and I did think that that it is important because there is a lot, if I can say "clever people" who really disregard the history of the revolution. If you like clever blacks, who would like to distort everything about us. One just felt that in discussing the land it will be important just to visit some aspects about negotiations. I have already indicated that the 27 April breakthrough came about as a result of Chris Hani's own life and blood.

However, regarding negotiations because there is a distortions that these negotiations at World Trade Centre were about a sell out and everything was sold out there. We want to say to the peacetime heroes, all wars end in the negotiation table and so was the case with our own national democratic revolution. It is the ANC that has to take up arms; it is the ANC that had to go to exile; and it is the ANC who had to mourn their fallen families while they were in exile everywhere throughout the world. It was the ANC that informed us to swell the ranks of uMkhonto weSizwe while some of the leaders were languishing in prisons. Yes, alongside Apla forces. Let me concede that point because you are my cousin, hon PAC president. I

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am not going weigh it to what extent but let us concede the point. The PAC is a liberation movement, we do know them and we share the battle trenches with them. Yes, that is correct and definitely not the EFF. In future, if some Savimbi-type war or Renamo-type war were to erupt, we do not know which side the commanders of EFF would actually fall to.

All wars end in the boardrooms. I emphasise this point in talking about negotiations. All wars end in talks. For a moment, for those who do not know our history, the 7th SACP congress sat in Cuba. In that congress the party resolved that the conditions were ripe for mass insurrection.

IsiXhosa:

Umntu nomntu athathe umpu wakhe kubhukuqwe urhulumente wegcutswana ngezigalo.

English:

So, clearly in the period preceding negotiations, the conditions were characterised as ripe. Inside the ANC and in uMkhonto weSizwe, Operation Vula machinery was being set up. For those who want to know more about Operation Vula, you can consult some of the members and Charles Ngakula is one of them. They can tell you more about the operation and how the regime was going to be toppled.

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Before 1990, we highlighted for those who say negotiations sold out and sold out the land because that is where I am going with the point. We want to highlight that there was a Harare Declaration of 1988 and the Freedom Charter of 1955. Hon Carter is right to raise the point about the Ready to Govern document, although she raised it out of context, all together. Before the 1994 breakthrough, these were all the processes which necessitated that when the regime could no longer continue to rule in the same old way, given the pressure of the four pillars of the national democratic revolution: the mass mobilisation, the armed struggle, the international solidarity and the underground work.

I was privileged because I was here at the Grand Parade as a young boy on 02 April 1990 when De Klerk was forced to unban the ANC, uMkhonto weSizwe, Apla, the SACP and all other banned organisations. I beg your pardon; it was on 02 April 1990 that he declared the release of Nelson Mandela on 11 April. Negotiations came about because the regime had succumbed.

The ANC in exile had asked us to discuss the constitutional guidelines because there was going to be an issue about Section 25. The constitutional guidelines that were discussed in the UDF structures and in all our structures inside the country led to what transpired at the end of the day in what became the Constitution of

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South Africa. These negotiations were led by Nelson Mandela and the current President Cyril Ramaphosa at the World Trade Centre.

Mr T RAWULA: Hon Chair, I am taking the lessons but may I ask a question?

The HOUSE CHAIRPERSON (Ms M G Boroto): Would you like to take a question, hon Mnguni?

Mr P J MNGUNI: After my input, I hope to have time and I would like to deal with that question. Thank you, hon House Chair.

On the negotiation table, the ANC delivered on its mandate and all the forces that rallied behind it delivered and also in homeland governments. It is a pity now that General Bantu Holomisa and his UDM are sitting on the other side. I think that on issues of land, we should find ourselves in the common fold.

The lesson in brief would just sketch the era of negotiations that came about with the Constitution.

Mr M L W FILTANE: Which ANC would one join if one wanted to cross over?

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The HOUSE CHAIRPERSON (Ms M G Boroto): Hon Filtane, what is your point of order? Continue hon Mnguni, there is no point of order.

Mr P J MNGUNI: We are discussing the current Constitution as the ANC following the House resolution of 28 February. We are discussing the Expropriation of Land without Compensation but the context is clear. Our colleagues in the EFF are free to lobby us but we wonder if we really mean the same thing about the Expropriation of Land without Compensation.

Policy evolution of the ANC meant that in the aftermath of 1994 we had to see a period of willing-buyer, 'willing-seller' where you had to persuade everyone in the interest of nation-building. At the both Polokwane and Mangaung national conferences of the ANC, the ANC resolved to emphasise the aspect about the just and equitable dispensation. This means that there will no longer be a willing-buyer, 'willing-seller' principle because some of the sellers were just unscrupulous and had exorbitant land prices.

In fact, our department led by the then Minister Kwinti had to establish the Office of the Valuer General because we had to moderate the exorbitant prices by unscrupulous sellers who were selling to our government. Land tenure comprises of three components, ie, land tenure, land redistribution and land

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restitution. I just want to add to all what my colleagues in the executive and the portfolio committee have said on tenure security. We have seen that the Bill that was drawn in 1976 had some flaws and weaknesses. So, 2,8 million were being victimised willy nilly by the landlords. The NA has passed the Amendments to the Extension of Security of Tenure Act, Act 62 of 1997. It is now before the NA.

We dare say to the public that by the end of the legacy period of the Fifth Parliament, this Act would have been tightened up. I have been privileged to talk to some comrades including Cosatu arguing that if the Act is adopted, it is going to be very difficult that anyone of the 2,8 million inhabitants of our farms will be victimised. Their tenure security will be tightened forever.

We have made a call also to our beloved department to argue about the competency of the lawyers that are representing government and all of us to defend the 2,8 million people who are victimised on the farms. They are not doing their best. We take the opportunity to call upon the legal fraternity to skill themselves in the land portfolio because it is troubled. We are inspired by one learned friend, Ngcukayithobi and had written a book and is currently at the forefront of the defence of our cause and the cause of our people. We think that more lawyers must follow suite and more lawyers must come up in defence of our people. That is how you conduct revolution

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in a democratic dispensation. You do not just go about calling all sorts of things and hope that they will -

Going to the restitution, I am privileged to indicate that in two months time now by 31 July, the Restitution Amendment Bill which I was privileged to introduce at the NA will have been wrapped up at the NA in terms of the public hearings and be ready for Second Reading Debate and ready for the NCOP to engage with it. By the end of the current term, the restitution would have be re-opened and our people would be lodging claims; and claiming their land back; and coming before our commission to claim. Our people would be asking the commission if they would be compensated appropriately or can we get our land back as the case might be. That is the issue in so far as the land restitution so that our people know that the ANC will not rest until land claims are re-opened. Restitution means claims for reparations.

The land redistribution is a troubled area, we agree. Various percentages have been thrown in but trouble on all ends. Our people more often choose money. Now, people choose R40 000 for that two square metre piece of land. We will caution people to choose land and not money but it is their choice.

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In so far as land redistribution we noted all the difficulties that we have been through and we have already indicated. We went through an era of willing-buyer, 'willing-seller' principle and just and equitable. We are now discussing the tool, together with everyone out there in society via the Subcommittee of Rules and we are discussing the Expropriation of Land without Compensation.

I just want to, in passing on this Expropriation without Compensation, make this indication that the land grabs that some of our colleagues in the House really call for have no space in our dispensation. The land grabs of one of the parties sitting next to you and giving you powers in the metropolitan municipalities, calls for land grabs. The land grabs have no space and mean each one for himself and the devil takes the hindmost. We do not think that land grabs are the way to go at all. We think that a systemic scientific approach needs to be taken.

We also want to caution that there are some farmers who are beginning to refinance their properties to encumber their properties. We think that it is unholy, disingenuous and it should not be done. Hon Van Damne you can do well to tell those farmers. We do not agree. The ANC supports the budget vote.

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The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: Malibongwe [Praise], Chair. Let me thank hon Deputy Ministers, all Members of Parliament for your very enthusiastic but also quiet some valuable ...[Inaudible.] But you know, I did not know hon member that you could scream for nothing like that. I use to respect you from outside but let me leave you on that.

I wish your senior who was sitting next to you, hon Groenewald, was here, because I wanted to tell him that, please don't keep opening up old wounds. I was sitting there, listening to hon Nchabeleng and looking at hon Skwatsha and wondering what hon Mashego-Dlamini is thinking.

When we were young, listen and learn, there was talking about learning from history. The first co-President with Ma Sisulu, President of the UDF, Ntate Peter Nchabeleng, was killed physically in a police station at night in Schoonoord. I happened to have been living a few kilometres from there. We were the first to go and witnessed his body slumbered against the walls. Your father, hon Nchabeleng, I know it will be difficult for you to come here and say, learning from our history and lessons and talk about him. But every time I look at you, I think of him and what he fought for. [Applause.]

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So, this thing of land ownership that Madiba spoke about that we will walk with pride, that it was declared crime against humanity; it is not a play matter. It is not a matter of speculation of prizes. It is not a matter of frustrating the government and makes it impossible to restitution of land. Make sure that we all walk tall and be proud to be South Africans.

Please do not touch runlets. Don't make this simple part of our history a joke. [Applause.] It is even more painful when it's women joining in and becoming part of this. Please van Damme, don't learn wrong lessons. Don't enter this. You were very young; you don't even know what happens to us. [Interjections.] I don't know where she was.

Hon Mnguni, you have responded to the real questions that I wanted to respond to. You know, I listen to Shaik in the National Assembly but I have never heard him so clear about what he thought we should do. He has left a three page notes here for me on the things that he thinks we should be doing. We will not come here, neither my predecessor nor me and say, its okay for us to have a number of vacancies at high level as we do. It's not right. It needs to be corrected. We will as President instructed, quicken our steps. You know, this country and the future we hold entrust for our children, and this country will become free the day we show our children a

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good lesson. But it will not be that it is Friday and I am rushing for a flight, I will not do justice to what is right. Deal with a very sensitive matter like land and be like hon Groenewald - insult people and leave because that will not change. You are still going back to underpaid maids who can't even bury their loved ones in the farms you own. So, please don't do that to our people.

So, what remains of us is indeed to do follow up on making sure that we stop the speculation on land through our valued general. Stop speculation; redress the imbalances of the past. Now, implement all the policies and work together. Stop those who are flying to America and anywhere to come back home and participate in the Constitutional Amendment Review of your Parliament. You can scream but you know the truth. There is no Australia, nor America that is going to bring a solution to us because we had liberated ourselves.

Mr T RAWULA: Order, Chairperson.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much, your time has now expired.

The MINISTER OF RURAL DEVELOPMENT AND LAND REFORM: I thank all the participants, MECs and hon members.

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Mr T RAWULA: Chairperson, I can tell you now that we have not received our response. I am serious.

The HOUSE CHAIRPERSON (Ms M G Boroto): Thank you very much. I just want to thank our guests in the gallery. We really acknowledge your presence here every time you come. I want to thank all the hon members for availing themselves to this mini-plenaries.

Debate concluded.

The House adjourned at 12:33.