

ORAL SUBMISSION TO THE CONSTITUTIONAL REVIEW  
COMMITTEE  
POSSIBLE REVIEW OF SECTION 25 OF THE  
CONSTITUTION



DIE AFRIKANERBOND - 5 SEPTEMBER 2018

Jaco Schoeman  
Chairperson of the National Council of the Afrikanerbond

1. INTRODUCTION

- Thank you for the opportunity. It is a privilege for any citizen of this country to come to parliament and to speak frankly and honest about issues affecting every South African.
- From our Credo: The Afrikanerbond is firmly convinced and we do believe that our own interests and those of our fellow Afrikaners are altogether inseparable from the interests of any other South African and other people in South Africa. Therefore we will cooperate where necessary with the authorities and political parties on all levels and with all patriotic organisations in the civil society to achieve common aims. It is for this reason that we are here today.
- The presentation will be in English and we will try to answer the questions in English, but I would like to introduce myself and our delegation in a language in which I am more comfortable than English.

2. OUR IDENTITIES (isiXhosa)

- My name is Jaco Schoeman - I am an Afrikaner and am chairman of the National Council of the Afrikanerbond
- I belong to the Schoeman Family.
- My language is Afrikaans. My ancestors came from Europe centuries ago: German, Dutch and English and contributed to my language. My language also has roots in Xhosa, Zulu, San and also words from India, China and other Eastern Countries, but is a South African language that I love.
- I am a farmer from the Eastern Cape. I did not steal my land, I'm not a thief and I'm not

"Umhlungu". Umhlungu is the white foam that are spewn out from the sea. This is not what I am and I deserve more respect. I cultivate the soil on which I farm, I supply food, I preserve the soil and water, it is my life.

- I am a South African.
- I work with the African sun on my back - I am from Africa.
- I participate in International Sports, I rely on International Markets, I use their tools and technology. Therefore, I am also a citizen of this world.

Our delegation

- Pieter Vorster - Former Chairperson - also a farmer and lawyer
- Jan Bosman - Chief Secretary
- Johann Bornman - Expert in agricultural research
- Francois Rossouw - Young lawyer

All loyal South Africans and true patriots!

I am proud to be the chairperson in the year that the Afrikanerbond celebrates our centenary.

### OUR HISTORY - OUR SOLEMN PACT - BEFORE 1994

- Yes. We were all part of the old South Africa and yes Apartheid did give more privileges to white South Africans. I did benefit as a white South African, but for more than 50 years I have been trying to return some of my skills to my fellow South Africans.
- Yes. It is true that the first interaction between Afrikaners and the ANC happened in 1986. A meeting between Prof Pieter de Lange (Chairperson of the Afrikaner Broederbond and Thabo Mbeki in New York.
- This was an important milestone and was also acknowledged by Mr Thabo Mbeki.
- In this same parliamentary precinct Mr FW De Klerk changed the face of South Africa on 2 February 1990 - a face that changed South Africa for ever.
- Whites agreed to change the dispensation which advantaged them. A referendum was held which almost tore the white community apart.
- Negotiations were held and a solemn pact was formed based on the 34 Constitutional principles which were the cornerstone of the Interim Constitution.
- This laid the foundation of our new democratic dispensation.

- One of the important constitutional principles is Principle number 2:  
*“Everyone shall enjoy all universally accepted fundamental rights, freedoms and civil liberties, which shall be provided for and protected by entrenched and justiciable provisions in the Constitution,”*
- *Universally accepted fundamental rights*: Let me then remind you that this year is the 80th anniversary of the UN's Universal Declaration of Human Rights. Expropriation without compensation is contrary to the established international principle of the Declaration. South Africa is a co-signatory to this declaration of Human Rights.
- Article 17 of this declaration reads: *“(1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.”*

### 3. NO ONE SHALL BE ARBITRARILY DEPRIVED OF HIS PROPERTY

- We are pleased to see that government is actively pursuing policies that could improve the lives of poor South Africans.
- However, we do not believe that opting for the most drastic measure of amending the Constitution to allow for land expropriation without compensation will have the desired effect.
- The Constitution of South Africa was an agreement to improve the lives of all South Africans; it was negotiated by individuals from all spheres of life and political persuasions in our country during the most difficult of times.
- As the backbone of our democracy, an amendment should only be discussed when all other avenues have been exhausted and not in the interest of expediency. As we have seen in the not too distant past, no one can vouch for the good character or intentions of one man, let alone a whole organisation.
- Even though this government's intentions might be pure in proposing the said amendment, who can guarantee that this most drastic of unfounded solutions might not later be used against the people of this country?
- Righting wrongs and improving the lives of our people are important but choosing to do so with the most volatile of possible solutions is not worth the risk. We do so at our own peril.
- A workable solution to the land question must be found and we believe that it is possible.
- The land belongs to those who work it. This is a worthy ideal BUT

- you have to take risks,
- you have to commit yourself and your family,
- you have to provide food and shelter,
- A farmer has to get finance and depends on banks for loans. To do this, however, you need ownership -Title Deed. Therefore we regard property rights as the only workable recipe for growth and development and food security in South Africa.
- Food security is not solely the responsibility or the burden of white farmers. Any farmer who owns land must also be able to provide food for others; must be socially responsible to help others and to protect the environment.
- A free market economy with a social conscience - this is our Christian Democratic vision and we believe strongly in this responsibility to help where there is need and to assist with uplifting those in need.

#### **4. THE MISTAKE IS NOT THE CONSTITUTION BUT AN INCAPABLE GOVERNMENT**

- For 24 years the present government has experimented with the wrong policies and frameworks and it was disastrous in every respect.
- To change Section 25 of the Constitution will not result in a quick-fix solution to the mess exacerbated by government and the governing party.
- Changing the Constitution will not alleviate the need for land and property rights and the need for title deeds on both rural and urban land.
- Unfortunately a change in the Constitution is futile when we still have:
  - Political parties with a hidden agenda who are still adhering to outdated ideologies;
  - Lack of political will; and
  - People who are unable to implement policies.
- Unfortunately the last 24 years has shown little progress in rural development and land reform. It became a period of missed chances and neglected opportunities because of political opportunism and failures by the responsible departments.
- A change in the Constitution will not solve this.

#### **6. RAMAPHOSA AND 2018 AND THE NEED FOR LAND REFORM**

- President Ramaphosa said amongst others at the Afrikanerbond Centenary Celebrations on 7 June in Paarl:
 

*"Let us plan and determine the future of this country together. Let us seek the peace for this torn, tragic, divided South Africa. If well handled, land reform will help bind the nation together and produce benefits for everyone. If badly managed, it will simply re-distribute resentment, damage the economy and destroy social peace. If not undertaken at all, the country will remain divided at its heart."*
- Many assurances were given such as that it must not "*damage the economy and destroy social peace*" - in other words, it must not harm food security.
- In the president's words It must not damage the economy -- Unfortunately since 21 December 2017 when the ANC declared its intent to change the constitution investor confidence fell. People are distrusting of new policies and new experiments as we have a not too distant past of chaos and state capture.
- President Ramaphosa said: Let us work together to determine the future of our country
  - o We have been saying and propagating this for years;
  - o Many reports and proposals regarding this issue are gathering dust;
  - o Many requests for meetings to previous presidents and many ministers of Land and Agriculture, Safety and Security, and Arts and Culture were never answered.
- Civil society did not lack willingness. Government closed its doors and blocked their ears to any suggestion, any solution, any cooperation.

## 7. DO THE RIGHT THING

- Land reform and property rights must not be placed on the altar as an electioneering tool.
- Dishing out land is no guarantee to combating poverty and unemployment.
- Proper and fair land reform must happen - for the right reasons.
- We are of the opinion that there is still opportunity to amend the mistakes of the past.
- This will require a responsible approach to land reform and within the framework of the Constitution and the current applicable sections of the Constitution.
- In a survey done in 2016, South Africans stated that unemployment, service delivery, a shortage of housing, criminality and poverty were their biggest problems. Only 0,5% of black South Africans listed land distribution as their biggest problem.
- Land reform is necessary, but the process must take place honestly, sincerely and openly.

- The Afrikanerbond holds the view that a full audit of land and housing should be done: that **categories of land and title deed (both rural and urban)** should be included.
- That owners of title deeds should be treated fairly and justly, and where expropriation must take place, it should be with fair compensation.
- This must remain the cornerstone of the economy!
- We must protect but also extend property rights to black owners:
  - use every possible section of land available - in the hands of all the spheres of state
  - negotiate with traditional leaders for extension of ownership to current communal land
  - provide easy loans to people who want to have land in rural and urban areas
  - provide training and assistance to new farmers
- Most importantly: **THE STATE HAS PROVEN THAT IT CANNOT BE TRUSTED TO BE THE CARETAKER OR CUSTODIAN OF LAND - IT CAN ALSO NOT BE THE DRIVING FORCE OF LAND REFORM.** To be successful Government must transfer its land reform programme to a capable agency - in a joint venture with commercial banks

Finally

- This whole parliamentary process - although well handled by this Joint Committee is unfortunately not based on the correct assumptions or motives.
  - That land was stolen
  - Without any reliable data on land ownership
  - Where public hearings were used and abused by political parties
  - With election 2019 as the driving force

## 8. CONCLUSION

Chairperson

- Government is currently depriving the majority the people of this country of economic freedom and a better life. It is not the Constitution which is at fault.
- A nation cannot depend on its government for alms and handouts.
- A good government will uplift its people, create wealth and will provide for the needs of the most desolate and not make them permanently dependent on hand-outs.

- Our current policy frameworks are clearly leading to permanent impoverishment of a large section of our society.
- But, please do not lose sight of the fact that civil society is willing to work hand in glove with the authorities to find lasting solutions to these problems.
- And let me remind all of you here present that we (The Afrikanerbond) is celebrating our centenary this year. We have a history of one hundred years that is proof of the successful efforts of a small group of people who uplifted, educated and contributed towards the ideal of a new dawn for the Afrikaners.
- Our offer stands: Let us work together for the benefit of everyone and within the framework of the Constitution based on the solemn pact we reached in the 1990's.

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**Die Afrikanerbond**

**5 September 2018**

**Enquiries:**

**Jan Bosman**

**Chief Secretary**

**083 630 6187**

**janbosman@abond.co.za**