**REPORT ON THE POSSIBLE REVIEW OF SECTION 25 OF THE CONSTITUTION**

**CONSTITUTIONAL REVIEW COMMITTEE**

**ANC OBSERVATIONS**

1. There were differing views on whether the current S25 of the Constitution is an impediment to Land Reform, especially in as far as Expropriation of Land without Compensation is concerned and that clarity should either be sought through an application to the Constitutional Court directly or through a test case.
2. There were differing views on whether title deeds should be issued to beneficiaries or whether the State should be the sole custodian of all land.
3. There is an urgent need for the Land Reform Program to be expedited to redress the historical injustices related to ownership patterns.
4. That a law of general application as envisaged in S36 of the Constitution together with other Land Reform legislation must be finalised by the Executive and processed through Parliament.
5. That any Land Reform measures taken, must consider the impact on food security, stability in the agricultural sector and economy, investor confidence, financial exposure to banks and other financial institutions by commercial farmers and result in adequate support for emerging farmers.
6. The State must address the lack of capacity to implement Land Reform, the inadequate budget allocations meant to facilitate Land Reform, as well as matters of corruption and collusion in the Land Reform program.
7. Communities were very vocal on the need to restore dignity, protect cultural practises and ensure security of tenure for farm labourers and tenants is entrenched.
8. Members were afforded an opportunity, and did undertake in their individual capacity, perusal of the written submission at Parliament, in consideration of the content of the submissions. It was apparent, that in many instances, written submissions were computer generated duplications with exactly the same content, and the only changes being to the name of the submitter and the contact details.

**ANC RECOMMENDATIONS**

The guiding questions for the work of the committee on constitutional review were the necessity of and mechanisms for expropriation of land without compensation. After considering the views of the public on this matter, the Constitutional Review Committee recommends as follows:

1. That Section 25 of the Constitution must be amended to make explicit that which is implicit in the Constitution, with regards to Expropriation of Land without Compensation, as a legitimate option for Land Reform, so as to address the historic wrongs caused by the arbitrary disposition of land, and in so doing ensure equitable access to land and further empower the majority of South Africans to be productive participants in ownership, food security and agricultural reform programs.
2. That a mixed ownership of land, which inter alia includes individual ownership (title deed issued to beneficiaries), direct State ownership, trusts and communal land custodianship must be ensured.
3. That Parliament must urgently establish a mechanism to effect the necessary amendment to the relevant part of Section 25 of the Constitution.
4. Parliament and the Executive must ensure that all legislation related to Land Reform, must be enacted as a matter of urgency.
5. That security of tenure for farm workers, farm tenants and those residing on communal land held in Trust must be assured.