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| Logo_UDM_new | **UNITED DEMOCRATIC MOVEMENT SUBMISSION CONSTITUTIONAL REVIEW COMMITTEE**12 November 2018 |
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**Background**

1. On the 27th February 2018 the National Assembly passed a motion,

 “*with the concurrence of the National Council of Provinces instructs the Constitutional Review Committee to:*

1. *review section 25 of the Constitution and other clauses where necessary to make it possible for the state to expropriate land in the public interest without compensation, and in the process, conduct public hearings to get the views of ordinary South Africans, policy-makers, civil society organisations and academics, about the necessity of, and mechanisms for expropriating land without compensation;*
2. *propose the necessary constitutional amendments where applicable with regards to the kind of future land tenure regime needed;*
3. *report to the Assembly by no later than 30 August 2018*.”
4. Pursuant thereto, the Constitutional Review Committee (CRC) began its work and conducted the following activities by way of discharging the mandate.
5. Public hearings in all nine provinces;
6. Hosted oral submissions in parliament; and
7. Facilitated receipt of written submissions in parliament.
8. During public hearings a diversity of South Africans presented their views in 3 minutes deliberations per person.
9. All oral presenters in parliament, were each allocated 10 minutes and were subjected to questions for clarity by the committee members.
10. In the closed committee sessions, members were presented with reports on written submissions. Moreover, members were encouraged to avail themselves of the opportunity of accessing further written submissions that were not actually presented to the committee. These are submissions that are currently being stored on the 3rd floor at 90 Plein street in parliament.

**OBSERVATIONS:**

1. The public hearings revealed a dominant opinion, in favour of the amendment of the constitution. Some of the most common reasons in support ofr this opinion were:
* Restorative justice must be brought about through the amendment;
* People need land for social and economic activities;
* Restoration of land that was brutally taken away through wars in the 17th century and thereafter, through a series of unjust laws, and therefore should be returned back to the original owners (the Koi, San and other Africans);
* Traditional leaders must be in control of the land as before;
* Private ownership must be enhanced;
* All citizens (South Africans) are capable of producing food for the nation and therefore land should be available to all equitably;
1. There were counter arguments on proposal to the amendment with following reasons advanced:
* Beneficiaries and stakeholders of land expropriation would not have the knowledge and capacity to effectively work the land;
* No land was ever stolen in the history of South Africa;
* Section 25, as it stands makes ample provision for access to land by blacks, all that is needed is for government to improve its performance of the land reform programme and give people title deeds;
* The state has ample surplus land which it is not using, and this is the land that must be transferred to the landless;
* The economy will heavily suffer if land is taken away from the current white owners.
1. Challenges with the written submissions
* The major challenge with the written submissions was a lack of authenticity and duplications. In one instance, you would get about 60 000 submissions from the same email address and same content and substance. Generally, both oral and written submissions were received from institutions and individuals who could be defined as privileged.

**RECOMMENDATIONS**

1. Section 25 of the Constitution should be amended as follows:
* “**EXPROPRIATION OF LAND WITHOUT COMPENSETATION IS PERMISSIBLE**”. This view is based on the large number of the landless people who were in favour of the amendments as expressed in public hearings. The finalisation of this amendment should be concluded before the end of the fifth democratic parliament.
* A Bill to actualise this should be processed in order to make it possible for land expropriation without compensation to transcend beyond the 19 June 1913 date.
* The 6th Parliament should deal with the terms and conditions of such land expropriation without compensation.
1. All parties must be represented in the committee to be established by parliament which will deals with the process after the amendment of the constitution.

**Conclusion**

I can claim, without any fear of contradiction, that the UDM has made its participation known during this process. We need to insist on our view, that even if parliament would agree through majority decision, another round table will be necessary to elaborate the actual rollout of the process.

**END.**