**AD HOC COMMITTEE BRIEFED BY EXPERTS ON LAND REFORM AND THE CONSTITUTION**

**Parliament, Friday, 01 March 2019 –**The Ad Hoc Committee to Amend Section 25 of the Constitution today met to among others listen to experts on the question of land reform which would assist it with the necessary Constitutional amendment to make it possible for the State to expropriate land without compensation, in the public interest.

Mr Valli Moosa, who was closely involved with the drafting of the Constitution, said the process the committee will have to undertake to amend the Constitution should have legitimacy in order for the outcome or final product to be believable to all South Africans. Mr Moosa emphasized that, given the importance of amending specifically the Bill of Rights, the process followed should be meticulous and not come across as being rushed into.

He further said it is important that the public be reminded that only the sub-section of Section 25 that deals with land is being considered for amendment. This, according to him, is the section that excludes property and intellectual property rights. “We don't need to do something new. It's already there, we just need to make it,” said Moosa with reference to the amendment.

Judge Albie Sachs focussed on overlapping rights and shared land for example on communal land. Judge Sachs said the judiciary played an important role in this process and although at times it has been accused of judicial overreach, its role in a constitutional democracy should be respected.

Both Mr Moosa and Judge Sachs highlighted the importance of ensuring that the amendment of the Constitution contributes to nation building, as was the case with the current Constitution. In the end, not everyone agreed with the content, but the process to get to the final product was credible. Both agreed that amending the Bill of Rights in the Constitution should not be feared after more than 25 years the Constitution was adopted, as this will give South Africans the opportunity to engage on how best to deal with land, keeping in mind it is a very emotive issue.

The committee heard that the need for a package of solutions to the question of land reform should be considered. Prof Ruth Hall of the University of the Western Cape’s (UWC) Institute for Poverty, Land and Agrarian Studies (PLAAS) said this includes the need to expedite the Expropriation Bill, Land Records Bill and Land Redistribution Bill coupled with court cases on the issue. She championed for clear compensation policies to back up expropriation as the formula used for current compensation policies has no basis in law.

Committee Chairperson, Ms Thoko Didiza, said it is clear that all presenters cautioned against the dangers of opening other elements that might cause dispossession. The example was used of someone who inherited land that was acquired over 200 years ago and benefited from Apartheid policies versus someone who bought land last year (2018) at market value. She said all inputs are food for thought for serious consideration.

The committee will meet next Friday, 08 March 2018, to continue its work.

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE AD HOC COMMITTEE TO AMEND SECTION 25 OF THE CONSTITUTION, MS THOKO DIDIZA.**