**UNREVISED HANSARD**

**NATIONAL COUNCIL OF PROVINCES**

# TUESDAY, 10 MARCH 2020

***PROCEEDINGS OF THE NATIONAL COUNCIL OF PROVINCES***

The Council met at 14:01.

The Chairperson took the Chair and requested members to observe a moment of silence for prayers or meditation.

# NOTICES OF MOTION

Mr M E NCHABELENG: Chairperson, I hereby give notice that on the next sitting day of the Council:

That the Council –

1. debates the inadequate and poor state of toilets in many schools across South Africa;
2. notes that it is estimated that there is a total of 3 898 pit latrines in the country’s schools; and
3. further notes that despite the launch of a number of initiatives to address the inadequate and poor state of toilets in schools and the delivery of 10 621 toilets since the year 2000, many schools across South Africa have toilets that are not only inadequate compared to the ratio of learners in schools, but also extremely dangerous and even led to the death of learners in some schools.

Agreed to.

Ms B T MATHEVULA: Chairperson, I hereby give notice that on the next sitting day of the Council, I shall move on behalf of the EFF:

That the Council –

(1) debates the shortage of clean water in 50 villages in Giyani, Limpopo. Thank you Chairperson.

Agreed to.

Mr T J BRAUTESETH: Chairperson, I hereby give notice that on the next sitting day of the Council, I shall move on behalf of the DA:

That the Council –

1. notes with great concern the water crisis throughout the entire Ugu District Municipality;
2. further notes that this water crisis has led to intermittent water supply since December 2015, and that currently, there are over 150 000 affected residents with no water;
3. also notes that economic activities, including industry and tourism, in the major towns of Harding, Margate and Port Shepstone have been severely affected leading to retrenchments;
4. recognises that health services at St Andrews Hospital, Murchison Hospital and Port Shepstone Regional Hospital have been severely curtailed leading to poor health outcomes;
5. further recognises that the financial crisis in the Ugu District Municipality is due to a ballooning debtors book caused by insufficient or dysfunctional revenue collection measures, which have resulted in a budgetary shortfall of over R300 million;
6. acknowledges that, despite pleas and petitions to the KwaZulu- Natal provincial Cogta MEC, the KwaZulu-Natal premier and his government, and all provincial interventions have not been successful in resolving the crisis with the Ugu District Municipality; and lastly
7. calls upon the Minister of Cogta for a direct section 139 intervention into the Ugu District Municipality in order to improve water service delivery, sanitation services and the municipality’s finances.

The CHAIRPERSON OF THE NCOP: As hon Tim takes his seat, we urge members not to be too long. I am sure members understand that.

Mr A B GOYIYA: Chairperson, I hereby give notice that on the next sitting day of the Council, I shall move on behalf of the ANC:

That the Council –

1. debates taxi violence in many parts of the country;
2. also debates the fact that for years, the taxi industry has been heavily embroiled in conflicts that have claimed thousands of lives; and
3. acknowledges that at the heart of the violence is the persistent struggle over the control of this multibillion rand taxi industry that carries over 60% Of South Africa’s commuters.

Mr J J LONDT: Chairperson, I hereby give notice that on the next sitting day of the Council I shall move on behalf of the DA:

That the Council –

(1) debates the process and readiness of the municipalities to procure electricity from independent power producers, IPPs, and the importance of this transition to enable economic growth and job creation.

Ms S SHAIKH: Chairperson, I hereby give notice that on the next sitting day of the Council, I shall move on behalf of the ANC:

That the Council –

1. debates the burning and destruction of public property such as schools, libraries, clinics, trains and police stations during public protests; and
2. acknowledges that the burning, mayhem and destruction of public property during public protests not only robs communities of service delivery points, but also perpetuates the historical imbalances of underdevelopment and skewed investment to previously marginalised and disadvantaged communities.

Agreed to.

Mr S E MFAYELA: Chairperson, I hereby give notice that on the next sitting day of the Council, I shall move on behalf of the IFP:

That the Council –

(1) debates the need to address water scarcity in South Africa as a result of climate change and its economic impact.

Agreed to.

Ms S A LUTHULI: Chairperson, I hereby give notice that on the next sitting day of the Council, I shall move on behalf of the EFF:

That the Council –

(1) debates the issue of reported cases of stolen cars in Ejozini police station that crosses the Mozambican borders and allegations of the involvement of the SAPS officials in the crime.

Agreed to.

Ms M O MOKAUSE: Chairperson, I hereby give notice that on the next sitting day of the Council, I shall move on behalf of the EFF: ... [Interjections.]

... But what is the thing about you people loving positions ... [Interjections.] ... so much. You even correct me for a mere position. [Interjections.]

That the Council –

(1) debates the escalating number of kids born with disability in the Pixley Ka Seme area in the Northern Cape.

Agreed to.

Ms A D MALEKA: Chairperson, I hereby give notice that on the next sitting day of the Council, I shall move on behalf of the ANC:

That the Council -

1. debates the increasing number of stateless kids as a result of migration and the rise of the new phenomenon of single parent fathers who are not able to register their children because the 1992 Births and Deaths Registration Act does not make provision for unmarried fathers to register the births of their children without the child’s mother; and
2. also debates the fact that the stateless children are not recognized as citizens of any country in the world and they can’t access basic things such as their constitutional rights, social services, health care and education.

Agreed to.

# REBURIAL OF LIBERATION STRUGGLE HERO DR A B XUMA AT ENGCOBO

(Draft Resolution)

Mr M DANGOR: Hon Chairperson, I move without notice:

That the Council -

1. notes the burial of the liberation struggle hero Dr Alfred Bathini Xuma on Sunday, 8 March at his birth place in KuManzana Village, Engcobo;
2. also notes that Dr Xuma, was one of the first Africans to become a medical doctor, passed away in Johannesburg in 1962 after a life of selfless service and was buried at the Brixton Cemetery in Johannesburg;
3. further notes that in 1940 he was elected President of the ANC where his vision of calling for the ANC to rekindle the African political initiatives led to the establishment of the Youth and Women’s League;
4. therefore, we welcome President Ramaphosa’s decision to declare the reburial of Dr Xuma’s remains as a special

official funeral and convey our heartfelt condolences to the family of Dr AB Xuma.

I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# IFP CALLS FOR GOVERNMENT INTERVENTION IN JOZINI’S POVERTY AND LACK OF WATER CRISIS

(Draft Resolution)

Mr S E MFAYELA: Hon Chairperson, I move without notice:

That the Council -

1. notes that Jozini, in KwaZulu-Natal, is home to some of the most vulnerable people in South Africa with an excessively high unemployment rate of nearly 80% and a quarter of households are headed by children;
2. further notes that Statistics South Africa’s 2019 report estimated a food poverty line of R561 a month per person, and child support grants fall R131 short;
3. calls for the urgent intervention by the Leader of Government Business to co-ordinate a ministerial task team and local government officials to find immediate and long term solutions that end the severe poverty in the region;
4. further, calls on the Minister of Water and Sanitation to ensure that all people residing in Jozini have access to water from the Jozini Dam by means of daily water trucks and long term piped - water infrastructure;
5. resolves that the government must treat Jozini as a disaster zone in their efforts to provide services and economic upliftment in the area.

I thank you.

Motion agreed to in accordance with section 65 of the Constitution.

# LACK OF SERVICE DELIVERY IN THABA CHWEU LOCAL MUNICIPALITY AND DILAPIDATED INFRASTRUCTURE

(Draft Resolution)

Ms H S BOSHOFF: Hon Chairperson, I move without notice:

That the Council -

1. notes with concern the failure by the Thaba Chweu Local Municipality to deliver basic services such as water and electricity;
2. also notes that residents in Sterkspruit Estates were without electricity for up to 33 hours due to a dispute between Eskom and Thaba Chweu Local Municipality;
3. acknowledges that residents of Mashishing are subjected to the harsh realities of non-delivery of services as they go weeks without water, leaving them to collect from nearby streams or make use of fire hydrants;
4. apprehends that this local municipality has not maintained its infrastructure for years leading to the near collapse of service delivery while raw sewerage flows freely down the streets and into the rivers and streams with little to no maintenance being done on the town’s road;
5. lastly, appreciates that the DA had on numerous occasions called on government to intervene in this dysfunctional municipality, but to no avail, and;
6. recognises that under the DA-led government, the citizens of Thaba Chweu would be provided with running water, electricity, decent roads and a clean environment.

I so move.

Motion agreed to in accordance with section 65 of the Constitution

# CITY OF CAPE TOWN METROPOLITAN MUNICIPALITY LOST APPEAL AGAINST PHILLIPI RESIDENTS ON LAND

(Draft Resolution)

Cllr T B MATIBE: Hon Chairperson, I move without notice:

That the Council -

1. notes that the City of Cape Town Metropolitan Municipality has again lost the appeal over the occupied land by the Phillipi residents
2. also notes that the Supreme Court of Appeal has ordered the city to buy the land occupied by 60 000 since 2013;
3. acknowledges that the ruling secures the right to housing for the poor and affirms the right to illegal evictions;
4. calls for the DA-led city of Cape Town to be proactive and sensitive when dealing with this matter instead of being heartless and resorting to evictions.

I so move.

Motion agreed to in accordance with section 65 of the Constitution

The CHAIRPERSON OF THE NCOP: Hon members, before I proceed to hon Mokause, let me just draw the attention of the House to the fact that hon Bebe is back. [Applause.] She was receiving healthcare but you can her that she is back in full swing.

# EFF CELEBRATES FEES MUST FALL ACTIVIST, MCEBO DLAMINI

(Draft Resolution)

Ms M O MOKAUSE: Hon Chairperson, I move without notice:

That the Council -

1. notes the judgement against Fees Must Fall activist Mcebo Dlamini by the Johannesburg Magistrate Court;
2. further notes that Mcebo Dlamini was prosecuted for his involvement in the Fees Must Fall strike in 2016;
3. he, like make other Fees Must Fall activists is a courageous fighter for economic freedom in our lifetime;
4. his contribution to the struggle for the free decolonised education, decent student accommodation, food and books;
5. it is a contribution that cannot be erased from our history;
6. to many, Mcebo Dlamini will remain an example to those dead to defend the rights of the black child to education and such revolutionary act should be celebrated;
7. wishes Mcebo Dlamini strength and energy in these dark times;
8. we call upon all student formations and civil societies at large to rally behind Mcebo Dlamini to give him the necessary support.

I so move.

The CHAIRPERSON OF THE NCOP (Mr A Masondo): Are there any objections to the motions? Yes. In light of the objection, the motion may not be proceeded with. The motion without notice will now become notice of a motion. [Interjections.]

# DA CONGRATULATES EDEN FM COMMUNITY RADIO STATION’S EXPANSION

(Draft Resolution)

Mr J J LONDT: Hon Chairperson, I move without notice:

That the Council -

1. congratulates Eden FM community radio station for the stellar work that they are doing in serving their listeners and expanding their footprint;
2. notes the recent announcement that Eden FM is now the 2nd largest community radio station in the Western Cape and the 5th largest community radio station in the country;
3. further notes that they have gone from humble beginnings and grown from strength to strength and have become a force to be reckoned with; and
4. acknowledges and thanks them for the critical role they play in ensuring that citizens are informed and up to date with information to actively participate and take up their roles in communities. Keep up the good work and may you be blessed for the work you do.

I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# ANC SADDENED BY EIGHT-YEAR-OLD REAGAN GERTSE RAPE AND MURDER

(Draft Resolution)

Ms M N GILLION: Hon Chairperson, I move without notice:

That the Council -

1. notes with sadness the horrific death of an eight- year- old girl, Reagan Gertse, whose body was found in a stream behind a factory in Tulbagh on 1 March and was laid to rest on 7 March;
2. also notes that Reagan was allegedly raped and murdered by a family member, 58-year-old Jakobus Petoors, who is a convicted rapist and parolee;
3. appreciates that the Minister of Justice convened an urgent meeting with high ranking officials in the Department of

Justice and the Western Cape Correctional Services Parole Board to address the systematic flaws in the parole system; and

1. extends our heartfelt condolences to the family of Reagan and the community of Tulbagh.

I so move.

Motion agreed to in accordance with section 65 of the Constitution

# HORRIFIC SHOOTING OF SEVEN PATRONS IN TAVERN AT KHAYELITSHA

(Draft Resolution)

Mr E J NJANDU: Hon Chairperson, I move without notice:

That the Council -

1. notes with sadness the passing on of seven people following a shooting at a tavern in Khayelitsha in the early hours of Sunday, 08 March 2020;
2. also notes that seven other people, including a six-year-old, were injured during the shooting;
3. further notes that a group of men stormed the tavern shooting randomly;
4. acknowledges that a 32-year-old suspect was arrested on Monday, 9 March 2020 in connection with the killings;
5. therefore conveys our heartfelt condolences to the families of the deceased and wish those that were injured a speedy recovery.

I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# EASTERN CAPE BUS ACCIDENT IN CENTANE IN 2020

(Draft Resolution)

*IsiXhosa*

Nks Z V NCITHA: Sihlalo ohloniphekileyo, ndenza isiphakamiso ngaphandle kwesaziso:

Sokuba le Ndlu –

1. iqwalasele uvelwano olunzulu ngokuthi kwiMpuma Koloni kubhukuqe ibhasi kusweleke abantwana nabantu abadala;
2. sithi kwezaa ntsapho, akuhlanga lungehliyo, kunje kuwo onke amakhaya;
3. sibulela kurhulumente wephondo nakoosomashishini abathe bafaka isandla ukuncedisana nezaa ntsapho ukuze zikwazi ukungcwaba ngesidima abo bathe basishiya kwesa sithwakumbe.

Enkosi.

*English*:

Motion agreed to in accordance with section 65 of the Constitution.

# URGENT DROUGHT RELIEF INTERVENTION FOR FARMERS

(Draft Resolution)

Mr S F DU TOIT: Hon Chairperson, I move without notice:

That the Council -

1. notes that in spite of the fact that it did rain in some parts of South Africa, the persisting drought is still a real issue;
2. urges the government to assist the affected farmers with drought relief and to handle this as a matter of urgency;
3. honours the farmers for the bravery, faith and selflessly facing the drought and physical attacks and still cultivate food for a growing nation;
4. affirms that food security must always be protected with the positive approach and faith we can overcome any challenge.

I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# SALUTING WOMEN MPS ON THE SUCCESSFUL PARLIAMENTARY GENDER MACHINERY SUMMIT

(Draft Resolution)

The CHIEF WHIP OF THE NCOP: Hon Chairperson, I move without notice:

That the Council -

1. notes with great sense of pride the successful hosting of a gender machinery summit by Parliament last week;
2. acknowledges that, this summit heralded a new dawn in the collective efforts of women MPs to unite across party political affiliation in the struggle against patriarchy;
3. that; this summit represents a critical watershed in the elevation of gender mainstreaming to the highest offices of the Speaker of the NA and the Chairperson of the NCOP in parliament which demonstrates the seriousness and urgency with which parliament attach to the fight against patriarchy; and
4. therefore, calls on the Presiding Officers of Parliament and its gender machinery to: strengthen the institutional capacity of parliament as an apex institution of our democratic governance to provide coherent strategic leadership to society around issues of gender transformation, ensure that Parliament designs and adopt the best practice guide on gender mainstreaming as an integral part of the parliamentary oversight and accountability model, and to spearhead the process of strengthening partnership between the state and civil society in the fight against patriarchy and ensure co- ordination, integration and strategic convergence among different state actors on gender mainstreaming.

I so move.

Motion agreed to in accordance with section 65 of the Constitution.

# RULES OF THE POLITICAL OFFICE-BEARERS PENSION FUND

(Draft Resolution)

The CHIEF WHIP OF THE COUNCIL: Chairperson, I move without notice:

That the Council-

1. notes that Rules of the Political Office-Bearers Pension Fund require that, after a general election, permanent delegates to the National Council of Provinces must elect one permanent delegate as a trustee and one as an alternate to serve in the Board of Trustees of the Fund; and therefore
2. nominates hon Archibold Jomo Nyambi as trustee; and Ms Dikeledi Mahlangu as an alternate.

[Applause.]

Question put: That the motion be agreed to.

In favour: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Motion accordingly agreed to in accordance with section 65 of the Constitution

# NATIONAL MINIMUM WAGE AMENDMENT BILL

(Consideration of Bill and of Report thereon)

Mr M I RAYI: Hon Chairperson, hon Deputy Chairperson, hon Chief Whip, hon House Chairperson, hon members, good afternoon, in 2018, the National Assembly and the National Council of Provinces pass the National Minimum Wage Act or Bill then it became an Act after it was signed by the President.

But on publishing the Act, it was discovered that there was an error in the publication of the Act in terms of the numbering of the clauses and that then required that the Bill or the Act must be amended. The Committee of the National Assembly, the Portfolio Committee on Labour initiated a process of amending the Bill or the Act to correct the mistakes that were affected in the Act. So, that was the process. The after, it went to the National Assembly Portfolio Committee, it was then referred to the National Council of Provinces, the Select Committee, and the committee then dealt with the Bill as from the National Assembly.

So, the Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism Employment and Labour considered the National Minimum Wage Amendment Bill {B9 – 2019] referred to it and report that it has agreed to the Bill.

The purpose of the Bill - the aim of the Bill was to correct a technical error by correcting an incorrect cross—reference contained in section 17(4) of the Principal Act.

The process that we follow was that we advertised for the Bill for a period of three weeks using internal and external national newspapers inviting all interested stakeholders to submit written submissions.

The advert indicated that the interested stakeholders could make written as well as oral submissions. The committee received two submissions from the Western Cape Provincial Department of Finance and Economic Opportunities and the Congress of SA Trade Unions.

In terms of considering then the oral submission, first it was the Western Cape Provincial Department of Finance and Economic Opportunities. It contends that the submitted proposed amendment is not merely a technical amendment as indicated in paragraph 1 of the Memorandum of Objects of the Bill but reforms the law. The Western Cape Finance and Economic Opportunities is of the opinion that Clausc 1 of the Bill is retroactive.

The department further submitted that retrospective laws are not necessarily unconstitutional, whether presented in weak or strong legal sense. In advancing their submission, the Western Cape Department drew reference on the court judgement of Pienaur Brothers (Pty) Ltd vs Commissioner for the SA Revenue Service case no 87760/ 2014. According to the department, the court laid certain standards that need to be observed to determine the constitutional validity of the retrospective legislation. The department submitted that retrospective legislation may contravene the rule of law where it unreasonably or unfairly impairs the ability of those bound by the law to regulate their conduct in accordance therewith.

According to the department, the Memorandum of Objects of the Bill does not indicate what the rationale is for the change except to state that it is a technical correction. What is lacking in the Memorandum on the Objects on the Bill is an indication of the rationality for retroactivity, particularly as it relates to unilateral changes to conditions of employment as well as unilateral changes to wages of an employee in connection with the implementation of the National Minimum Wage Act when the Labour Relations Act already as at 1 May 2017 regards such conduct as an unfair labour practice. In this regard, the department contends that retroactivity is both unnecessary and superfluous.

So, the response to the position of the Western Cape Department was that it emphasise that the Bill was about correcting the error which was a human error that was made in the publication of the Bill.

Otherwise, the content of section 17(4) was still the content that all parties agreed to when the Bill was debated and adopted in 2018.

But also, parties in the National Economic Development and Labour Councl, Nedlac, including business also agreed to this particular section. So, the only thing that happened is that during their publication, there was a mistake in terms of references with regard to the numbering.

With regard to the Congress of SA Trade Unions, Cosatu, Cosatu supported the amendment but it was further concerned about the effect of the technical error that it had the potential to expose workers to unfair labour practice, being cognizant of the NCOP's limited scope to effect changes in section 75 legislation.

The Cosatu proposed the following amendments. namely: That the Department of Employment and Labour and the committee insert clauses as requested by the Commission for Conciliation, Mediation and Arbitration, CCMA, to make its judgements binding in relation to the implementation of the National Minimum Wage, and the judgements

should not be appealable in the Labour Court as this has the effect of dragging such matters to the detriment of workers.

The NCOP should insert an additional provision into either the National Minimum Wage Act or section 80 of the Basic Conditions of Employment Act stipulating that the CCMA findings are immediately enforceable.

The Cosatu believes that there is a need to strengthen the Basic Conditions of Employment Act to ensure the protection of actors and performing artists so that these workers may also enjoy the basic rights, protection of benefits as workers in other industries.

In addition, the Cosatu further proposed that actors and performers in the creative industry should enjoy the same rights and benefits outlined in the Basic Conditions of Employment Act, National Minimum Wage Act, Unemployment Insurance Act and Compensation for Occupational Injuries and Diseases Act.

The response of the committee with regard to the proposal from the Cosatu submissions was that because we are dealing with section 75, the NCOP doesn’t have therefore a right to initiate new amendments to the Principal Act. All that it has to do is to consider the

amendment that comes from the Portfolio Committee of the National Assembly.

We therefore didn’t look at the validity or the proposal by Cosatu. But procedurally, as NCOP, we do not have a right to initiate new proposal to the Principal Act. But then Cosatu understood our position. But we committed ourselves to follow up on some of the issues that they raised with regard to the implementation challenges to the implementation of the National Minimum Wage, those will then be following them up with the department on our normal oversight processes. I thank you very much, hon Chairperson. [Applause.]

*Declaration of Votes*:

Mr S F DU TOIT: Hon Chair, the FF Plus takes note of the proposed correction of the National Minimum Wage Amendment Bill B9 of 2019. We do however, need to stress the following: South Africans deserves better. Currently South Africa has an unemployment rate of 29% and if you take into consideration the amount of discouraged work seekers that value rises to 38%. We are currently sitting with youth unemployment of 58,1%, its unacceptable. In a perfect world, the noble thought of everyone being rich and debt free is a dream to cling to. The fact however is that the economy is in a down with spiral and the poverty rate is increasing.

In the Constitution, the Bill of Rights states the following on section 10 on human dignity:

“Everyone has the right to have their dignity respected and protected”

Doesn’t being unemployed or being able to provide for your family give you dignity?

In section 13 of the Bill of Rights, it speaks to:

“Freedom from slavery, servitude or forced labour”

Where no one may be subjected to the above.

Lastly, section 23 of the Bill of Rights is no less than six paragraphs that refer to the rights of unions with no mention of the rights of employers.

*Afrikaans*:

Die huidige wetgewing en die huidige ekonomiese situasie waarin Suid-Afrika hom tans bevind dra by tot groter werkloosheid.

*Setswana*:

Re batla go dira. Bana ba Aforikaborwa ba tshwerwe ke tlala.

*Afrikaans*:

Talle Suid-Afrikaners wil werk, al is dit teen ’n verlaagde tarief. Talle werkgewers sal werksgeleenthede teen ’n verlaagde salarisskaal kan verskaf. Te veel mense leef onder die broodlyn en gaan slaap saans honger. Deur die minimumloon af te skaf sal meer mense in diens geneem kan word, sonder om punt 10 en 13 van die Handves van Regte te skend of te verontagsaam.

Ter afsluiting, inteendeel, sal meer Suid-Afrikaners se lewens ten goede verander word en die las tot die staat sal verlig word. Die VF Plus sê dat die minimumloon afgeskaf moet word en kan nie hierdie wet ondersteun nie. Dankie.

The CHAIRPERSON OF THE NCOP: Thank you very much. Is there any other declaration? Mmoiemang ...

Mr K M MMOIEMANG: I am rising in terms of Rule 36 of this House bringing to the attention of the hon Chairperson of the NCOP on the irrelevance of the matter raised by the previous speaker because on

the Table is the correction of the technical error of the Principal Act. Thank you, Chair. [Applause.]

The CHAIRPERSON OF THE NCOP: I don’t know what we should do with that. Hon members, can I just remind all of us that the maximum time for declarations is three minutes. Let’s try as much as we can to stick to that. Is there any other declaration? Do you want to come back to the technical issue hon Mmoiemang? [Inaudible.] Declaration? Okay, I will come back to you.

Mr D R RYDER: Sorry, it is not a declaration; it is a point of order. It is a point of order Chair.

The CHAIRPERSON OF THE NCOP: What is your point of order?

Mr D R RYDER: I have noted that we are keeping the public in the dark up there. [Laughter.] In addition to it, we are also keeping the general public in the dark because there is no live stream in YouTube at the moment of this session. So people are complaining. They are trying to access Parliament but there is no live stream. Thank you, Chair.

The CHAIRPERSON OF THE NCOP: Let’s note that. I am sure the Table will look at the matter. Hon Mmoiemang ...

Mr K M MMOIEMANG: Hon Chairperson, I rise on behalf of the ANC to pledge support to the report as presented by hon Rayi, particularly because the correction of the technical error and the argument raised around the principle of restorative activity does not reconcile. Because this correction of the technical error was particularly geared towards encapsulating the agreement that was made between labour, government and business in terms of what was agreed upon in the Principal Act when the negotiations started.

Thank you, hon Chairperson.

The CHAIRPERSON OF THE NCOP: I guess the point is noted. Thank you very much.

*Xitsonga*:

Man B T MATHEVULA: Mutshamaxitulu, loko haha lunghisa xihoxo ndzi tsakela leswaku Yindlu leyi yi tekela enhlokweni leswi landzelaka kutani yi swi tsala.

*English*:

On behalf of the EFF, I would like the House to note that we don’t accept the National Minimum Wage Amendment Bill of R20 per hour as we regard it as a slave wage that will not restore the dignity of black workers. Thank you

Debate concluded.

Declarations of votes made on behalf of the Freedom Front Plus, African National Congress and Economic Freedom Fighters.

Question put: That the Bill be agreed to.

Bill agreed to in accordance with section 75 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON EDUCATION AND TECHNOLOGY, SPORTS, ARTS AND CULTURE - CONVENTION ESTABLISHING THE SQUARE KILOMETRE ARRAY (SKA) OBSERVATORY, TABLED IN TERMS OF SECTION 231(2) OF THE CONSTITUTION, 1996, WITH ITS EXPLANATORY MEMORANDUM

Mr M E NCHABELENG: Madam Deputy Chair, hon members, the Square Kilometre Array, SKA, is an international mega-science project to build the world’s largest and most sensitive radio telescope. The SKA will consist of thousands of dishes, high- and mid-frequency

antennae and up to a million low-frequency antennae linked together across an area the size of a continent. The total collecting area of these dishes will be about one square kilometre, that is one million square metres.

On 25 May 2012, after a nine-year bidding process, the members of the SKA organisations agreed on dual-site implementation for the SKA radio telescope. Two continents: Australia and Africa, were chosen as the location of the SKA. The African component is comprised of South Africa, which is the core region, and of Botswana, Ghana, Kenya, Madagascar, Mauritius, Mozambique, Namibia and Zambia. South Africa’s Karoo region will host the core of the high and mid- frequency dishes, ultimately extending over the African continent.

The SKA will be constructed in two phases. The precursor telescopes

- designed and built to demonstrate the bidding countries’ capabilities to hold the SKA: the Australian Square Kilometre Array Pathfinder, known as Askap, and the South African Karoo Array Telescope, known as MeerKAT - will be integrated into phase 1 of the SKA.

Since the consortia were first formed in 2013, the design of the SKA has evolved in response to available funding and to take account of

scientific advances. In December 2014, the process reached its first milestone with the start of the preliminary design reviews. This was followed by three years of effort by the international consortia to arrive at the critical design reviews, which began in 2018 and which will continue until the overall System Critical Design Reviews in late 2019. This is one of the last and most pivotal stages before construction can begin, when the design documents for each part of the SKA is analysed in the finest detail and determinations made about the readiness of the consortia. Any action recommended by the review panel must then be completed before the designs can be formally adopted. Once all the consortia have successfully reached this stage, the SKA design will be completed and construction can begin.

The SKA, being geographically distributed between three host countries, and with more than a dozen member nations, requires an extraordinary level of international co-operation and a governance structure capable of delivering such a huge global project. This was the impetus behind transitioning the SKA organisation into the SKA Observatory. An intergovernmental organisation established through international treaties similar to the European Organisation for Nuclear Research and the European Space Agency, the SKA Observatory will be the legal entity responsible for constructing and operating

the SKA telescopes in Australia and South Africa, with its headquarters in the UK.

After two and a half years of multilateral negotiations led by Italy, the text of the SKA Observatory Convention was agreed to in May 2018 and signed on 12 March 2019 in Rome. Seven countries became the initial signatories to the convention: Australia, China, Italy, the Netherlands, Portugal, South Africa and the United Kingdom. The SKA Observatory Convention stipulates that the SKA Observatory will enter into force once five signatories have ratified the text, including all three host countries, which are Australia, South Africa and the UK.

The signing of the SKA Observatory Convention also signalled the creation of a new interim body: the Council Preparatory Task Force, CPTF, which held its first meeting on 13 March 2019 in Rome. The CPTF is independent of the existing SKA board of directors. While the convention’s ratification process is under way, the CPTF is tasked with making all the preparations necessary for the first meeting of the SKA Council, which will be the permanent body of the SKA Observatory. The SKA Council will meet for the first time once the SKA Observatory Convention has entered into force. The

Netherlands is the first country to have ratified the SKA Observatory Convention. This was filed on 31 July 2019.

The Select Committee on Education and Technology, Sports, Arts and Culture, having considered the request for approval by Parliament of the convention establishing the Square Metre Array Observatory tabled in terms of section 231(2) of the Constitution, 1996, recommends that the House approve this convention. I thank you. [Applause.]

Debate concluded.

Question put: That the Report be adopted.

In favour**:** Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON LAND REFORM, ENVIRONMENT, MINERAL RESOURCES AND ENERGY - LEGISLATION RELATING TO THE DOMESTIC TRADE IN RHINOCEROS

**HORNS, IN TERMS OF SECTION 8(3) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT OF 2004 REQUIRING THAT**

**ALL SUBORDINATE LEGISLATION**

**ISSUED UNDER THE ACT, WHICH AFFECTS PROVINCES, TO BE SUBMITTED TO THE NATIONAL COUNCIL OF PROVINCES FOR APPROVAL**

Ms T C MODISE: Deputy Chairperson of the NCOP, Members of Parliament, the report of the Select Committee on Land Reform, Environment, Mineral Resources and Energy on legislating relating to the domestic trade in rhinoceros horns, in terms of section 8(3) of the National Environmental Management: Biodiversity Act of 2004, requires that all subordinate legislation issued under the Act, which affects provinces, to be submitted to the National Council of Provinces for approval, dated 27 November 2019.

On 29 September 2019 the Minister of Environment, Forestry and Fisheries forwarded correspondence to the Chairperson of the NCOP tabling subordinate legislation from the department before Parliament. The referral by the department refers to subordinate legislation relating to the domestic trade in rhinoceros horns, in terms of the National Environmental Management: Biodiversity Act of 2004.

The department wishes to clarify that the commercial international trade in rhino horn remained prohibited in terms of the international protocols that South Africa was party to, particularly the Convention on International Trade in Species of Wild Fauna and Flora, Cites. The draft regulations were published for public comment by the department in February 2017.

The planned sale of rhino horn by private rhino owners is for domestic trade only. Domestic trade in rhino horn is subject to the issuance of the relevant permits in terms of the National Environmental Management: Biodiversity Act of 2004, its regulations and applicable provincial legislation, as follows: Regulations relating to trade in rhinoceros horn, developed in terms of section

97 of National Environmental Management: Biodiversity Act; notice

prohibiting the carrying out of certain restricted activities involving rhinoceros horn, developed in terms of section 57(2) of National Environmental Management: Biodiversity Act; and species list notice in respect of eastern black rhinoceros which involves the amendment of the list of invasive species in terms of section 72 of National Environmental Management: Biodiversity Act; and the amendment of threatened and protected species lists in terms of section 58 of National Environmental Management: Biodiversity Act.

The correspondence from the department was received by the NCOP on

17 October 2019, with said correspondence forwarded to the Chairperson on 25 October 2019, as well as published on annexures, tablings and committee reports, ATCs, to the committees for consideration and report.

The matter was referred to all provincial legislatures on the 29 October 2019, with a request that legislatures submit a report to the committee on the matter. The report from the provincial legislatures would indicate whether or not they feel that the proposals by the department will negatively affect provincial legislation. The NCOP gave the respective legislatures 10 days to respond with the committee scheduling the matter before it on 12 November 2019.

Numerous requests were subsequently received from legislatures for more time to consider the matter referred to them. The committee resolved to afford provinces more time to interrogate the matter with three provinces submitting reports, namely Eastern Cape, Northern Cape and the Western Cape. Those are the only provinces that submitted. The report from the Eastern Cape welcomed the draft regulations from the department; whilst, the report from the Northern Cape and Western Cape raised the following issues.

The three year imposed on the prohibition of rhino trade should be reviewed, in order to expedite the process of legalising commercialisation of rhino horn for medical purposes. Chapter 5, clause 8, has reference, “The penalties as prescribed may not be sufficient to act as a real deterrent to transgressors.” Considerations should be given to clarify and increase the penalties, especially the monetary amount.

Different penalty amounts for environmental crimes contained in different pieces of legislation is of concern because if illegal activities are to be discouraged, penalties must be clear and not open to interpretation. The draft proposed legislation will lead to added administrative responsibilities imposed on provinces. The provincial issues mentioned above were discussed with the department at the committee meeting of 19 November 2019 are resolved.

The Select Committee on Land Reform, Environment, Mineral Resources and Energy, having considered the matter of the subordinate legislation submitted by the Department of Environment, Forestry and Fisheries, in terms of section 8(3) of the National ... [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: What is your point of order, hon member?

Mr G MICHALAKIS: Deputy Chair, I am sorry to interrupt, but I do think that it is advisable for the member to perhaps read through it in her office before she comes and delivers it in the House. [Interjections.]

The DEPUTY CHAIRPERSON OF THE NCOP: That is not a point of order. Teacher, it is not a point of order!

Ms T C MODISE: The Select Committee on Land Reform, Environment, Mineral Resources and Energy, having considered the matter of the subordinate legislation submitted by the Department of Environment, Forestry and Fisheries in terms of Section 8(3) of the National Environmental Management: Biodiversity Act of 2004, referred to it on 25 October 2019, reports that the committee has concluded its deliberations on the matter and recommends the approval of subordinate legislation submitted to the NCOP by the department. I thank you.

Debate concluded.

The DEPUTY CHAIRPERSON OF THE NCOP (Ms S E Lucas): We shall now allow provinces the opportunity to make a declaration of vote if they so wish. There are no declarations. Let’s proceed to the manual voting on the question. This shall be done in alphabetical order per province.

Question put: That the Report be adopted.

IN FAVOUR: Eastern Cape, Free State, Gauteng, KwaZulu-Natal, Limpopo, Mpumalanga, Northern Cape, North West, Western Cape.

Report accordingly adopted in accordance with section 65 of the Constitution.

# CONSIDERATION OF REPORT OF SELECT COMMITTEE ON LAND REFORM, ENVIRONMENT, MINERAL RESOURCES AND ENERGY - OVERSIGHT VISIT TO PRETORIA, DATED 19 NOVEMBER 2019

*Setswana:*

Moh T C MODISE: Motlatsa Modulasetilo wa Ntlo e kakwano, Maloko a Palamente a a tlotlegang ...

*English:*

The committee conducted oversight in Gauteng on 21-25 November last year 2019. The committee decided to check or visit all the agri- parks. But before they visited them, they received the presentation from the national and provincial departments. When the national department presented their report, they said that the agri-parks are partially functioning. But when we received the report from the province, it showed that there is functionality in the agri-parks, especially in the areas of Gauteng.

After receiving the presentation, we visited a number of agri-parks in Gauteng whereby we have seen that the report we got from the province indeed it was correct. Some of the agri-parks in Gauteng are functional. All the agri-parks are supposed to be funded by the national department. But unfortunately, that does not happen because the government doesn’t have money. Therefore, the provincial department decided to fund its own agri-parks in Gauteng.

After that, we visited the other agri-parks and the committee was so impressed. The other agri-park was owned by a lady who is living with disability. She owns that land and she has hired the other members of the community to work on it. She has impressed the committee because she has even taught one of the workers a sign language. Because she is not getting any support from the national

department, if that person is not there, the community suffers when they are visiting that project since there wouldn’t be any one to interpret the sign language.

Because the committee was impressed by what the lady who is living with disability is doing, the committee then decided to ask the department to support the people living with disability so that they can be self-sufficient. Following the visit to the agri-parks, the following week the committee invited all the provinces to come and discuss the issue of the agri-parks.

We then realised that the agri-parks of the other provinces are functioning, unlike what was presented by the national department that they are partially functioning. When the provincial departments were making their own presentations to the committee, we were really impressed. In conclusion, Chairperson, we committed ourselves as the select committee to help the provincial departments since they are faced with challenges that hinders the agri-parks to function in a way they are supposed to be functioning.

After the 2015 state of the nation address, the department pledged R2 billion over the agri-parks, but unfortunately, the funding was not sufficient and the department didn’t fulfil its promise. So,

lack of funding led to some of the agri-parks not to be functional as they were supposed to. Because the agri-parks are very important to the community, the committee decided to work together with the department to make sure that all the agri-parks are functioning in order for them to contribute towards food security programme of the country.

If the agri-parks can function, they will eradicate poverty and unemployment in all provinces of our country. So, we are supporting the department in making sure that they will provide the funds for the agri-parks. We thank you, Chairperson. [Applause.]

Debate concluded.

Question put: That the Report be adopted

[Take in from Minutes.]

Report adopted in accordance with section 65 of the Constitution.

# FOSTERING REDRESS AND EQUITY THROUGH LAND REFORM

(Subject for Discussion)

Mr A J NYAMBI: Hon Chairperson, hon Deputy Chairperson, hon Minister, special delegates, hon members, guests in the gallery, it’s always an honour to have an opportunity to participate in such a very emotive and necessary debate in our august House called the National Council of Provinces.

The historical land dispossession of black people through colonialism and apartheid is a very painful chapter in the history of our nation. The vestiges of colonialism and apartheid still remain with us, evidenced by the triple challenge of poverty, unemployment and inequality that we face.

Land dispossession made possible the destruction of the political, social and economic fabric of our African societies. As the founding member of the first ... and the first general secretary of our glorious movement the ANC, tata Sol Plaatje once wrote:

Awaking on Friday morning, June 20, 1913, the South African native found himself, not actually a slave, but a pariah in the land of his birth.

This act, which took place on 20 June 1913, is what President Cyril Ramaphosa, during his address to the nation, called the original sin.

The political and economic imbalances created by land dispossession were further worsened by the Natives Land Act of 1913; a piece of legislation that Sol Plaatje referred to in speaking about the fateful Friday morning. This demonic 1913 Land Act gave rise to other forms of, both political and economic exploitation, and further perpetuated the injustices brought about by the brutality of the colonial conquest.

The discriminatory land policy in South Africa against black South Africans had developed over time and from the early 1800s. In 1855, Resolution 159 prohibited any person who was not an Afrikaner and a citizen of the boer republic from owning land, and Africans were not allowed to obtain boer republic citizenship either. The Occupation Act of 1886 allowed the boers to take African land, in what is today known as the Vhembe district, without payment of any compensation.

Landownership was used as a weapon by oppressive, racist and barbaric imperialists to undermine the political and economic independence of the African majority. This painful history of

African land dispossession is well articulated in the book written by one of the heroes of our struggle, Prof Ben Makhosezwe *Magubane*, in the book titled, The Making of a Racist State: British Imperialism and the Union of South Africa, 1875 - 1910. It is in the book that Prof *Magubane* wrote that the Parliamentary Voters Registration Act of 1887 excluded Africans who owned land under the system of communal and tribal ownership. As a result, 20 000 voters from the Eastern Cape were disenfranchised. In supporting this Bill, Cecil John Rhodes is quoted as saying, “The native is to be treated as a child and denied the franchise”, of which is the right to vote.

The use of oppressive laws and policies can be traced back to other pieces of legislation that were promulgated by the colonial and apartheid regimes. I hereby make mention of a few. The first one is the Squatters Act of 1887 and the Volksraad Resolution. These two pieces prohibited squatting on white farms and on crown lands.

The second is Act 25 of 1891 passed in the Orange Free State, to make it impossible for Indians to buy fixed property in the province, except in areas designated for them in the Republic.

The third one is the Franchise and Ballot Act of 1892. Besides raising the cost of acquiring property ... were required to possess

the ability to write down their name and address, as well as occupation, in order to own land. Imagine if you couldn’t write.

A list of these despicable pieces of legislation constituting a grave injustice against black people went on, and this had found consolidated expression in the Natives Land Act. Not only did the Natives Land Act recognise the unlawful land dispossession of the oppressed black majority but further ensured that ownership of land by black people was limited to seven per cent in 1913 and increased to only 13% through the 1936 Native Trust and Land Act of South Africa. However, this 1936 Act still restricted black people from buying or occupying land.

As if this was not enough, our people continued to suffer as farmworkers with no security of tenure, and subjected to timeless forced removals in areas such as *Tenbosch in Komatipoort, Mpumalanga;* District Six in Cape Town; old Roodepoort and Sophiatown in Johannesburg, just to mention a few of such many forced removals. You know a lot of them, hon members.

My family is part of those that were removed from *Tenbosch* in 1954. I’m referring to the Ngomane community ... KaSiboshwa ... Nkomazi Municipality. My great-grandfather’s grave is still there. When we

speak of the land question we are speaking about a very emotive issue. We agree with the Nigerian poet who said that land belongs to the dead, the few who are living and countless yet to be born. The land question is indeed a historical fraud.

Nonetheless, despite all the injustices experienced and the cruelty of the monstrous colonial and apartheid regimes, our people fought for the national liberation of the oppressed majority in a victory which the UN had declared a crime against humanity.

Our people were led by the people’s movement, the ANC. It is the ANC that has a solution to the resolution of the land question in South Africa, and to its logical conclusion. [Applause.] Our policy on land reform is both progressive and radical, and well informed by the political and economic aspirations of our people. These aspirations have found expression in the Freedom Charter, when in 1955 the People’s Congress unequivocally said that, “South Africa belongs to all who live in it, black and white.”

The policy position of the ANC on the land question is well articulated in the 1992 Ready to Govern policy guidelines, and this policy position is succinctly explained in the 2019 ANC election manifesto. It states that our:

Land reform is about redressing historical injustices and dispossession of the black majority. It is also a vital opportunity to unlock growth and promote socioeconomic transformation. Our land reform programme provides a sustainable but radical way to address the land question. We will use our land reform programme to build productive assets for our people, unlock agricultural productivity, secure food security and address the persisting reality of apartheid spatial separation.

What is progressive about our land reform policy is its ability to look ahead into the future and to carry through the people’s mandate. We are building a nation and moving it into the future. In addressing historical injustices through the progressive land reform policy, the ANC is advancing the ideals of a prosperous national democratic society. In the advancement of this objective, it is important at all times to remain conscious of the plight of our people throughout all the corners of our society.

One of the policy goals of the ANC is to radically transform the structure of the apartheid economy and disrupt its skewed apartheid spatial planning. [Interjections.] In growing our economy, we must transform our spatial development patterns to become more inclusive

and socially integrated. There is a shortage of land for residential areas and commercial spaces for small and emerging agribusinesses, critical to reducing poverty, unemployment and inequality.

Many would like to know what the ANC means when it speaks of redress and equity. The meaning is to be found in our three-pillared land reform policy, which is land restitution, land distribution and the security of land tenure. Perhaps before ... hon members ... indulgence ... on the ANC’s land reform progress, let me spare you some thought and define redress and equity. Redress is about correcting the wrongs committed through remedial action. Land equity is about the fair and just distribution of resources amongst the people. In fostering redress and equity through land reform, the ANC firmly acts and operates within the constitutional framework and with due regard and respect to the rule of law. [Applause.]

Land restitution is about ensuring that those who had been dispossessed of their land on or after June 2018 are given back their land. Land distribution is about a fair and equitable distribution of land among those who need it and work it.

The third pillar of our land reform is about security and the land tenure of farm tenants. This includes people renting the land,

people living and working on farms and for those residing on communal land without security of tenure. It is important to ensure that beneficiaries of land reform progress receive adequate support and are given the necessary leverage to productively work their land, hon Minister.

In the West Coast Municipality, a total of 392 out of 422 claims were settled by February 2019, and this is welcome progress. There are many other successful and inspiring land reform stories, and I hereby note a few. The Ravele community in the Limpopo province, hon Mathevula, with export potential to European, Chinese and other markets; and the Tenbosch claim settled in Mpumalanga and now running some ventures with RCL. As the ANC, we further welcome the additional R500 million allocated towards the finalisation of the restitution claims, and this in light of our constrained fiscus.

The 2012 Strategy and Tactics document states that programmes ... at the eradication of poverty will only succeed if the land question is systematically addressed. This is further supported by the National Development Plan.

In addressing the land question, we need to support the private sector. Land ownership in South Africa does not represent a kind of

society that we would like to build as an ANC. The 2017 land audit conducted by government reported that Africans own about 4% of the total land in South Africa compared to the 72% owned by white people, 15% by coloureds and 5% by Indians. Women own about 13% of the land compeered to the 72% owned by males. These are glaring disparities; a reflection of how unequal our society is despite the commendable efforts made by government.

As per the findings of the land audit done by the Department of Rural Development and Land Reform, the statistical data indicates that, for example in the Eastern Cape, women own about 9% of land and men about 8%. In the Free State ... 7% ... and 70% for men, with the highest percentage in Gauteng ... sitting at 24% and men at 51%.

In the advancement of the land reform programme, the ANC adopted a resolution on expropriation of land without compensation and Parliament is currently conducting public hearings on the Constitution Eighteenth Amendment Bill. This Bill seeks to amend section 25 of the Constitution, to make explicit what is implicit in the Constitution.

The ANC’s 2017 conference resolved that the amendment of section 25 must be done in such a way that promotes economic development,

agricultural production and food security. We are very pleased that Parliament is making significant progress in terms of the amendment of section 25. This is the most historic feature in the history of our democracy and all must participate. We urge our people to attend the public hearings by the National Assembly so as to assist the democratic process to address this historical fraud.

We are encouraged by President Ramaphosa’s call on the provincial and local governments to rapidly release state-owned land for residential and business purposes. It has been reported by the National Planning Commission that a successful land reform programme, job creation and rising agricultural production will contribute to the development of an inclusive economy. There can be no realisation of an inclusive economy without the inclusion and participation of women in the economy.

South Africa’s property ... is one of the booming property markets on the African continent. The increased number of tourists into our country has positively contributed to the development of property within the hospitality sector. There is a clear need for the private sector to play a role in transforming that sector.

We need to continuously explore ways and means in which we improve our rural-urban market linkages. This will only decelerate the speed of migration into urban cities. Allow me to quote the wise words that were spoken by Martin Luther King when he said:

When evil men plot, good men must plan. When evil men burn and bomb, good men must build and bind. When evil men shout ugly words of hatred, good men must commit themselves to the glories of love. Where evil men will seek to perpetuate an unjust status quo, good men must seek to bring into being a real order of justice.

The real order of justice is addressing the historical fraud of the land question. I thank you. [Applause.]

Mr C F B SMIT: Hon Deputy Chairperson, hon members, fellow south Africans, it is constructive for us to talk about difficult and sensitive matters like land reform because it can only help us to come up with better solutions for our problems and to place us on a path of reconciliation and harmony going forward. However, it all depends on what our actual intentions are and in what spirit we approach this subject.

We are all in this together. We need to work hand-in-hand to make it work for all of us and to ensure a united and prosperous South Africa. Showing fingers, labelling and insulting each other will not help us in any way. So, let us approach this matter with dignity, respect for each other and solution-based arguments.

Chairperson, I have mentioned this in previous debates of mine: We cannot have two sets of rules for different South Africans. We need to ensure that all South Africans enjoy the same rights and freedoms

- that includes individual freedom of choice and association as described in our Constitution.

It is crucial for us to ensure that black farmers, like Mr David Rakgase from Limpopo, own his farm and can get a bank loan to finance his farming activities with his farm as security, like all other farmers in South Africa. We cannot allow the sustaining of this notion that black South Africans cannot be trusted with the land in their hands.

It is wrong, and it undermines their dignity as well as their ability to succeed as farmers. It is an injustice to them and their families and their futures. If you understand the foundation of farming as a business today, you will realize that the land on its

own is not the actual business but only a means to an end for the business.

Without the ability to continuously finance your farming enterprise through bank loans, with your farm as collateral to be able to work your land, that land will just remain useless. So, Chairperson, let us set free our black farmers who are the beneficiaries of both land reform and land restitution and give them the dignity of individually owning their farm. And, let us set them up for success by ensuring proper and continuous support through the department.

Secondly, we must allow black South Africans who have stands and homes in communal areas, to own their residential stands and have individual title deeds to such stands. This is necessary to make them part of the real estate market that will allow them to trade in their properties, add value and use it as collateral to finance their dreams and aspirations, like all other South Africans already do.

In fact, subsections 5 and 6 of section 25 of the Constitution demand from us to initiate/institute land reform and security of tenure for these communities. It will not help to give lip service to this matter by trying to justify ‘partial’ ownership with

occupation and land use rights instead of full individual title. It is like scraping the old icing off a cake and decorating it with new icing. It will remain an old dry piece of cake.

President Ramaphosa said we must dream. Well, let us not just dream but act and imagine the impact it will have on our economy and poverty reduction when we make these millions of houses and stands part of the real estate market, with job and business opportunities as real estate agents. Imagine how this will place instant wealth in the hands of ordinary poor black South Africans and their families with a steppingstone out of poverty and towards prosperity.

We should ask ourselves today: For whom are we standing up here in Parliament? For the narrow interest of a few tribal leaders who desperately want to keep control over their ‘subjects’ and their land; or are we going to stand up for the rights of ordinary poor black South Africans who are struggling to make ends meet? I know who I am standing up for today. Do you?

Let’s fix this. Let us set all South Africans free. And, let us give all South Africans the dignity, stability and respect they deserve. Let us give every South African security of their individual property rights. I thank you. [Applause.]

Ms T C MODISE: Hon Deputy Chairperson, hon Minister, hon members of the ... hon members, guest in the gallery, in 1995 the then President, nelson Mandela, said:

Freedom and democracy came to the restoration to 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 their face and say your sacrifices were not in vain.

The year 2020 marks the end of the Decade of African Women and it is befitting to look back to the progress made towards empowering women to participate in the economic life and share in the nation’s wealth and prosperity.

In marking the International Women’s Day, President Ramaphosa said:

We recognise that our peace, stability and prosperity rests on our enduring commitment to constitutionality guaranteed right to equity between women and men, black and white, indeed, between all the citizens.

Hon members, today we are debating under the theme: Fostering, Redressing and Equity through the Land. These two words, redress and equity, find deep resonance with women’s struggle. Women have and continue to face the multiple forms of oppression under mask of class, race and gender.

The question that we must today find an answer to is: How do we use effective land reform to foster redress and equity for the land’s total emancipation of women?

In order to ensure that women’s land rights are not left behind, we must continue to ask the right questions.

How will the women’s social and economic rights be advanced through the redress and equity in the land reform programme?

The improving security of tenure for women residing, living and working on the farms and communal land is paramount. Women make up 50% of the labour force on the farms. Noticeable progress has been made in the land reform programme since 1994 to ensure the land rights of women.

The Extension of the Security of Tenure Act has given women the same land rights as men.

In the last 25 years, out of 2,1 million land beneficiaries, 163 463 of these beneficiaries are female-headed households.

The aim of the land reform is to contribute towards economic development by giving households the opportunity to engaging in productive land use and by increasing employment opportunities by encouraging greater investment.

It is expected that the land reform would result in the rural landscape considering a small, medium and large farms; one which promotes both equity and efficiency through the combination of agrarian and industrial strategy in which land reform is a spark to the engine of growth.

Hon Deputy Chairperson, in South Africa, where there are pronounced levels of land inequalities, land reform is seen as effective tool for reducing poverty, owing to the assets portfolio of the poor households being enriched by the land through potential agricultural products and entrepreneurship.

It is reported that the rural poverty within female-headed households is as high as 70%. In order to overcome the rural poverty, the agricultural land must be used for projects with commercial viability and potential to create the rural opportunity.

To deal with the challenges of land hunger within the rural area, the 2017 Nasrec Conference of the ANC resolved that land reform should enhance food security for poor families. As earlier mentioned, most of these poor families are female-headed households.

The opportunity of the land reform programme in redressing apartheid’s injustice, fostering national reconciliation and stability, economic growth, and improving household welfare in the alleviation of poverty have been hindered by the number of obstacles including corruption related to the land allocation, the lack of access to finance, lack of training and skills development, hon Minister.

The draft policy of the Beneficiary Selection and the Land Allocation will ensure that some of these challenges experienced through the implementation of the land reform programme in the last

25 years and met head-on. the policy makes is compulsory for the

land beneficiary to receive training and farming related skills in order to increase land productivity.

Hon Deputy Chairperson, small-scale women farmers will continue facing a stumbling block until we effectively deal with the domination of agricultural inputs and monopoly in agri-processing. Not only is the agricultural sector white dominated but also male dominated.

We are encouraged by government’s announcement that land allocation through redistribution will prioritise allocation to women and youth.

*Setswana*:

Jaaka mo malobeng go ne go sa direge, go ne go fiwa fela borrakgetsikgolo le bomma le borre fela.

*English*:

Access to the agricultural land by women in farming must be matched by agricultural funding support and access to the credit facilities.

Without adequate material and the financial support to women-owned agricultural businesses, the desired equity in land ownership will not lead to the desired inclusive economic growth.

Deputy Chairperson, in conclusion, some notable progress has been made in terms of the land claims and the support of beneficiaries under the land reform programmes.

Moreover, in the 2020 state of the nation address the President indicated that further land will be allocated for agricultural production. In addition, training will be provided to beneficiaries of the land.

This is very progressive. We are confident that it is only the ANC that can adequately address the challenges faced by women and youth of this country. I, therefore, thank you, hon Chair. [Applause.]

Mr H SMIT (Free State): Deputy Chair, good afternoon and thank you for the opportunity. The pace of land reform throughout South Africa has been slow, too slow. Land reform is a constitutional obligation and a particular need. Successful land reform should therefore address unemployment, poverty, access to resources, economic growth and constitutional rights among other things.

Land reform traditionally has two objectives; equity and productivity. Food insecurity and the need of agriculture to contribute to development, highlights the necessity to maintain and improve productivity while improving equitability. Land must foster production and agriculture...

The DEPUTY CHAIRPERSON OF THE NCOP: ...hon members, you not allowed to converse aloud...

Mr H SMIT (Free State): ...must attract good human material.

The DEPUTY CHAIRPERSON OF THE NCOP: You are too loud.

Mr H SMIT (Free State): The main problem involves policy formulation and delivery necessary conditions included. A proper institutional framework involving all the relevant public and private bodies, the role and task of each should be clear and also relationships between institutions.

Proper fiscal planning is essential. Potential successful farmers must be selected and given special support and included extensive adult education. When we talk about successful farmers, we must include ...we also talk about successful women. We must not leave

women out of this process because they are the backbone of our farmers [Applause.]

Existing extension services are generally not adequate, particularly in the fields of finance and marketing. Complimentary services infrastructure are all needed in the form of improved access to financial services, markets, inputs and also improved transport, health, communication and other infrastructure. I can not borrow money if I don’t own land, do not forget! It is not all functions can be done at the same time, proper prioritising is needed to optimise the process.

Land renewal reform is usually necessary. Property rights and security are at the core of the matter. International agriculture markets are very important. There is a need for wealthy nations to cease trade distortion and protection of farmers or low land reform. Land reform is a slow process in the Free State as in the rest of the country. It has been aligned with the proposals of the National Development Plan and the Agricultural Congress put several ideas that are in line with the NDP on how this can be addressed and how land transferred to a new farmer can be used productively.

For example, in 2018 four farms in Sasolburg in the Free State became the beneficiaries of R34 million worth farming equipment from the national Department of Rural Development and Land Reform. Free State agriculture initiated a process for a comprehensive land audit in the province. Working closely with a provincial branch of the Department of Rural Development and Land Reform, the aim was so physically categorised, each parcel of land within the borders of the province.

The result of the audit shows that very little progress was made with narrowly defined land reform in the province. Only 2,96% of the agricultural land in the province is currently held by black people, unacceptable! We have been able to acquire a 148 423 ha on the open market and have the excess 4827 ha through equity schemes, i.e. the hold title to the land.

While a total of just over 209 000 ha have been transferred through various land reform programmes with the state still hold the title. The audit also finds that the mere 5771 ha has been transferred through restitution programmes.

South Africans urgently need a national land debate that is extended to all segments of society. To continue the process of rural land

and agrarian democracy, such a debate must capture as many voices as possible to both a popular National Land Programme that goes beyond the replacement of white capitalist land owners, with black capitalist land owners; which also addresses racial discrimination. Address racial discrimination! We must not forget women discrimination!

This means the destruction of all existing tribal and feudal relations in the rural areas and nationalisation of the land. A new division of land and its management must be undertaken by committees that are democratically elected and answerable to the people. We are working not for ourselves; we are working for the people of this country. Thank you.

Ms M O MOKAUSE: Deputy Chairperson of the NCOP, let me start by greeting the commander in chief and President of the EFF, President Julius Malema, all the EFF officials, all EFF ground forces, those leadership championing issues of black majority in this country and the continent and that includes the land question.

Chairperson of the NCOP, you have invited us here today to discuss redress, to discuss equality and the question as to how we can do this through land reform. After 27 years of the ANC being in

government, you are still coming here Chief Deputy Chairperson and narrating stories, quoting Napolion Bonaparte and all these people whilst the issue on the table today is the land.

The reality is that land is everything, land is everything to us as black people because we live in the land, we sleep in the land, we eat from the land even the air we breathe needs the land. The reality is that for us, black majority, land is everything and it’s about more than redress and equality.

We do not wish to be equal with land thieves, we do not wish to be equal with people who killed and disposed our great forefathers, it is our birth right and we want all the land with the mineral resources, with water and everything inside the waters, we remain non negotiable on that one.

We are not going to achieve redress through the expropriation of land that already belongs to the state. Fourteen percent of the total land surface of South Africa but the biggest in justice is that the very few parcels of land that black people occupy, even that is now being stolen by government in collusion with the white big businesses.

In Limpopo province, Shayandima, there’s a court case against land activist who did the right thing, mobilised and gave people land.

Mr C F B SMIT (Point of order): Hon Deputy Chair, I would like to know if the member on the podium would take a question from me.

Ms M O MOKAUSE: Coming to the land question, we are unapologetic and are not taking questions from anyone. We want to tell you what is what.

In the Eastern Cape province, Ward 8 Nyandeni, young activists leading community property association today are fighting the municipality for land that is theirs.

In Mpumalnaga province, Nkangala, hundreds of people are being evicted from their own land because greedy capitalist mining companies colluding with politicians took their land.

In KwaZulu-Natal, Emnambithi, residents cannot feed their livestock because their land is being taken.

These are the cries of many of our people all over as we have heard them making submissions for the second time to Parliament’s ad hoc

committee to amend the Constitution. These are the cries of many young and old, poor unemployed as well as cries of many black professionals who cannot put

Then we must remove subsection 7. In doing this, we will be a step closer towards getting the land to be in the hands of the black majority. Then we can begin to sing Nkosi sikelel Afrika properly. But, until such time, you will still experience what you’re experiencing.

It will not be for the first time that South Africa controls natural resources. In 2002, Parliament passed the Mineral and Petroleum Resources Development Act, MPRDA, which said all South African natural resources are in the custody of the state and companies apply for mining rights to mine. We must bring back the land into the hands of black people majority.

When we get our land back, let me tell you, we will build schools, we will build places of worship, we will build markets and we will build big businesses for the black majority of this country. We will have commercial farmers where black majority are found that black majority are found at squatter camps, we are going to remove those squatter camps and give our people the land.

We are made to listen here to land thieves who today speak in this Parliament with pride as if their hands do not have blood, as if they are not the land thieves. We can’t be exposed to such mediocrity. We will build hospitals, water infrastructure and will lead massive industrialisation to create jobs for the black majority of this country.

Everything is dependent on the land. We are aware that the ruling party is colluding with the right wing, the DA of this Parliament to defend the rights of minority who controls land which their forefathers stole from black majority.

Our people are watching, our people are listening to everything and our people are tired, black people want their stolen land back and that’s a fact. The EFF is going to be there to assist our black majority to get the land back.

Lastly House Chair, the land issue is a very emotive issue, let’s not take it and make it a political football and provide leadership for all those who are involved in the process to amend the Constitution so that we can take the land and give it to the black majority.

We should not dare fail our people, not again. We are ready as the EFF waiting for any dodgy arrangement from the ruling party colluding with the white minority. We shall act and we shall act accordingly, our people will get the land back and the EFF will champion that plight. Thank you

*Afrikaans*:

Mnr A B CLOETE: Voorsitter, toe ek die onderwerp van vandag se bespreking en debat hoor, toe dink ek aan *Alice in Wonderland*. Ek kon nie anders nie. Weereens wys die ANC dat hy eerder verkies om die harde realitiet wat Suid-Afrika in die gesig staar te ontken. In stede daarvan dat ons oor die ware kwessies soos werkskepping en ekonomiese groei praat en dit debateer, word grond as ’n populistiese, maar gevaarlike politieke wapen gebruik. En dan bestaan die gevaar dat jy nie by die ware feite uitkom nie.

Grond alleen bring nie herstel of gelykheid nie. Ons kan nie oor grond praat as ons nie oor die groei van die ekonomie praat nie, want dit is wat Suid-Afrikaners wil hê – ’n land met ’n lewendige en groeiende ekonomie.

*English*:

This was echoed in the Criterion Report of 2019, compiled by the Institute of Race Relations that asked citizens across the country what they believed government should focus on.

Ms M T MATHEVULA: [Inaudible.]

The HOUSE CHAIRPERSON (Ms W Ngwenya): Hon members, ... [Inaudible.]

*IsiZulu:*

... nibonile ukuthi bekunenkinga yogesi engithi futhi u-Mokause ukhulumile sambekezelela. Bengizocela ukuthi naye simbekezelele. Ngiyabonga

Mr A B CLOETE: I just want to remind you of the Criterion Report of 2019 when citizens across the country were asked what they believed government should focus on. [Interjections.] The study found economic growth as the single most important issue that government should tackle. Yet, the ANC wishes to debate land. In fact, land was the least of the problems that citizens cited.

According to the Criterion Report, even the ANC majority voters placed land reform last on the list of preferences. Not even all EFF voters regarded land as the preference. Only 46% of EFF voters

preferred land as the focus. So, that means that 54% of them did not focus on land.

We see this practically playing out in our successful land claims, with more than 93% of claimants rather opting to have their claims paid out in cash. [Interjections.] Clearly, South Africans need economic growth.

The HOUSE CHAIRPERSON (Ms W Ngwenya): hon members ...

*IsiZulu*:

... ngicela sihloniphaneni impela.

*English*:

We also want you to hear,...

*IsiZulu*:

... njengoba nani nithanda ukulalelwa. Ngiyacela impela.

*English*:

Can you continue member.

*IsiZulu*:

Niyamuphazamisa akakhoni ukukhuluma ngoba nibanga umsindo.

*English*:

Mr A B CLOETE: We are running down a rabbit hole that South Africans cannot afford.

*Afrikaans*:

Die EFF het hierdie politieke kwessie van grond begin. En die ANC moet nou opmaak vir die kiesers wat hulle verloor het. [Tussenwerpsels.].

*English*:

Let us look at the facts, ...

*Afrikaans*:

... want ons gaan vandag baie suksesse hoor.

*English*:

Let us have a look at the hard facts that we face today. As much as

20 000 land restitution claims lodged before 1998 are yet to be finalised. Tens of millions of black people with informal rights to customary plots in the former homelands are yet to obtain secure tenure. That is not progressive at all.

*Afrikaans*:

En kom ons vergeet nie van die feit dat grondrestitusie onder die ANC nie vir privaateienaarskap voorsiening maak nie, maar dat grond eerder vir tradisionele leiers en gemeenskaplike eiendomsverenigings gegee word.

Ons weet vandag dat 90% van grondhervormingsprojekte onder die ANC ’n mislukking was. En ons sien dit in ons Agriparke, wat sukkel om van die been af te kom, weens swak ondersteuning vir opkomende boere.

Die wysiging van artikel 25 is niks anders as ’n rookskerm vir die ANC se mislukkings van die afgelope 25 jaar nie. Dit is makliker om ’n sondebok vir mislukkings te soek. Dit is makliker om skuld op iemand anders te pak, as om werkbare oplossings te implementeer.

*English*:

Redress does not mean taking from some and giving to others. Redress does not mean being stuck in the past without moving forward. That is not progressive.

The dogma of collective guilt about land ownership undermines the rule of law and the respect for individual human rights that underpin our Constitution.

*Afrikaans*:

Die VF Plus stel voor dat ons nie meer moet toelaat dat grondhervormingsprojekte, ’n teelaarde vir korrupsie is nie en daarom moet ons ongebruikte staatsgrond vir grondhervorming aanwend, sodat begunstigdes daardie grond kan besit; privaateiendomsreg moet beskerm word en onteieningsmagte moet by howe gesetel wees; onteienings moet in openbare belang en teen markverwante vergoeding geskied; en ons produktiewe landbougrond moet beskerm word.

Ek sê weer, grond alleen veronderstel nie rykdom nie. Om net bloot grond te hê, maak mens eintlik net armer. Hierdie debat moes eintlik gelees het: ”Grond as ’n manier om die ekonomie te laat groei en werkskepping te verseker”. As ons grond oorvereenvoudig as bloot ’n manier om net te herstel en gelykheid te kry, is die debat oor grond so vrugteloos soos grondhervorming onder die ANC die afgelope 25 jaar en ons gaan nêrens kom nie.

*English*:

In conclusion, if we continue to be like *Alice in Wonderland*, we will be sucked into the rabbit hole which is, in fact, an abyss of misconception and lies about our land. That should be the focus and land should not be an easy target. Thank you.

Mr S W MSHENGU: Hon House Chairperson, hon members, good afternoon, last Sunday we celebrated the International Women’s Day and justifiably we collectively recalled the theme of the Fourth World conference on women held in Beijing in 1995 which was, “Action for equality, development and peace.”

The efforts of building a social compact, building from the solid foundation of our democratic Constitution imposes upon us public policy-makers not to squander the opportunity of closing the gap between the extraordinarily rich and the poor. South African poverty was engineered through land and cattle dispossession, underline cattle, not just land and this continues to frustrate the values of the Freedom Charter which declared, “The land shall be shared amongst those who work it.”

The inequality in our country is compounded by several factors but one is the reluctant posture of private capital to invest in our economy to create jobs. The private banks and owners of capital who

benefitted immensely from the previous minority regime continues to exhibit a high level of mistrust to the state by keeping huge amounts of money in vaults and offshore accounts. Their patriotic allegiance is not with the poor and the landless, but with a minority of a particular race and gender.

We stand on this platform without any fear to pronounce that we fully and unconditionally support the process of amending Section 25 of the Constitution as it is ... [Applause.] but one profound, deliberate act of the people of our country to bring about equality, development and peace. The moment has arrived to extricate ourselves from the chains of pleasing international community at the expense of our own people. Our relationship with the globe must not be defined by the status quo of the colonial and apartheid times. We want change now.

The National Development Plan identifies a common floor for a decent standard of living for all South Africans. In addition to employment, this requires an appropriate social wage to help address the multi-dimensional manifestations of poverty and inequality.

Women and elderly in our country rely on land as means of supplementing their social grants and old age pension from the government. In our quest to build an ethical and capable state;

those who have land to cultivate must be supported with implements and seeds as well as markets to deepen the state engrossment in the upliftment of our people.

KwaZulu-Natal accounts for almost 27% of the agricultural sector and contributes about 4% of the gross domestic product with diversified products such as sugar, dairy and maize which is found in the North, South and midlands respectively as well as cattle and commercial poultry. The major commercial players currently remain predominantly white males, with no signs of leveling the scale in order to at least reflect the demographics of our province.

The ANC government is just not in office but governing and as such this sixth administration has an obligation to aggressively bridge the inequalities within our society. This would be achieved through acceleration of the release of land for the construction of houses and other public amenities. Beneficiaries of the restitution program must be capacitated, and their farms be recapitalised as they often inherit old, outdated implements. The introduction of new technology, improvement on logistics in food production and non-food agricultural exports is going to make farming attractive, especially to the youth, thus creating interest in the sector. The areas of Babanango, Dlomodlomo, Mpophomeni, Keats Drift, Msinga and many

others are engulfed with community disputes that hamper the productive use of the land that they have successfully claimed back. These are matters that government must intervene speedily to prevent unnecessary loss of lives so that the land is used for the benefit of their children and generations to come.

For every South African to have shelter, there has to be land. For a dam to be built there has to be land. Every human endeavour to succeed in creating an equal, developmental and peaceful country, the land which is rightfully ours must be made available through a constitutional process driven by the government of the people for the benefit of our people. Thank you very much. [Applause.]

Mr M NHANHA: Hon House Chair, hon members and fellow South Africans, hon Makouse, you promised a private school in Alexandra, and you are now promising markets and building churches. Start with the first one and finish it first and you later come and promise South Africans something else. [Laughter.]

On the 23 April 2018, the *Daily Dispatch* in the Eastern Cape ran a story with a headline, and I quote: Farmers recall better conditions under apartheid. As a person who experienced apartheid, I disagree with the sentiment expressed by the people of Gwatyu, but can you

really blame them? Gwatyu is a group of 88 farms under the Gwatyu Communal Property Association in Cofimvaba in the Eastern Cape with about 800 residents spread across those farms. These farmers, some as old as 90 years, lived on these farms for all their lives and likened the days those farms were owned by white farmers to the biblical land of honey and milk.

For this community, tragedy struck when white farmers were evicted by the Transkei government. The *Daily Dispatch* quoted Mrs Nowezile Tom, 92, born in one of those farms in Gwatyu, said they used to live in good conditions and worked on the farms. Mrs Tom further said, and I quote:

Since the democratic government, we have lost everything. There is no water, no roads, no electricity and no clinic in this area.

Another resident, Mr Sdodo Matsheke, told the *Daily Dispatch* that they were yet to benefit from the democratic government. He contends they are living in worse conditions. Ambulances can’t reach the farms due to the bad state of the roads and people die before receiving medical attention.

In 2013, the Gwatyu Communal Property Association was founded. To this day, the government refuses to register it. Minister, it is disgraceful. They have been to each and every office yet they have been turned down. Their CPA cannot be registered.

She says, and I quote:

Our aim is to own the land so we can work it to be the way it used to be when there were white farmers. Since the land was taken from white people, it has deteriorated, and nothing is being done to restore it. Government has done nothing to help us, we want title deeds.

A call by the DA and other South Africans finds expression that government should firstly redistribute land it owns before going for private land motivated by political expediency.

Let me be clear, colleagues, as l said during the state of the nation address debate a few weeks ago, the DA agrees that for a harmonious coexistence in this country, we need land reform, and it is essential. However, it does not have to include the amendment of the Constitution. Because in the wisdom of our founding fathers and authors of our Constitution, they were alive to the reality of a

skewed land ownership pattern but had to balance it with the right of individuals to own land.

We should know by now that throughout the world property rights are a cornerstone of any modern economy. No fund manager, hon member from KwaZulu/Natal, will invest in an economy in which property rights are not guaranteed because there is no guaranteed return in their investment. So, they will keep their money.

Since the start of the process to amend section 25, we are witnessing a daily out flux of investment leaving our shores and unemployment is at a record high since the advent of democracy and it seems nobody knows why. Put it simply we can’t eat our cake and still have it in the fridge. One thing will happen: no property rights, no new investments; without new investment, no jobs; without jobs there is no tax base; and without a tax base, there is no social grant.

In amending the Constitution voters must be given space to freely express their opinions without any hindrance. But we have sadly witnessed in some public hearings people intimidated and shouted down either for being white or for opposing the proposed amendment. Some political parties have displayed intolerance and hooliganism of

shameful proportions to views contrary to theirs, something like what we see in Parliament on a daily basis.

About a week ago Chief Justice Mogoeng Mogoeng was quoted in *Netwerk*

*24 Landbou*, sympathising with white farmers that even though the economy is in such a bad state and the drought has hampered production, they are still labelled as thieves. He thanked them for their contribution, producing food for the nation and assisting upcoming black farmers and encouraged them to stay positive and not be discouraged by politicians and opportunists that use the land issue as a play ball to manipulate South Africa for their selfish ends.

Most farms are owned by the banks, so leave farmers alone. Give people of Gwatyu their title deeds instead. [Time expire.] Hon Zandamela, you owe a farmer a word of gratitude for the stake you had during lunch time today.

Lastly, I would like to you to join me in congratulating Coega Municipality in the Eastern Cape for having passed its first R1 billion budget. The DA rules! Thank you. [Applause.]

Mr S E MFAYELA: Hon Chairperson and hon members, effective land reform policy and administration in South is vital if we are to begin to undo the legacy of the past, segregation and apartheid. The resolution of the land issue carries with it the promise of healing the wound of the past. Land has social, spiritual and economic value. It has the potential to be the foundation of the renewed economy our country so critically needs. Yet this process up and until now has been very slow. There is an argument that this is due to the willing-buyer, willing-seller model being ineffective.

The IFP whilst completely agreeing with the urgent need fro land reform and redistribution, we view expropriation with zero compensation as a very last option. [Interjections.] Can I finish? There is currently a wide variety of options to address meaningful land reform in this country. Such circumstances should only be contemplated once all other options have been exhausted and should be determined on an individual needs basis by the court.

The IFP remains of the considered opinion that section 25, as it is currently framed, is probably broad enough to allow expropriation with no compensation in appropriate circumstances. Allow me to be explicit than that in our view. The Constitution as it is currently framed is sufficient and powerful to allow for meaningful land

reform in South Africa without the need for amendment. The question which should be asked is how to achieve real and effective land reform under the existing Constitution scheme.

As public representatives we have not produced proper insight as to how we will appropriate for youth to become land owners to maximise their opportunity in terms of the growth. We are rushing to amend the Constitution before we have a clear plan in terms of the land distribution. If we do this while we hurry to come up with the plans of how and who to distribute land to, certain individuals who are in power will quickly award themselves handsome parcels of land. In 10 years we will have another Zondo Commission where we will hear how land was stolen to feel the pockets of he elites if we don’t plan properly and rationally. We need to come up wit a plan of implementation before we amend the Constitution which can potentially open South Africa up to further corruption and stealing. I thank you.

Mr I MEYER (Western Cape): Hon House Chair, hon Minister Didiza, the Minister of Agriculture, Land Reform and Rural Development, hon members of the NCOP, ladies and gentlemen, the National Development Plan is quite clear. It asserts that land reform is necessary to

unlock the potential to unlock the potential for a dynamic growing and employment creating agricultural sector.

The National Development Plan, NDP, basis land reform proposals on the following broad principles: to enable a more rapid transfer of agricultural land to black beneficiaries without distorting the land markets or business confidence in the agricultural sector; secondly, to ensure a sustainable production on transferred land by making sure that human capabilities precedes land transfer through incubators, through learnerships, through mentoring, through apprenticeships and accelerated training in agricultural sciences but also to establish institutional arrangements to monitor land markets against undue opportunism, corruption and speculation.

Yes, we don’t want another Zondo Commission of Inquiry to look at land grabs again in the future but also to bring land transfer targets in line with physical and economic realities to ensure that land is successfully transferred. To also offer commercial farmers in organised industry bodies the opportunity to significantly contribute to successful land reform in South Africa. House Chairperson, the Western Cape government is committed to land reform programme and continues to provide support to land reform

beneficiaries through our Department of Agriculture, Land Reform and Rural Development.

Hon House Chair, the Western Cape department of agriculture has partnered with the commodity organisations through the commodity approach to strengthen the support rendered to land reform farmers. We have signed 11 memorandum of understanding within these three partners to focus on key values and change for our province. Key to this approach is facilitation of access to markets and mentorship provided to land reform farmers by the commodity organisations and this comes at no cost to the farmer and at no cost to the Western Cape Department of Agriculture.

Furthermore, it was through this commodity approach that the department was awarded the jobs fund project valued at R120 million for the further commercialisation of farmers the deciduous fruit sector. Through this project, we have added 300 hectares of fruit for land reform farmers since 2016. We are fostering land redress and equity through land reform. The Western Cape is by far the only province that has perfected the model which is key for successful land reform. Land reform success in the Western Cape is just not a matter of statistics but it represents people with their own stories and their own desires.

The following is a list of some of the land reform farmers that are already playing big in the economy with the support of the Western Cape government: André Cloete, mixed farming, fruit and livestock; Ishmael Mothala, a fruit farmer; Abel April, a fruit farmer; Wardier Jappie, here in Philippi, poultry and vegetables. These are successful land reform project: Jaqui Goliath, nursery and fruit; Raymond Kobster from Ceres in Witzenberg, a fruit farmer ...

Mr S ZANDAMELA: Thank you, House Chair, I just want to check if the member there can take a question.

Mr I MEYER (Western Cape): No! Dirk Swarts, Alfreier Marts, Derick Griqua, Mike Smith, a grain stock farmer; Nicolas Slinges, a Rooibos and a livestock farmer. These are all successful land reform projects in the Western Cape. These farmers are forming part of the

50 black commercial farmers that the department has identified and they have received dedicated support to the commercialisation and their produce are sold both locally and internationally.

I have just returned from a trip to Europe where I took some farmers to also see the successful export of the products. I think people don’t understand that 50% of the products are exported into Europe. Chairperson, given the Western Cape’s commitment to land reform we

have done two independent studies to determine the effectiveness of land reform in the Western Cape.

The first study was done in 2014, 62% successful land reform, another study was done recommended by Department of Planning, Monitoring and Evaluation, DPME, 72% successful rate in land reform and this is the best record in South Africa, elsewhere in South Africa there is only 10% successful rate. Hon members of this House, international studies have shown that for every R1 you spend on land acquisition you need another R2 to be able to provide support. This is unfortunately a challenge, hence, we are partnering arrangements with the private sector in the Western Cape to help stretch the limited resources. The private sector is a friend of land reform in South Africa not an enemy.

Hon House Chair, growing the economy and facilitating greater market access is however now threatened not only by crime but also by poverty and uncertainty in expropriation without compensation. In the mid 1980s Venezuela chose the path that this ruling party is now following, which it was the major oil and mineral wealth had per capita GDP similar to Norway and was the richest country in Latin America but by 2017 – by following this path of this country - more than 80% of the people are now living in absolute poverty, blaming

section 25 of the Constitution for current failures is dishonest and an act of political expediency that will destroy our economy.

The Constitution is not the problem but governance is the problem in this country. The draft Constitution Eighteenth Amendment Bill, and acceding the property rights clause mean that the Constitution will no longer protect property rights. It permits expropriation without compensation with a whim of Members of Parliament. Hon Chairperson, here are the facts, banks in South Africa - as the previous colleague have said – have loans totalling R160 million for agriculture on their books. The South African banks have R1 trillion worth of property bonds on their books, 17 million people live in homelands without security of tenure, the Land Bank provides one third of all loans to commercial farmers in South Africa. The Land Bank has borrowed R41 billion for external funders.

Expropriation without compensation will result in lenders demanding an immediate repayment of R9 billion from the Land Bank which the National Treasury, simply, does not have. The country is bankrupt. We will see if this Bill is passed by Parliament, this is what will happen in South Africa, the banking sector will collapse. It will not only collapse, but you members as you sit here, you will have to go to the bank and the bank will tell you that today you can only

withdraw R100. The second day it will tell you that you can only withdraw R50. The banks will collapse and when you go the next day, they will tell you that you can only withdraw R20 at the ATM, the next day you can only withdraw R10 and after that when you go to the bank on Friday, expropriation will tell you at the ATM “sorry, no more money”

The banking sector will collapse. It has collapsed in Venezuela and it will collapse here. You, the members of this House have a responsibility to protect your province. You are members of the National Council of Provinces; you are not members of political parties here. You are members of the national province council. Hon members, I think you have the responsibility and you have a choice

... I do ... and this is because you were not in church on Sunday. House Chairperson, I call all the members of this House ... I call the members of this House ...

The HOUSE CHAIRPERSON (Ms W Ngwenya): ... order!

Mr I MEYER (Western Cape): ... to act ... [Interjections.] ...

Mr S ZANDAMELA: Thanks, House Chair. I just wanted to correct the member, it is not national province of council it is National Council of Provinces.

Mr I MEYER (Western Cape): Hon members of the National Council of Provinces thank you. I now hope you behave like that because that is a title that you don’t deserve. House Chairperson, I now call on the members of this House to act in the interest of your province. Your province has sent you to this House to represent, firstly, your province. If you want your province to succeed with land reform, fight for individual property rights in your province, fight for title deeds for the citizens in your province and protect the property rights of the citizens in your province ...

The HOUSE CHAIRPERSON (Ms W Ngwenya): ... thank you, hon member, your time is finished ...

Mr I MEYER (Western Cape): ... put your emotions aside and fight for

...

The HOUSE CHAIRPERSON (Ms W Ngwenya): ... hon member!

Mr I MEYER (Western Cape): ... and fight for justice for people living in your province...

The HOUSE CHAIRPERSON (Ms W Ngwenya): ... hon member, time up. Hon member, your time is finished.

Mr I MEYER (Western Cape): Thank you, hon House Chair ... but there will be no money in the bank, watch out!

Mr E M MTHETHWA: Hon Chair, Minister and guests up there, there is one thing that I like about the policies of the African National Congress. The very fundamental one, hon Chair, which is the most important policy, is the redistribution of land to the landless.

Therefore, the debate must be centred on there. The ANC has already alluded to these issues long time. The 1992 ready to govern identity document identified these important properly planning in an urban and rural areas in order to correct this wrong of the apartheid and this include the role of the local government ensuring a fair redistribution of resources.

The land has a critical role to play towards eradication of poverty

- it can be poverty, unemployment and inequality within our society. This is the fundamentally to me and the organisation. The ready to

govern places the development at the centre of the undertaken by the local government and economical development, and it is the heartbeat of the building of a better life for all. The land is an economically asset that can be used positively to impact on the economical development of any given nation.

The ANC ... the land reform policy is designed as an effective response to deal with these challenges of local economical development. You will remember recently in the 2020 state of the nation address the President, Cyril Ramaphosa, spoke about work being done to strengthen the capacity and the local government to achieve its developmental mandate and finding a sustainable way to meet socioeconomically and material needs of the community improving quality of life of everyone in this country.

It is important, it is not just an exaggeration, that agrarian reform has a potential to grow the economy and improve the quality of life. The success of land reform programme will have a positive impact on both rural and urban economical development by thus disrupting the social and economical apartheid structures.

The key recommendations of the Presidential Advisory Panel on the land reform and the agriculture, as the President announced, will be

implemented this year in order to accelerate the land distribution, expand the agriculture production and transform the industry.

Agriculture production is a springboard to industrialisation and economical growth - that is the fact. The amendment of section 25 of the Constitution of the Republic of South Africa to make explicit, I agree on what hon Nyambi has said, but what I just want to add is that is to accelerate the country land reform programme because that is all what it means.

The public hearings are currently underway and we are calling upon all South Africans to participate in all these venues where these hearings are taking place. The successes on the amendment of section

25 of the Constitution will positively contribute towards the fair redistribution of land to the poor and the landless. This will be the guarantee access to proper human settlement and business site for the local business to help create jobs and grow of our economy. These public hearings are taking place until 5 April 2020, and to date four provinces have been visited. We are happy about the results that are happening, especially in Free State, North West, KwaZulu-Natal and Mpumalanga as they have been visited already.

Hon members and hon Chair, in a radical action to transform a skew spatial planning and developmental pattern created by the apartheid

state, this Parliament has passed the Spatial Planning and Land Use Management Act. This Act provides, among others, for the establishment and the functions and identifies the future current structures and restructuring elements of a spatial form of the municipalities including the developmental corridors and economic network where public and private investment will be prioritised and laid out a Spatial Development Framework with clear municipality land use and planning.

The Department of Agriculture, Land Reform and Rural Development has released a National Spatial Development Framework for public comment which is going to be closed on 19 March this year. This is also important.

Hon members and hon Chair, one of the aim linked to our land reform programme is the issue of food security for our impoverish communities. The devastating impact of drought on our rural community has left many more vulnerable and has resulted in the decline of agricultural production. Support is needed to ensure support of the land reform beneficiary and to ensure the productivity of redistributed land.

The comprehensive agriculture support programme is designed to contribute to household and national food security and the promotion of ecologically sustainable farming. Most important, the implementation of the Centre for Alleviation of Poverty through Sustainable Agriculture, Capsa, is expected to reverse the inequality farm land access and use rights inherited from the apartheid area. Distribution development planned model has a great potential of unlocking the local economic growth and resulting in the creation of much needed job. It is expected that each district plan with ensuring a nation priority such as economical growth, employment, rural agricultural development with urban linkage with access to the market will not only ensure the development of a rural economic, but further to contribute to the export market capacity of the country agricultural sector.

The really value in the agricultural economically can be found within its broader value chain system, agroprocessing agricultural and manufacturing. Access to the agricultural land remains a challenge and it is the role of the developmental state to ensure equitable access to the land. The primary responsibility of the advancing the land reform lies with the state. However, the private sector has also defined a role to play. It is indicated in the land audit that individual companies and structures and trust are owned a

total of 89 523 040 million hectares. These numbers are alarming, but nevertheless we request that government and those private companies, whoever owns land out there, please come on board to ensure that the land is being distributed in a fairly manner.

Government has appealed to private land-owners to donate the land in order to accelerate the land reforms programmes in the country.

Therefore, I sincerely believe that private companies will heed this call and well individually as large tracts of land. Certainly, I knew that mining companies have begun to donate land to the local municipalities for rezoning for residential housing, economical development and this is very encouraging. We hope that others will follow and donate piece of unused land to be put into production line.

In conclusion, I firmly stand here before this Parliament as a colleague already talked about this matter, hon Nyambi, especially when he alluded to this matter, and has opened this debate and declare without any hesitation that it is only the African National Congress with the great ability to lead our people in a better future and a better life for all. Let us all, I appeal this, grow this South Africa together so that this land must go back to the really owners of them. Thank you very much, Chair. [Applause.]

Mr W A S AUCAMP: Hon Chairperson, hon Minister, hon members, fellow South Africans, land Reform is one of the most sensitive topics in our country. And I promise you that if it is not handled correctly it will have dire and long-lasting consequences for every South African.

Let there be no doubt that apartheid caused distortions to the distribution of land between the people of South Africa; no doubt. But as the old saying goes: Two wrongs don’t make a right.

Land and the use thereof is intricately tied to the production of food, and thus to food security for all our citizens. This government cannot implement a policy that will try to achieve this one goal of distributing land but in the same time it is to the detriment of all our people. As the DA we believe that policies that affect land ownership and the use of land must prioritise the continued supply of food at affordable prices.

The hon Nyambi said that the ANC has got a vision for land reform that looks into the future. If you can look into the future, hon Nyambi, I’m afraid that you might see a lot of hungry people.

Mr S W MSHENGU: On a point of order, Chair. I just want to ask whether the member can take a question.

Mr W A S AUCAMP: Hon Chairperson, if I’ve got time after my speech I will gladly take his question, but I would like to finish first; if I’m finished I will take your question. But be prepared for the answer.

*Afrikaans*:

Die strategie rondom grondhervorming moet dus nie wees om so spoedig moontlik, soveel as moontlik grond na swart mense oor te dra, om soedoende kwantitatiewe teikens te bereik nie. Die implementering van grondhervorming moet gemik wees daarop om ’n florerende landbousektor te vestig, wat voedselsekerheid kan beskerm, en ook ’n klimaat skep wat dit moontlik maak vir opkomende boere om met sukses te kan boer. Ons moet verder ook armmoede onder ons mense verlig deur bestaansboere te ondersteun, sodat hulle meer suksesvol kan boer en aan hul behoeftes kan voorsien.

*English*:

The CHAIRPERSON OF THE NCOP: Members, let me just try to address [Interjections.] order, members. Let me just address this one little problem: Please do not takeover and chair the meeting from your

seat; like instructing a member to sit down, please don’t do that. [Interjections.] Yes. Please go ahead with your point of order.

Ms M T MATHEVULA: I’m rising on a point of order, Chair. Since the electricity is back, we don’t have a translator, can we please have someone to translate for us because we don’t understand his language.

The CHAIRPERSON OF THE NCOP: Members, the problem raised, the challenge raised is noted. I’m asking the Table here to look at it and see that it is sorted out. Thanks, hon member.

Ja [Yes], ja [yes]. Please, hon member, let me just advise you as well that it is improper for you to stand up and to start speaking. Please don’t do that. Please don’t do that in future. [Interjections.] Please sit down. I’m asking you to sit down. [Interjections.] [Laughter.] Ja [Yes]. Now, stand up and say what your point of order is. [Applause.] [Laughter.]

Mr G MICHALAKIS: Hon Chairperson, it feels like I’m in back in high school again.

Hon Chairperson, the Deputy Chairperson who has questionable knowledge of the Rules of this House was shouting insu ... well, it wasn’t an insult but she ... it wasn’t, actually to be a shop steward is not an insult but she actually called my colleague ... well, she shouted at him that he’s a shop steward. Now, I do not think it’s an insult but it’s unbecoming of a Member of Parliament to call another Member of Parliament by any other name than the hon member Mlinde.

I would request you to remind the Deputy Chairperson that she’s not in Kimberley’s branch of the KFC [Laughter.] [Applause.] and that she should please address him respectfully.

The CHAIRPERSON OF THE NCOP: Now, that’s not a point of order. Hon member, I want you to withdraw the remark, please do that. You can’t just throw allegations and the type [Interjections.]

Mr G MICHALAKIS: Chairperson, I would gladly withdraw if she withdraws

The CHAIRPERSON OF THE NCOP: ...of ideas that require you have a substantive motion put in front of the House.

Mr G MICHALAKIS: I would gladly withdraw if she withdraws

The CHAIRPERSON OF THE NCOP: So, I’m asking to withdraw.

Mr G MICHALAKIS: Chairperson, I will withdraw once she has withdrawn. [Interjections.]

The CHAIRPERSON OF THE NCOP: Hon member, I’m warning you. I’m asking you to withdraw and if you can’t withdraw please leave the House.

Mr G MICHALAKIS: Chairperson, for as long as the Deputy Chair acts as if she’s in a takeaway restaurant I will not withdraw until she has withdrawn.

The CHAIRPERSON OF THE NCOP: Please leave. Please leave the House. Please leave the House. Hon member, I’m asking you to leave the House. [Interjections.] Thank you very much.

Mr W A S AUCAMP: Again, Mr Chairperson, I’m going say what I said previously here: for the fool to remain undetected he must remain silent. And I think if the shoe fits, whoever wants to put it on can put it on.

Mr Chairperson, The success of land reform should be determined in terms of livelihoods created or supported, and economic value created, rather than the amount of hectares that is transferred.

Two years ago the ANC unanimously voted against expropriation of land without compensation. What has changed? Absolutely nothing! This then brings us to the question: Why the ANC has made this about turn with regard to their stance on this issue?

Let me tell you why. Let me tell you why. This ANC government uses expropriation of land without compensation as a smokescreen to hide their own inability to implement land reform correctly.

Hon Chairperson, the problem with land reform is not the Constitution nor is it the unwillingness of farmers to assist in making land reform a success; it is the corruption and poor governance inside the ANC that stands in the way of the successful implementation of land reform.

Hon Chairperson, it is not only me and the DA that say this. What I’ve said now was also said by the ANC itself. One of the intellectuals within the ANC, Jeremy Cronin, said it in this Parliament that [Interjections.] ... it is what happened ... he said

it in this Parliament that it is the corruption, what happened. But to put the icing on the cake, this statement was also supported by the National development Plan, NDP, as well as the High Level Panel under the leadership of former President, Kgalema Motlanthe, which stated that the Constitution was not the reason for the failure of land reform, but that the failures were due to poor implementation of policy, corruption and a lack of urgency by this government.

What you see in land reform is just another form of state capture. The ANC has already stolen your electricity, they are now trying to steal your pensions and they are also trying to capture the processes required to correctly implement land reform. It is undisputed common knowledge, Mr Chairperson, that when you destroy the value of land you destroy the financial sector of a country. We are already facing financial downgrades and if you want to guarantee the complete financial collapse of South Africa, I promise you that expropriation of land without compensation will be a suicide pact that will be the final and lasting legacy of the ANC.

Black people, as hon Nyambi said, own 4% of land. Why don’t this government transfer the land that the people are living on into their names? Why is this government not trusting their people to own land? Go and ask yourself that question. Land should be owned by the

people that live on it. But why don’t this ANC government implement it?

*Afrikaans*:

Kom ons raak kalm en kom ons dink presies oor wat hier moet gebeur.

*English*:

Land reform can, instead of being divisive, can be an opportunity for nation-building, job creation and extended ownership, it can be a blueprint of goodwill instead of the divisive and corrupt rural state capture that the ANC tenderpreneur cartels have got their tentacles inserted into. I thank you. [Applause.]

The MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:

Chairperson, Deputy Chairperson, hon members, I sat there listening to the debate attentively and I actually wondered to myself, how would things have turned out if, in 1913, we had sat here as the majority to decide what should happen to the land question in South Africa. I say this because some of the members stand here and ignore the reality of our past, and ignore what has brought us to the point of debating the matter we are debating here today. For them, it is as though we just decided after 25 years of independence to discuss

land reform, redress and how we could actually have equitable access.

Without going into the detail, allow me remind those members who might have forgotten. It might be good to go back to the Glen Grey Act of the 1800s and actually reflect on what that Act says. In my view, that legislation was the prototype of how apartheid would be implemented in the future. Today, others are standing here and saying the government must transfer traditional land to the owners of the households. Yet, the Glen Grey Act – even though it was argued in the then Transkei to allocate four more to the household – clearly said that land must be under the commissioners and magistrates who would decide how it is to be used. This was also linked to the labour that those individuals would provide to the white farmers. Very interesting!

Fast-forward to the 1913 Land Act. I won’t deal with the detail because all of us here can read. What was its intention? Fast- forward to the 1916 Beaumont Commission – which was actually part of the process of implementing the 1913 Native Land Act. What is very interesting is that that commission actually said that, even after the dispossession, the African majority, particularly in the Transvaal, was still buying land from white Afrikaners who were not

willing to work the land. As part of that process it was even questioning whether the 1913 Land Act was effective.

Further, 1936 Land Act was put in place to correct what was not accomplished by the 1913 Land Act.

I want to fast-forward again to the 1929 Carnegie report on the poor white problem. Today, we sit here and make all sorts of statements without appreciating the history of where we come from. Because the Vaal-Harts that we talk about came about as a result of the Carnegie Commission which specifically said, and I quote:

At the turn of the century white Americans and whites elsewhere in the world felt uneasy because poverty and economic depression seemed to strike people regardless of race. White poverty contradicted notions of racial superiority and hence it became the focus of scientific study.

The report recommended that, and I quote, “employment sanctuaries be established for poor whites.”

In South Africa, part of that was ensuring that the Vaal-Harts scheme – into which the state moved people at will – created an

enclave of people who would be fully supported by the state – not only financially or in terms of infrastructure, but also in terms of human resources. The extension officers we talk about of that time fully supported those who were in commercial farming and in commonages, and also railway workers. I can name many.

I am raising this because I think South Africans need to have an honest conversation that does not deny the legacy of our past. This will allow us to look squarely at what we need to do and what is a problem that we need to fix. We can then do so honestly and not to stand here and grandstand and just say, let’s forget about the past; let’s look to the future. You can never know your future unless you know where you come from! [Applause.]

I think it is important for me to indicate that land reform in any society is aimed at addressing the mischief or challenges that a country has in relation to access, equitable redistribution, ownership of land for sociological, economic and political needs.

In communities where land dispossession was undertaken as the completion of conquest by colonial masters, land reform addresses issues of sovereignty, identity and inequitable access. This is what we are dealing with in South Africa.

If we don’t accept that, in the first instance, these are the issues we are addressing, then economic development can never happen because it can’t happen without those issues being addressed. I think we need to agree that that is the issue and that is the mischief we need to fix.

In communities such as ours, land as a means of production was taken away from indigenous people, thereby denying them the opportunity to utilise land for economic activity. If you do not believe this, read the books about the death of the peasants in South Africa by Govan Mbeki. You can read other books by Bram Fischer and others which indicate how African farmers were thriving in this country, even after colonial settlements in South Africa. Therefore, today we must not behave as though we are talking about people who did not know how to farm, who did not know how to trade in the markets when markets were then available. They were there and they are there, even today. What we need to do is to ensure that a majority can have the fruits of what we are supposed to have collectively as a country.

Today we have people like Nomalanga Pascal of KwaZulu-Natal, who is in horticulture, operating commercially as a land reform beneficiary. We have Professor Masitlela who is in poultry in the

Free State. We have Anna Phosa who is in piggery farming in Gauteng. We have Simangele Gumede who is in citrus farming. We have Power Khoza who farms avocadoes and macadamia. I can mention many others. These are some of the successes.

*Siswati*:

Ngingakhohlwa umntfwaneNkhosi Babe Nyambi eThornybush ...

*English*:

He didn’t tell you the story. He is one of this country’s successful land claimants. There are many others I can mention. There are also those with difficulties that I can also mention in addition to what hon members have said. But this means that, if we do not address these issues of inequity, it is not only an indictment on all of us as South Africans, but also on the generations still to come.

I would like to remind us of the preamble of the Freedom Charter when it states and I quote:

Our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality; that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities;

Clause 4 of the Freedom Charter also declares that,

Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it, to banish famine and land hunger.

Beyond any reasonable doubt, one of the most critical areas of reparation that still remains in our country today is the issue of land ownership. Throughout our country’s history, dispossession of land has been systematically embodied in inhumane policies such as the Native Land Act and the Group Areas Act.

The impact of the Native Land Act on the lives of the majority of Africans living in the Union of South Africa was so devastating that Rev Solomon Plaatjie lamented that “the African native found himself, not actually a slave, but a pariah in the land of his birth.”

This Act prevented Africans from land ownership in the vast areas designated as white, and only allowed residents on farms in a form of labour tenancy with a minimum of 90 days’ annual labour as a requirement.

Hon members, I must say that addressing these challenges is not going to be easy. As a democratic state we chose a different route. We decided to be a constitutional state, which bounds us to certain prescripts of law on how we could do things. Therefore, to think that we could have moved with the same speed like it happened in 1931, where you woke up and were told that you belonged to Mr van Niekerk, is actually a dream.

I am happy that members raised the issue and the question of corruption in land reform without bringing detail. One of the corruptions that we must deal with is the cost of land that the state has been made to pay to redistribute. The time it takes for negotiations ... Do you know that what we are charged some times is not even the productive value of the farms, but is the price of real estate. When we charge the Valuer-General’s office with trying to ameliorate these problems so that we can have a just and equitable redress we have been taken to court by land owners time and again. I think we should accept the truth. When we speak about corruption ... Sometimes corruption is equal to officials of state and that is not true.

At times the collusion by land owners ... where working with the officials indeed to inflate prices ... When the official finishes a

land claim, tomorrow they jump ship and start to work for the land owner. How interesting!

I think we also need to accept the other reality where in trying to come with a win-win partnership ... one of those cases of the 50-50 Programme where the state actually bought from current land owners who then remain on the land, do not invest, do not give the skills and when the entities collapse say it is black people who can’t farm. It can’t be right and it can’t be true. I think when we deal with those issues fairly and say what the mischief is that we need to address, we can all be successful.

Unfortunately, my colleague – I am not sure whether he is here - to actually give a threat and say if you undertake the constitutional amendment ... tomorrow you are going to borrow and be given R2 ... whatever amount is he mentioned ... I don’t think it is fair and I don’t think we should make this issue a scarecrow**.**

Fortunately, the ANC will, this Thursday, be engaging with the banking industry of this country. Because as a democratic state it is in our view to even advise our financial institutions that it is in their interest to be able to address this issue.

It is not a fallacy that where land reform is undertaken there will be disruptions. Go and look at the history of land reform anywhere in the world. There have always been disruptions in the production. Part of the weaknesses which hon Mokause and others have mentioned where there are difficulties among property associations ... it is because the view that government took at the time was that, where a productive asset like in an area called Levubu ... this was now a bigger estate ... that we must try as much as possible not to have a disruption.

It causes a tension because you bring various communities who were settled in different portions which now became a bigger farm to work together. Obviously, cultural dynamics will come into play and there will always be tensions. Our responsibility is how we deal with those problems. We cannot say that, because of those challenges, land reform has failed.

Yes, we agree. The pace has been slow, but let’s examine what has made that pace to be slow. When you say you will purchase you can’t determine that the person from whom you buy will give it to you tomorrow. That is part of the slowness and we must admit it.

I am happy that this matter has been put here and we shall continue to ensure that we deliver the land so that South Africans collectively can live equitably. I thank you. [Applause.] [Time expired.]

Mr T S C DODOVU: Hon Chairperson, hon Minister, Members of Parliament, let me take this opportunity to join ...

The CHAIRPERSON OF THE NCOP: I just want to say to members that I have just received feedback that the interpretation problem is related to earlier cut-off of electricity, but we will continue to try and do whatever we can to ensure that the power is restored. Hon Dodovu, please proceed. Sorry for the disturbance but I am sure you can proceed.

Mr T S C DODOVU: Hon Chairperson, I was saying that I rise also to express my disappointment in the way that this debate is unfolding on a very sensitive and emotive issue that has occupied our discourse for centuries.

For me it is a sad moment because we undermine the issue of land in this country. I am saying this because all the wars, especially the defeat of the African people, will show that their resilience and

struggles were based on the land question. You can trace this particular injunction I am making from the Battle of Isandlwana, battle of Bambatha Rebellion, the defeat of African people in the Eighth Frontier War which they fought against the British and the Boers. It will show you that at the centre of all of these were the battle for land dispossession by the African people.

It is said that at the time that we need to seek solutions, as a country, on how we must address this historical injustice we play marbles and a political game on this. I think as Members of Parliament we could do more and better in terms of addressing this particular matter.

I am raising this point, hon Chair, because at the centre of what the ANC stands for since its formation in 1912 is the land question. A one year old organisation called the ANC started to confront the issue of land in 1913 after it was promulgated into law.

If you look at that history you will see that the first leaders of the ANC; John Dube, Sol Plaatje, Walter Rubusana, Saul Msana as well as Thomas Mapikela took a deputation to England, two years after the ANC was founded, precisely to go and confront the question of land.

I am saying this point because at the centre of what the ANC, as an organisation, stands for is land, and at the same time as the movement of the people we must acknowledge that we have not achieved the objectives of land reform we have set for ourselves in this country since the advent of our new democratic order in 1994.

In our watershed conference in Nasrec - the 54th National Conference of the ANC - we made that acknowledgement. That is why, as one of our own strategies, we passed this important resolution of land expropriation without compensation as one of the instruments and mechanisms we apply in addressing this historic imbalance.

Having listened to the debate, I think that it is quite important to put in context what the ANC says in terms of this particular resolution. We say, for example, that we need to ensure that land reform is coupled with rural development to ensure that we focus our energies and attention in the empowerment of our people who are in rural areas, but more importantly ensure that we use the issue of land reform as part of our socioeconomic transformation of our society.

The ANC is very careful in terms of how this must happen. As I indicated, as the ANC, we are saying that we need to ensure that

whatever we do doesn’t undermine the future investments in our country but promotes the issue of food security as well as ensuring that we do not destabilise other sectors of the economy.

We are doing so because we acknowledge that we need to ensure that the land becomes available for those purposes and as the ANC we achieve that particular objective.

I am raising all these particular points because we have said in 1955 that land shall be shared amongst those who work it. We said this in full knowledge of the fact that we need to ensure that those who possess land and get benefits of the state intervention in terms of land redistribution are able to use it productively for the benefit of our society, and that we build more houses for our people.

Land is important because we use it in terms of transforming our own society. It is important to use land as an instrument to deracialise our society because one of our own strategic objective is to ensure that we realise a non-racial and democratic dispensation in our land and using land as an instrument to achieve that objective is at the centre piece and heart of what the ANC stands for. For me, that is quite important.

We say as the ANC we will get tired, we will explain our position, we will engage, as the hon Minister indicated that on Thursday there is a meeting of banks, and for the implication of the future perspective there are meetings with important stakeholders including investors to also address this important policy position of the ANC. Amending the Constitution is quite important to us and it is important that all players understand what the ANC stands for and what it is that the ANC seeks to do in terms of addressing this important point.

Our view is not to play to the gallery; it is not to suggest radically sounding propositions that have nothing to do with our people; and it is not to trumpet on talking about policies that are not working and unsustainable with a view of attracting votes. We are not doing that.

We are doing this because we acknowledge that since 1994 when we started the land reform programme we had said that part of it would be to ensure land redistribution to our people, but another element would be to ensure land restitution for those people who were dispossessed of their land.

It is equally important to ensure security of tenure for our own people. We made that objective assessment as the ANC on whether we have achieved those particular objectives and how far we have gone in terms of addressing those particular issues.

As we engage one another as South Africans, it is important that we do not mislead one another; we do not use some slogans to construct our society and not for other purposes because our people indeed need land. They need land for houses, agricultural purposes, industries and to advance their own spiritual as well as their material wellbeing.

There is no point on the part of the EFF to use this. It is important for me to explain this particular point because the EFF was only founded in 2013 — 100 years after that initial process commenced...

Ms M O MOKAUSE: Chairperson of the NCOP, I am rising on a point of order.

The CHAIRPERSON OF THE NCOP: Let us hear the point of order.

Ms M O MOKAUSE: I just to state it categorically clear that the EFF is the only political party in South Africa which championed the issue of the land. Therefore, we are not afraid to speak openly and unapologetically about it. The ANC must continue protecting the white minority. We are going to take back the land.

The CHAIRPERSON OF THE NCOP: Please, hon member, take your seat.

Mr T S C DODOVU: In the figmentation of their imagination they think that they are the initiators of land reform and land transformation in our country. The ANC, throughout its history, has stood side by side with our people in terms of addressing this important question.

To play to the gallery and trumpet what is not yours and what you have not started will not really help to ensure that we address this particular point. For me it is quite important to address this particular point.

Another point that I want to bring to the attention of this House is with regards to the FF Plus. I think this white party must accept the fact that there was land robbery in this country; African people were, in a brutal and savage way, were dispossessed of their land, and as the matter stands today, the majority of people who possess

land are white people and the minority who possess land are the African people.

In order to construct a society underpinned by what Madiba has taught all of us — nation building and justice — this particular matter has to be addressed. Together with the constituency they represent they must understand that expropriation of land without compensation will be one of the tactical instruments that we apply as part of amending the Constitution to attend to this particular emotive issue.

We therefore call upon them to understand this particular eventuality because it will happen for the best interest of our country.

As for the DA, they are sad and they threaten all of us that by amending the Constitution we are scaring investors. I do not think that is the case; they use this as a scapegoat in ensuring that this important question is not addressed in a way that it is supposed to be addressed.

We need to say to them that they represent that white minority constituency in a society that doesn’t want to transform for the

better and for the benefit of our own people. It is high time that they stop using some flimsy excuses in addressing this important question that is confronting our people.

We need to ensure that whatever we do we do it in a way that will inspire confidence; construct a society that we envisioned in the Freedom Charter; and underpinned by sound, legal and economic principles.

We have been tackling issues that are of national importance as the ANC, and land constitute that important area of work that must be done. We are quite happy and satisfied that the ad hoc committee of the NA is engaging our people in a very important historic process where thousands upon thousands of our people are expressing their views, articulating what their aspirations are and presenting recommendations on how government must go about in ensuring that land belongs to the people.

As the Parliament of the people, the ANC will listen to our people in terms of taking this particular process forward.

The CHAIRPERSON OF THE NCOP: On what point are you rising?

Mr K MOTSAMAI: I rise on a point of order to advice the hon Dodovu about the issue of land. We are the people who lead this project of the land because for 25 years they feared to take the land. Chair, he must understand we are the ones.

The CHAIRPERSON OF THE NCOP: Please take your seat. That is not a point of order. Let us please try at all times not to abuse the point of order. Please proceed, hon Dodovu.

Mr T S C DODOVU: All I am saying is that to take this particular process as the ANC-led government, it will require an effort, it will require that we support black farmers and ensure sure that water and the related infrastructure is available. We must do this in a matter of principle to ensure that at the end of the day this particular matter is addressed.

On those bases, the ANC is resolute in its conviction to attend to this matter. What underpins its conviction is the unflinching commitment to make sure that we succeed in this regard. Thank you very much, hon Chair.

Mr A J NYAMBI: Chairperson, let me take this opportunity to thank all those hon members who participated in this very important

debate, it’s emotive and relevant in what is happening in South Africa, but to remind members that after the Chief Justice was able to sworn in all of us here as members, we were given this small booklet. It’s called the Constitution. In this booklet hon Aucamp, if you read the first part on the preamble it’s saying:

We the people of South Africa recognise the injustices of the past.

I am making it as homework to you, to say when you read the Constitution; it’s saying it recognises the injustices of the past. What is your understanding of these injustices of the past? Hon Minister and hon Dodovu, hon Mthethwa and a lot of hon members who here in this podium, they were able to clarify the correct position of the ANC. When I was here opening the debate, I simplified redress. Redress is about correcting the wrong of the past; I was able even to explain what equity is. When we talk of equity, we are talking about a fair and a just distribution of resources among our people.

Who is against that? If we you are not going to address, this historical fraud, you are not going to have the future that would be very peaceful. Hon members, I want us as the NCOP to understand that

today’s debate was not solely meant to deal with section 25, the topic was very clear: *Fostering Redress and Equity Through Land reform*, of course there is something happening now in the National Assembly, we are encouraging our people to participate in that process, once it’s concluded it will come to this very same important august House and we will do justice to that subject. So let us not pre-empt what we will be dealing with but we are clarifying the position of the ANC because it’s very there is no confusion.

As much as we know that there’s land hunger amongst our people, we would like to call upon all South Africans to refrain from illegal land occupation and land grabs. Government is working very hard to ensure that all South Africans have access to land for commercial and residential purposes. The ANC remain committed to redressing the historical injustices of the past and transformation of our society and the building of a better life for all. It is important hon members to remember that the ideal is that of creating a non-racial, non-sexist and prosperous democratic South Africa.

The ANC that I am a member of is very clear, we believe in non- racialism, South Africa is for us all. That was resolve a long time ago, if you are confused about the position of the ANC and you

distort it, and then is for selfish means. That is why when hon President in his state of the nation address in 2020, dealing with this land question, he called it the original sin. If we agree that this is the original sin, it’s high time that when we come here and we are dealing with the very same and important and emotive issue, we try lead by example. A lot of people when they are looking at us coming to this podium they expect us to lead them and when we are going to lead them...that is why the Minister was very correct that imagine in 1913 if all of us were given the opportunity to talk about this land what would have happened.

*Siswati*:

NgeSiswati sakitsi, kunesisho lesitsi:“satfunywa ligwayi sabuya nebulongo” ngalelinye uma nginesikhatsi sibuya siyikhuluma lendzaba yemhlaba... lomhlaba walabambalwa labasishiyile, labambalwa lokungitsi lesiphilako kodvwa nalanabanyenti labasatawutalwa.

*English*:

That is why all of us, when all these racist Acts were done, we were not there but we are being affected. If we are no going to correct it, future generation will blame us for what we are doing and when they look at history hon Aucamp and see that you had an opportunity

as a member of this august House and you have never decided to do justice.

Allow me once again that as hon members of this august House at all times we it happens to have opportunity to come at this podium and deal with a very important matter that is emotive to all of us, you have seen, we started...one of the members is no longer in the House, is because when we are dealing with the issue of land some people are not fair and they are not honest even to themselves. But let’s take this Constitution because we were quoting it selectively so. Let’s make homework when we go home because the first thing that we were given as hon members is this small document and once you read the Constitution and you read the preamble, you will get yourself to respond to a number of questions that will make you to try every time when you come here to do justice to an emotive process that is trying to foster redress and equity through land reform. I thank you. [Appluase.]

The CHAIRPERSON OF THE NCOP: Hon members, let me take this opportunity to thank the Minister in her absence for honouring her own obligation to come and address the NCOP and to assist, help and become part of the effort to deepen our own debate on the land question. Having said that, that concludes the debate and hon

members are requested to remain standing until the procession has left the Chamber.

The Council adjourned at 17:48.