**MEDIA STATEMENT**

**AD HOC COMMITTEE ON SECTION 25 BRIEFED ON LAND REFORM MATTERS**

**Parliament, Friday, 9 April 2021 –**The Ad Hoc Committee to Initiate and Introduce Legislation Amending Section 25 of the Constitution, tasked with drafting amendments that will see the expropriation of land without compensation, today heard responses from three ministers regarding land reform and related matters.

The Department of Public Works and Infrastructure (DPWI), the Department of Mineral Resources and Energy (DMR) and the Department of Justice and Constitutional Development all made presentations to the committee.

Minister of DPWI, Ms Patricia de Lille, reminded the committee that the Presidential Advisory Panel on Land Reform and Agriculture noted that the current apartheid-era Expropriation Act of 1975 was “inconsistent with the Constitution”, and “undermines the constitutionally enshrined principles of lawful, procedurally fair and reasonable administrative justice”. The purpose of the Expropriation Bill, which is currently also before Parliament, is to repeal this 1975 Act and provide a general law of application, in line with the Constitution, to guide the processes and procedures for expropriation of property by organs of state.

The committee heard that the Expropriation Bill deals with the principle of nil compensation and sets out the criteria for it. According to this Bill, the courts will be the final arbitrator for any disputes. The committee heard that government has done two land audits. The latest one showed that 90% of the land in the country are owned by individuals, companies or trust. Of the 122 million hectares surveyed, 72% is owned by Whites, 15% by Coloureds, 5% by Indians and 4% by Blacks. She said the Expropriation Bill together with the Amendment of Section 25 of the Constitution will bring about much-needed “spatial justice”.

Minister of DMR, Mr Gwede Mantashe, said the Bill and its main object to accelerate land and related reform is supported. It will bring long-needed legal certainty by clarifying the existing anomalous relationship between absolute protection of existing property rights and the state’s restorative obligation to redress past injustices through land and related reforms.

Minister of Justice and Correctional Services, Mr Ronald Lamola, elaborated on the Land Courts Bill. He said the broad purpose of the Bill is to enhance and promote access to land on an equitable basis, promote land reform as a means of redressing the effects of past discrimination and facilitate land justice. The Bill aims to, among other things, establish a Land Court with jurisdiction to grant any order, any other appropriate relief or impose any sanction, as provided for in the Bill or any other law that confers jurisdiction on the Court. He informed the committee that two permanent Land Court Judges are to be appointed, indicating government’s commitment to speeding up land reform.

Committee Chairperson Dr Mathole Motsheka said that the committee has finalised its public participation process and will focus now on the adoption of the report before moving to deliberations on the 18th Constitutional Amendment Bill, which will see the amendment of Section 25.

He further said up to this point the committee has worked well without voting and with consensus. He thanked Members for good inter-party co-operation and co-operation with the administration. “I ask that we continue in this spirit and that it will prevail in order to deliver on our mandate by 21 May 2021.”

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE AD HOC COMMITTEE TO INITIATE AND INTRODUCE LEGISLATION AMENDING SECTION 25 OF THE CONSTITUTION, DR MATHOLE MOTSHEKGA.**