**MEDIA STATEMENT**

**AD HOC COMMITTEE ON SECTION 25 TO FOCUS ON AMENDING ENTIRE SECTION, NOT JUST SUB-SECTIONS**

**Parliament, Friday, 28 May 2021 –**The Ad Hoc Committee to Initiate and Introduce Legislation Amending Section 25 of the Constitution today resolved to amend the entire Section 25 of the Constitution and not just be limited to certain sub-sections.

Committee Chairperson, Dr Mathole Motshekga, said confining the amendments to only Section 25 sub-section 2 and sub-section 3 would “defeat the purpose of participatory democracy. The people of South Africa have spoken in the public hearings. They did not just limit themselves to specific sub-sections. We (Parliament) do not have a monopoly of wisdom and therefore we need to listen to them”.

Regarding the bilateral discussions that the different political parties have been engaging on outside of the committee, the committee heard that they have not been finalised. The discussions are in order to see if there is convergence on the proposed amendments or if they are able to convince others of their position.

The ANC indicated in its proposals that Section 25 (2)(b) in the 18th Constitutional Amendment Bill should be amended to remove what refers to the early involvement of the courts in determining compensation or nil compensation as it could speak to judicial overreach. The courts should, however, maintain review powers. Furthermore, the party proposed that any reference to the courts should be removed from Section 25 (3)(A) and that “specific circumstances” should be amended to only read “circumstances”.

The EFF (Economic Freedom Fighters) proposed that Section 25 (2) should include the property may be expropriated “without compensation”, 25 (2)(a) should read “only in terms of law of general application” and 25 (2)(b) “for a public purpose or in the public interest”. It further proposes the removal of sub-section 3 of the Bill and replacing it with sub-sections that will read “that the public interest includes the nation’s commitment to land reform and to reforms to bring about equitable access to all South Africa’s natural resources, that property is not limited to land and that land is a natural resource and the common heritage which belongs to the people as a whole, under the custodianship of the democratic state”. It further proposes that the state must take reasonable legislative and other measures which enable state custodianship and for citizens to gain access to land on an equitable basis.

The ACDP (African Christian Democratic Party) indicated that it did not see the need to amend the Constitution, although it was in principle in favour of redress. It disagreed on how redress should be achieved. The DA (Democratic Alliance) agreed with the sentiment that the instrument used to achieve redress in this case is a challenge. Neither the ACDP, DA or FF+ (Freedom Front Plus) made any proposals for amendments to the Bill.

Dr Motshekga said: “Failure to resolve the land question is tantamount to planting a time bomb that will bring the house down. This is not an inter-party issue. It is a national issue. We need to put the best interest of all South Africans – black and white, first.”

Dr Motshekga said those political parties that have not concluded their bilateral discussions should do so by midday on Sunday. The committee will meet on Monday to consider a report on the Bill.

**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.**