**EFF SPEAKING NOTES ON THE EXPROPRIATION BILL**

1. Chairperson, I am happy to have this opportunity to once more clarify the position of the EFF on land expropriation without compensation, which is a foundational pillar for our political programme for economic freedom in this lifetime.
2. The Founding Manifesto of the EFF states categorically that in order to attain our state objective of economic freedom in our lifetime, the land must be expropriated without compensation for equal redistribution and use. Further, the Founding Manifesto proclaims that land belongs to all, and should therefore never be owned only by those who have power and resources to buy land.
3. There must be a decisive effort to decommodify land, so that it truly becomes a public resource available for use to all.
4. It is for this reason that we led the motion February 2018 in the National Assembly, calling for the amendment of Section 25 of the Constitution, to allow for land expropriation without compensation.
5. The original amended motion agreed upon by the National Assembly in 2018. instructed the Constitutional Review Committee to:
6. review and amend section 25 of the Constitution to make it possible for the state to expropriate land in the public interest without compensation, and in the process conduct public hearings to get the views of ordinary South Africans, policy-makers, civil society organisations and academics, about the necessity of, and mechanisms for expropriating land without compensation;
7. propose the necessary constitutional amendments with regards to the kind of future land tenure regime needed, taking into account the necessity of the State being a custodian of all South African land;
8. While the Constitutional Amendment process has now been comprehensively hijacked by reactionary elements within the ruling party, and ignored almost all of these recommendations, we are not going to tire, and we will do all we can to see expropriation of land without compensation attained in our lifetime.
9. The Expropriation Bill that we are talking about today is a continuation of the sell-out arrangement by the ruling party and offers no significant departure from the way things have always been.
10. Firstly, it was cheeky of the Department of Public Works to publish this Bill while the Ad Hoc Committee was busy with the process of amending Section 25 of the Constitution to allow for expropriation of land without compensation.
11. Secondly, the Bill is still rooted in the reactionary provisions of Section 25 in as far as compensation for expropriation is concerned.
12. Section 12 of this Bill deals with compensation for expropriation and lifts all the factors outlined in section 25 (3) of the Constitution as key determinants for compensation.
13. Section 12 (3) of the Bill, which speaks about a vague concept of nil compensation is only a strategy to fool South Africans into thinking that something is being done to resolve the problem of land hunger in this country.
14. The Bill provides for only limited instances in which expropriation can happen without paying compensation, and these are for land that would be useless to the vast majority of our people.
15. It makes no sense to proclaim that you will pay nil compensation for land that is not productive, abandoned, owned by the state, or dangerous for human habitation, as the Bill proposes.
16. We want a legislative mechanism that will allow for expropriation of land without compensation in city centres where our people are desperate for housing, in farmlands where farm workers and farm dwellers have been evicted with no sense of shame since Europeans took our land.
17. We want to discontinue the commodification of land, as land is a common heritage of us all, and should be under the custodianship of the state.
18. Our argument on State custodianship of land is premised on the imperative of decolonising our society and of effecting thoroughgoing, deeper level transformation of power, and conceptions of power in society. To this end, land remains the most important embodiment of power, of identity, of belonging. Our conception of the land, and its relation to the structuring of power and influence in society, is therefore critical if the ultimate aim is to usher in a more egalitarian society, free of exploitation and oppression.
19. The difficulty most liberal academics and policy makers have with the notion of the discontinuation of private ownership of land emanates from the deeply ingrained capitalist notion that views land as commodity that can be owned, bought and sold.
20. The Marxist tradition from which the EFF draws its inspiration rejects this notion of private ownership of what is essentially a public resource. The very conception of private ownership of land is at the root of inequality, it facilitates the exploitation of one class by the other, and its continuation cements inequality. An entrenched system of private ownership of land allows for a few individual to accumulate and consolidate more land over a period of time, to the exclusion of a great majority of the people.
21. Nowhere is this more apparent in South Africa than in the consolidation of agricultural land over the past two decades. In 1993, South Africa had 58 000 commercial farming units, in 2002 this number had been reduced to 45 818, in 2007 the number was 39 965, and today, it is estimated the country just has under 35 000 commercial farming units[[1]](#footnote-1).
22. This is not as a result of a reduction in agricultural land, but a direct consequence of a capitalist system of accumulation and consolidation. A few farmers, Trusts and corporations with more money have bought and consolidated more land onto a few hands. With the volatility of trade, and the continued reluctance of the South African State to protect and subsidize the agricultural sector, this number of farmers is certain to be reduced. The result is larger farms, and fewer owners.
23. At a conceptual level, the idea of private ownership of land has never been proved to work anywhere in Africa, and is alien to African customary law. Contemporary notions of ownership are derived from western jurisprudence. This, Archie Mafeje argues, leads to a series of misconceptions, particularly over the notions of ownership of land, and viewing land as property[[2]](#footnote-2).
24. Mafeje further argues that the western conception of land as property refers to a delineated portion of the physical *solum*, and confer jurisdictional as well as executive control on the holder. Contrasting that with African land tenure systems, he argues that African jurisprudence recognized rights of possession determined by prior settlement and membership given to a social group, user rights contingent on social labour, and rights of social exchange underscored by implicit reversionary rights. He further adds that land rights could be recognised in any of these forms, but not individual ownership of land.
25. From both an African customary perspective, and from a progressive radical Marxist perspective, the discontinuation of private ownership of land becomes a primary requisite for both the decolonisation of our neo-colonial socio-economic set-up, for redressing inequitable and racial distribution of land, and for ensuring sustained, State directed development for the benefit of the majority of South Africans.
26. A progressive State therefore must be able to be the embodiment of our people’s aspiration for freedom and liberty, and after capturing control of the land of the country, be strategically positioned to redistribute this equitable for use, be that residential, agricultural, or for industrial purposes.
27. The taking over of the means of production, and particularly of land, requires therefore a State that is conscious of its revolutionary responsibility. The failure of any State to fully execute their revolutionary responsibility is described by Fanon as follows:

“The national middle class which takes over power at the end of the colonial regime is an under-developed middle class. It has practically no economic power, and in any case it is in no way commensurate with the bourgeoisie of the mother country which it hopes to replace. In its wilful narcissism, the national middle class is easily convinced that it can advantageously replace the middle class of the mother country. But that same independence which literally drives it into a comer will give rise within its ranks to catastrophic reactions, and will oblige it to send out frenzied appeals for help to the former mother country”.[[3]](#footnote-3)

1. The prevarication of the ruling elite in resolving the land question vindicates Fanon’s description of the handicap of the class that takes over power from oppressors.
2. Any legislative process, including this Bill and the Constitutional Amendment Bill, that does not take into account the need for a thoroughgoing, deeper level transformation of even our conceptions of land would only be superficial, and would not lead to broad based redistribution of land, and would certainly not lead to decolonisation.
3. These artificial amendments would not be transformative by any stretch of imagination, as they would transfer large, sometimes unproductive estate exactly because they are large, to an elite group of the black bourgeoisie.
4. State custodianship of land must mean broad-based redistribution of land to people who can use it for its social and economic purposes; that is production, residential use, and industrial development. The redistribution is not that of land, but of land use rights, in the form of leasehold, and other forms of socially developed means of securing tenure.
5. For State custodianship of land to be of transformative importance to the people, a capable State is needed, which must be able to provide strategic direction, technical expertise, and ensure transparency.
6. The Bill, as it stands is not taking our struggle for land forward, and we call on all progressive forces to reject it.
1. Ministry of Agriculture, Forestry and Fisheries [↑](#footnote-ref-1)
2. Archie Mafeje (2003). The Agrarian Question, Access to Land, and Peasant responses in Sub-Saharan Africa. [↑](#footnote-ref-2)
3. Frantz Fanon. The Wretched of the Earth [↑](#footnote-ref-3)