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**WE CARE FOR LAND**  
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**14<sup>th</sup> August 2009.**

Ms Pat Jayiya  
Constitutional Review Committee  
Committee Section  
P.O. Box 15  
Cape Town 8000

Dear Madam,

**Submission For Amendment of the Constitution**

Section 25 of the Constitution of the Republic of South Africa, especially sub-section 7 must be amended. This part of the constitution is merely the new name of the supposedly abolished colonial Native Land Act 1913.

The stubborn fact is that the elimination of poverty, indecent housing, providing employment, the means to acquire education, top health care for all citizens of our country, provision of essential services and creating a crime-free country; leaves this nation with no alternative than that of putting the land question on top of the national agenda.

Allocating more land to the minority population and less land to the majority population as was the case in 1913 and 1936 is a time bomb which sooner than later will distabilise our country politically and disrupt it economically and socially. The Native Land Act 1913 was meant to create poverty and economic dependence of the African people .One of the consequences today is that they suffer ignorance because they cannot afford education. They are also exposed to various diseases and have the shortest life expectancy and highest child mortality.

Land claims after June 1913 are inequitable. Only crumbs were left for Africans at that date. The Restitution of Land Rights Act 1994 has not helped this condition of African land dispossession. Land claimants did not apply for claims before 31<sup>st</sup> December 1998 have been disallowed to claim even the crumbs of 1913. Billions of Rand have been spent on land restitution. But millions of people remain landless and economically oppressed because this restitution route is a fallacy. It is a suicidal capitulation on the land question. It is a root to station explosion.

This is complicated by the fact that our land is being sold to foreigners while millions of our own people do not even have a decent place to sleep, let alone to produce their food.

Food, homes, clothes, gold, fish, medicines are not found in the air or sky. They are in the land. Land is the primary natural resource to satisfy the basic needs of men, women and children. Even in death we need land for our graves.

The writer of RECLAIMING THE LAND, C.Bundy is right when he points out that "The land question is central in South Africa's past. Present and future. An entire colonial dispossession accompanied by cheap labour and systematic exploitation, segregation, apartheid has created a society in which 60,000 white farmers own twelve times as much land as over 14 million rural poor (Africans)."

The fact of the matter is that we shall never have enough money to buy back our own land which was colonially seized from our people. Section 25 needs amendment. There must be equitable redistribution of land. This so-called "property clause" cannot create a just democratic society economically. It is not democratic. It is a combination of kleptocracy and plutocracy.

There is a great deal of political dishonesty and shedding of crocodile tears in South Africa when it comes to the equitable redistribution of land and just sharing of its resources.

When the ANC government wanted to assist parties such as the New Nationalist Party and the Democratic Alliance to go their separate ways through "floor-crossing", it amended the constitution. When the people of Khutsong and Matatiele resisted to be moved to other provinces without their will and without being consulted, the ANC amended the constitution. When the residents of Phiri, a very poor community in Soweto opposed the installation of water metres that made water expensive and unaffordable for them; the ANC used the constitutional court to fight them.

Then there came the hot debate on "same sex marriages." Despite the fact that there were only four countries in the world that allowed same sex marriages and none in Africa that did so, the ANC government used its majority strength in parliament to have the same sex marriages legalized. South Africa became the 5<sup>th</sup> country in the world to legalise same sex marriages, and the only one in Africa to do so. It amended the constitution. The ANC government is considering legalizing prostitution as a form of "employment" for what it calls "sex workers."

But when it comes to the amendment of the constitution to deal with the land question, the ANC and its apologists argue "the constraints of the constitution." A "liberation" that compromises the land question is a fake. It mistakes African magnanimity for imbecility. At any rate, constitutions are made to serve the interests of the people. It is not the people who must be sacrificed to fake "constraints of the constitutions," however beautiful those constitutions may be.

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