

Land expropriation draft bill open for public commentary

By [Claudi Nortjé](#)

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The parliamentary committee on land expropriation has opened a new draft for public commentary over the holiday season. According to Dr Mathole Motshekga, head of the ad hoc committee tasked with the amendment of section 25 of the Constitution to allow expropriation without compensation, written commentary will be accepted until 31 January 2020.



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Land expropriation without compensation

The bill aims to amend section 25 of the Constitution to allow for land expropriation without financial compensation. According to the new draft, a court may establish that the amount of compensation is nil where land or any improvements thereon are expropriated for the purposes of land reform.

The amendment also adds the following to the revised bill as section S25(3)(a):

- National legislation must, subject to subsections (2) and (3), set out specific circumstances where a court may determine that the amount of compensation is nil.

No concrete circumstances have been established that outlines exactly when no compensation will be given.

This amendment was made in a bid to establish a legitimate option for land reform in order to address historic wrongdoings caused by land dispossession.

Allowing for fair public participation

Parties who disagree with the proposed amendment have called for the specific circumstances in which land expropriation would be implemented without compensation to be stipulated in the Constitution, and not in a general law of application as proposed by the bill.

Annelie Lotriet of the DA and other opposing parties are concerned about the rapid pace of this parliamentary process. Institutions in the agricultural private sector, such as Agri SA, have also expressed their disappointment in the ad hoc committee for rushing such an important amendment for the sake of inspiring confidence in the committee's leadership abilities and at the expense of proper public participation and consultation.

"We are trying to deal with these matters on time before the public loses confidence in our ability to deal with the matter," commented Dr Motshekga.

Agri SA's request that the publication of the amendment bill should be postponed to after the December festive period to allow for proper public participation, has been disregarded.

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