Farmers looking at land reform proposals

Constitution property rights clause changes delayed for further consultation with organised agriculture

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CAPE TOWN — A parliamentary committee has left the door open to changes in the property clause in the constitution, including the "willing buyer willing seller" principle and the use of expropriation as a land reform tool.

The views of the constitutional review committee follow on the recent announcement by Rural Development and Land Reform Minister Gugile Nkwinti that similar suggestions in the draft green paper on land reform had been delayed for further consultation with, among others, organised agriculture.

Each year the constitutional review committee considers submissions from the public on changes to the constitution. Its report on the latest public proposals was tabled in Parliament yesterday.

A submission by Mpumalanga community group Bathlakoane ba Manzimnyama suggested that section 25, the property clause, should be repealed and "replaced with a provision that will assist the Department of Rural Development and Land Reform to speed up the process of land reform in SA".

The report said "Bathlakoane submits that government should be given more powers to expropriate land from the minorities. The willing buyer, willing seller approach, as contained in the constitution, is unaffordable for government. The Bathlakoane's submission calls for the review of the policy relating to the expropriation of land."

Similar submissions on the property clause have, in the past, not passed muster with the committee but this time it decided to take the matter further.

"The committee, in its deliberations on the submission, felt that, in the light of the continual appearance of this submission, it would have to pay more attention to it.

"Further it felt that it would have to solicit an expert opinion and consider the possibility of conducting public hearings on this provision. The committee is also of the view that it would have to engage the portfolio committee on rural development and land reform and the relevant ministry on this matter.

"The committee has recommended that this matter be raised with the relevant parliamentary committee and/or the director-general of the Department of Rural Development and Land Reform — the submitter to be advised as such," the report concluded.

Democratic Alliance MP Hendrik Schmidt, a member of the committee, said the wording of the report was not in line with earlier discussions and that the DA would vehemently oppose any changes to section 25 as it was the "bedrock" of SA's constitutional democracy.

Late last month Mr Nkwinti announced that the green paper on rural development and land reform was to be separated into two parts to allow for further negotiation with organised agriculture and the finalisation of rural development policy.

Mr Nkwinti has been accused of wanting to nationalise land but he has consistently denied this. The splitting into two of the green paper was welcomed by Agri SA . The decision of the constitutional review committee is likely to strengthen his hand in future talks with farmers.

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