

Cronin plays down expropriation fears

Business Day, 18 April 2013
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CAPE TOWN — Zimbabwe-style land grabs would not be possible under the new draft Expropriation Bill because of the detailed administrative process that has to be followed, Deputy Public Works Minister Jeremy Cronin said yesterday.

The 2008 version of the bill, which was withdrawn, caused an outcry when it removed the right of aggrieved parties to approach the courts for just and equitable compensation for land earmarked for expropriation. At a news conference, Mr Cronin said that the 2008 bill was very vulnerable to successful constitutional challenge because it deprived people of the right to go to court.

Replying to a question, Mr Cronin said, without explicitly mentioning Zimbabwe, that the bill would not allow someone to wake up one morning and take a farm and give it to his cousin. The process for expropriation in the bill was aligned with the property clause in the constitution, which insisted that compensation had to be paid and that it had to be achieved through a fair administrative process as provided for in law.

One of the key issues in the bill is the definition of property. In the 2008 bill there were fears it included moveable as well as immovable property.

At the time this raised the issue of a farm and all its machinery being subject to expropriation. Mr Cronin said the issue would be mainly around immovable property but he did say that perhaps in a case of the nation being at war it could involve moveable property such as vehicles.

He said the department was advised not to over-define property.

Mr Cronin said the process provided that any claim on property by the state would have to be supported by a convincing argument that would have to, if challenged, stand up to legal scrutiny in the courts. "Any expropriation needs to be law governed and constitutional".

Earlier he told Parliament's public works committee that the latest draft version of the controversial Expropriation Bill was not designed to allow for an "orgy of state expropriation".

Responding to questions from Democratic Alliance MP Anchen Dreyer, Mr Cronin said there was a perception that the ruling African National Congress wanted to expropriate "left, right and centre", but this was not the case.

He explained that at present expropriations were allowed by 150 laws. The intention was to replace them with a single law that was compliant with the constitution. Ms Dreyer had asked whether a new expropriation law would be used to rectify the state's failure to implement land reform successfully.

Mr Cronin said land reform failures were not about expropriation but were about the inability of the state to support the beneficiaries of land reform. He said the existing expropriation laws were "more robust" than the draft bill on the table. He quoted AgriSA as having said that the new bill was indeed compliant with the constitution.

He said the bill was now in a public consultation process and had been referred to the National Economic Development and Labour Council. It would then return to Cabinet for final approval and be tabled in Parliament. He hoped it would become law this year.

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