

LETTERS

Sowetan, Pg 10, 9/3/17

Section 25 answers land question

THERE are so many questions in our independent South Africa. The land question is just but one of the questions.

Land in South Africa, is it a question without an answer, as some would like us to believe? In dealing with it let us pose yet another question: has an orderly manner of dealing with the land reform failed?

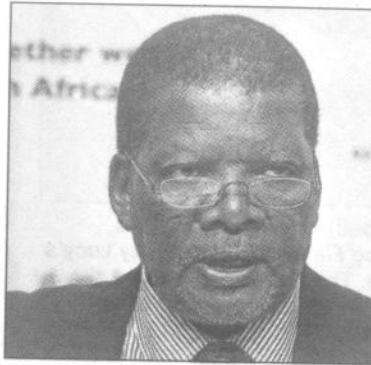
Put differently, is Section 25 of the constitution an enabler in the country's quest for land reform?

Land is not only an emotional issue but is a conflictual one as well. Our situation is compounded by the horrendous history of our country.

We waged a just war against the system that was wretched, dreadful and pitiable and we triumphed. Scars of that war are not just visible but are still painful.

This then explains why we become hot under the collar when the issue of land is mentioned.

The constitution of a democratic South Africa got enacted in 1996. It was never going to miss addressing



Rural Development and Land Reform Minister Gugile Nkwinti.

the issue of land dispossession. Section 25 of this constitution warns, in Section 1, that no one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.

What that means is that, what happened in the past was wrong and

should never be repeated. Sub-section 5 of this Section 25, orders that the state must take reasonable legislative and other measures within its available resources.

Section 25 clearly asserts that property must be expropriated for public purposes and in the public interest. This means expropriation must take place with an aim of reconstructing a country that was destroyed by oppressive laws.

In the process of expropriation there are six requirements that must be adhered to, amongst those are the history of the acquisition and the current use of the property.

History of acquisition probes how the land in question was obtained.

Without question, Section 25 attempts to ensure conducive conditions for rebuilding our country.

Therefore, we demand government to implement Section 25, as speedily as possible.

Anything else, we will be solving a problem with a problem.

Thando Wababa, Bellville