

139 farms targeted for expropriation without compensation 2018-0805

The ANC has targeted 139 selected farms that they plan to expropriate without compensation in the coming weeks as it moves to make good on its commitment to test out section 25 of the Constitution. The governing party emerged from a two-day lekgotla of its highest decision-making body, the national executive committee (NEC), with the resolve to make an amendment to the constitution which will explicitly allow for the conditional expropriation of land without compensation.

City Press has learnt that the NEC has given the green light to its deployees in government, specifically the department of rural development and land affairs, to forge ahead with the process at the Land Claims Court, in which the state will for the first time refuse to pay market value for identified land portions in various parts of the country.

The controversial land debate has also formed the backdrop to a subtle tug-of-war between two dominant lines of thought in the ANC. Those aligned to President Cyril Ramaphosa are opposed to the strong lobby for “blanket nationalisation”, instead preferring a measured approach that sets out the necessary conditions for expropriation. ANC NEC member and the head of presidency, Zizi Kodwa, would not divulge details of the farms, but was at pains to emphasise that the move was necessary for the long-term stability of the country.

“Both domestic and international investors must appreciate that long-term investment is tied [to] ownership of land by the majority of people. In other words, if you are talking about sustainable long-term certainty, it is tied to addressing the injustices of the past,” Kodwa said. “You can appreciate the jittery response and so on, the shocks at the moment, but what we are doing now is to create policy certainty. “Obviously then there may be a negative impact in terms of the markets, but over time I think the markets as well as investors will appreciate that what we are doing is creating policy certainty and creating the conditions for future investment.”

Kodwa said that ideally the expropriation bill currently in Parliament would be approved by the end of the year, but that slow processes were creating further uncertainty. The expropriation bill, which will in the main be authored by the department of public works, will elaborate the exact wording of the amendments as it will outline the conditions under which the state can expropriate land without compensation.

On whether or not the constitutional amendment would still be necessary even if the state was successful in its constitutional test, Kodwa affirmed that it would.

“Even if the Constitutional Court rules in our favour on the amendment it will still take place because absolute clarity is important. What we don’t want to happen is that we leave that lack of clarity to chance and then, in two or three years, we realise that we should have sought clarity. Then we must go back to a process.

“We want to satisfy ourselves [so we won’t need] to go back to this process of amending the Constitution. We want long-term certainty.”

In a separate interview with City Press this week, NEC member Ronald Lamola denied that the ANC was being strong-armed by an electoral threat posed by the Economic Freedom Fighters, who have championed the land issue. Lamola reiterated that the ANC has conceded its failure to move with speed on the land question since it came into power. However, he said, this did not mean that it would abandon due process just in order to be seen to be acting. The former ANC Youth League leader said the party was also considering a tax for vacant land owned by so-called absent landlords as a way to free up land.

“Outside of expropriation without compensation, what we would also want to do to vacate land is to put a land tax on it, or a form of levy. If, for example, you want to live on an estate, you know that if you don’t build something by a certain time, you can lose your stand. “So we need the same to happen to vacant land: a person must know that they must use it or be forced to sell it or pay a tax. That will also lower the property prices because there will be land available in abundance in the market,” Lamola said. On the contentious issue of communal land, the NEC member said that the party was weighing up the best form of security tenure for individuals. “We are still struggling with this one and this is why we want the department of rural development to commission some sort of study to advise us.

“We have said that maybe we need to give title deeds to rural people. But there are those saying: ‘Look at the same rural people in five to 10 years’ time. They will be dispossessed because others are going to come and buy these people out, or there will be contestation over commercial interests, [such as] the building of malls and so on. “As we speak now about communal land, one of the reasons why black people still own property in rural areas is because it is cheap. If you put a title deed there, the commercial value of the assets will go up. “So we may do that with the title deeds and have the unintended consequence of taking rural property from the rural people,” he warned