

'Defend your Constitution before it is too weak to defend you'

VEREENIGING. - The debate around land reform and the amendment of the Constitution came to the Vaal on July 27 when close to 1 000 people gathered at the Constitutional Review Committee's public hearing into the need to amend Section 25 of the Constitution. Subsequently, President Cyril Ramaphosa has undermined the entire process through his announcement that the ANC will change the Constitution despite the process not being completed.

"Amazingly, while many have an opinion on the matter, few have taken the time to read Section 25 and determine whether such a change is in fact needed," says Mr Dennis Ryder, Member of Parliament, Shadow Deputy Minister of Public Works and Constituency Head of Midvaal and Lesedi.

Ryder says Section 25 already addresses the need for land redistribution in sections 25.4 to 25.8 and gives the State considerable power to give effect to land reform, including expropriation (in 25.2). The Constitution further goes on in 25.2 (b) and 25.3 to state that willing buyer/willing seller is not the only mechanism that can be used, and a court can decide on the compensation based on various factors, only one of which is the market value.

"The core issue is not the Constitution that already allows for expropriation under market value, rather the biggest constraint has been the lack of will by the ANC government to implement the Constitution and to use the current land reform programme to enrich connected cronies," is Ryder's opinion.

So why the need to change the Constitution?



Close to a 1 000 people gathered at the Constitutional Review Committee's public hearing into the need to amend the Constitution regarding the expropriation of land without compensation. The event took place in Vereeniging on July 27.

The Speakers Forum (comprising the Speaker of Parliament, Chairperson of the NCOP and the various other Chairpersons) in December 2015 appointed a High Level Panel on the assessment of key legislation and the acceleration of fundamental change. The panel was chaired by ex-President Kgalema Motlanthe. Their finding on the subject of Land Reform included: *"Rather than recommend that the Constitution be changed, the Panel recommends that government should use its expropriation powers more boldly, in ways that test the meaning of the compensation provisions in Section 25 (3), particularly in relation to land that is unutil-*

ised or underutilised."

Ryder says the Constitutional Review Committee is in fact asking a question that has already been answered, by a Panel appointed by a Parliamentary Body and headed up by a highly respected senior member of the ANC.

"So what is this really about? The fact is that the Economic Freedom Fighters do not believe that people should own land, but that the State should own land and people become tenants of the State, subject to the whims and plans of bureaucrats. There is a faction of the ANC that shares this view, and their support has been growing, to a point where the ruling

party will struggle to backtrack on this issue.

"The process has a long way to run still, and the outcome is far from clear. If you currently own land or aspire to own land, regardless of your skin colour or political history, you need to be very careful who you vote for in 2019 and you should be mobilising your friends and neighbours to ensure that every person who has a vote uses it to defend the Constitution," says Ryder.

* According to an unofficial list leaked to AfriForum, four farms in the Vaal Triangle, namely Vaalfontein, Panvallei, Zoekfontein and Kafferskraal have been earmarked for expropriation.