

Just a political diversion

The decision by parliament's portfolio committee on public works to reject the flawed 2015 Expropriation Bill shows that land expropriation without compensation is not viable and the constitutional amendment discussion is nothing more than a political diversion.

The DA has long maintained that there is no need to amend the constitution, especially with regards to land ownership. Although the constitution makes provision for this potentially disastrous policy, expropriation without compensation does not solve the real issues that the land reform programme faces.

Public works deputy minister Jeremy Cronin indicated that a new bill will now need to be drawn up giving clarity on expropriation without compensation, defining "specific conditions and processes" under which compensation would not be payable.

Paragraph 25.5 of the constitution requires the state to make appropriate laws to "enable citizens to gain access to land on an equitable basis".

Cronin confirmed that the subordinate legislation, the proposed Expropriation Bill, will then be the mechanism to define and give details to specific circumstances where this is to be allowed. This is a concession that the constitution does not require amendment merely to "provide certainty" as stated by President Cyril Ramaphosa.

The ANC's expropriation programme is opportunistic and aimed at garnering support ahead of next year's general election. The report emanating from the high-level panel chaired by former president Kgalema Motlanthe also said that "the need to pay compensation has not been the most serious constraint on land reform in SA".

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