

WAIT Members of the community participate in the hearings about amending section 25 of the Constitution at the Tol Speelman Hall in Upington earlier this year. Now that the amendment

THE LONG

parties will have to debate which policy wins PHOTO: TEBOGO

has been

approved,

political

LETSIE

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he Economic Freedom Fighters (EFF) and the ANC's bid to amend the Constitution will hit another bump in the road when one of the parties will be forced to compromise on their position on the land question. The two parties were ecstatic following

the successful adoption of the report by the joint constitutional review committee (JCRC) on Thursday, which recommends to Parliament that section 25 of the Constitution be amended to explicitly allow for land to be expropriated without compensation.

However, the sweetness of that victory could soon turn sour as one of the parties will have to change its position to accommodate the other. The ANC and the EFF will have to find common ground so that they can join forces to pass the Constitutional Amendment Bill in Parliament with the required two-thirds majority.

The EFF's Tebogo Mokwele, a member of the JCRC, told City Press that, while the party had a clear position on the land question, the ANC was divided on its view.

"Within the ANC, I can tell you there are different views. Some leaders say don't expropriate. President Cyril Ramaphosa is abroad, assuring white people that 'we are not going to mess with your things, don't worry about this land thing'."

VIGOROUS DEBATE

"On the other hand, we have got these radical ones who say, 'Let's take everything, let the state be the custodian.' So we will see when we engage everybody from the ANC, but what we can tell you is that we have a clear position," Mokwele said.

The EFF is in favour of blanket expropriation, which would see the state becoming the custodian of all land.

"We are going to debate as the EFF; we are going to put our position that the state needs to expropriate everything and then we need to have lease agreements.

"The period of the lease will be determined by what you want to do with the land. We are going to debate our position in both Houses.

"We are not apologetic. We know the ANC is doing this for electioneering, others are doing this for their family businesses, but ours is for the interest of the people." The ANC's Vincent Smith said that negotiations would

have to happen between leaders of the two parties to see where they could find common ground. "We would have to talk as you do in politics. As things

stand now in our recommendations, we said mixed and they said total expropriation," Smith said. "When we get to that point, we will have to sit and

convince each other. It is going to have to be done to get buy-in from the EFF. "I think there would be cogent arguments as to why you

could do the mixed models and satisfy all South Africans, but I don't want to pre-empt the negotiations. "But passing the bill will need their support and that of others as well, so, yes, there will need to be lots of work

between now and when we actually go and vote for it in terms of who will support the bill." The department of public works is in the process of

The resolution for the department to pen this bill was made at the ANC's most recent Cabinet lekgotla. Alongside the decision to pen the expropriation bill, the ANC also resolved to embark on a constitutional test in the Constitutional Court.

drafting an expropriation bill that would outline in which instances expropriation without compensation could occur.

ANC and EFF have conflicting ideas on how appropriation should go ahead, but they'll need to come together in the end

City Press had revealed that the department of land and rural development had earmarked 139 farms to be expropriated without compensation as part of the constitutional test, as per the resolution at the lekgotla.

Opposition parties including the DA, the African Christian Democratic Party, the Inkatha Freedom Party and the Congress of the People have cried foul over the processes that led to the adoption of the report by

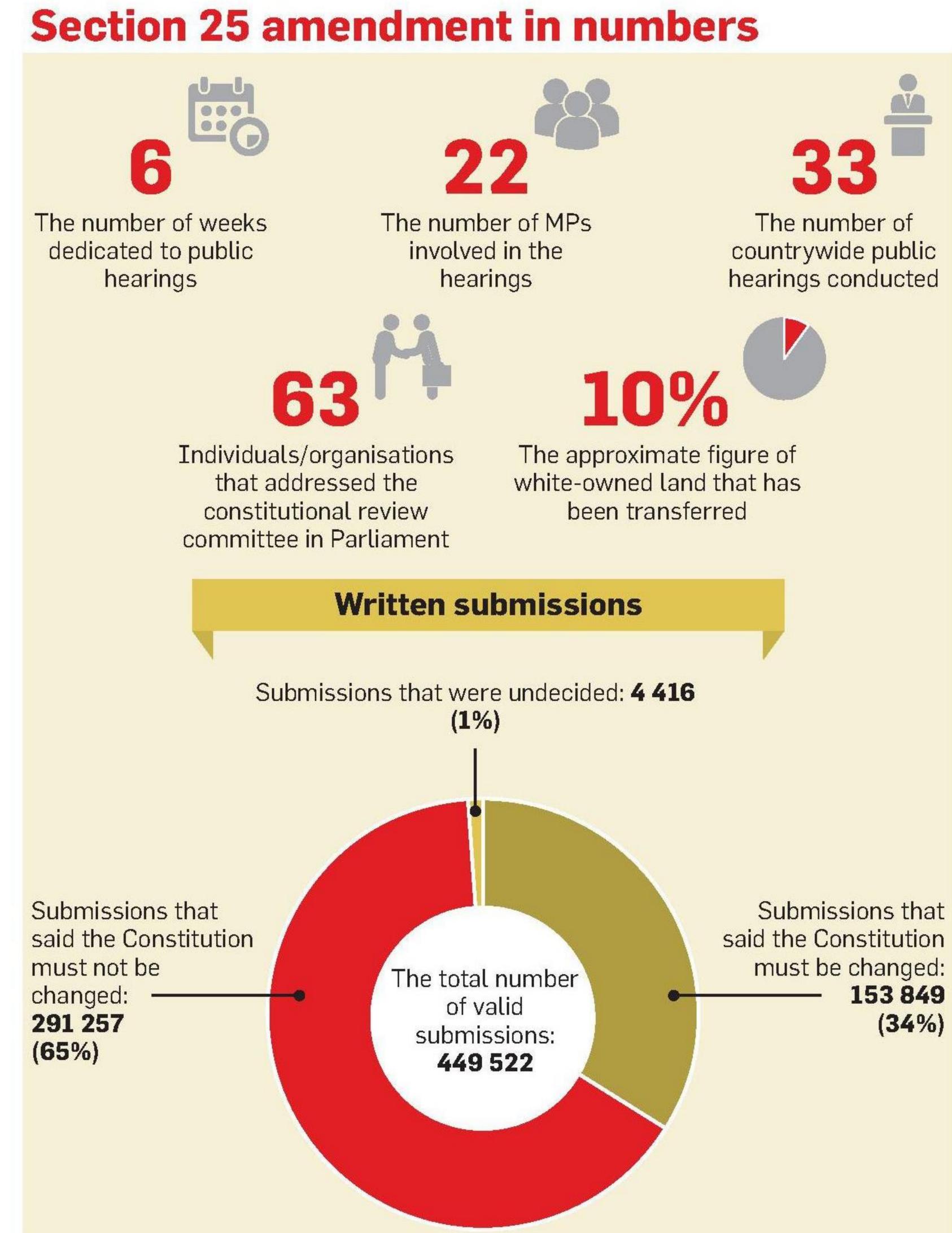
the JCRC. They claim that opposition parties were ignored in the committee whenever they raised concerns about members being bullied at public hearings and about written submissions being discarded.

While the parties had threatened legal action, they were noncommittal about whether they would go ahead with it, saying they would instead continue to participate in the parliamentary processes.

The JCRC's report will now be tabled in the two Houses of Parliament, where members will debate it. Parliament will then decide which committee will take the process of drafting the Constitutional Amendment Bill forward. The bill will also have to undergo public scrutiny.

Smith was at pains to emphasise on Thursday that the bill would not be passed by the current Parliament as there was not enough time.

It will be up to the next Parliament to resuscitate the matter once it is constituted after the general elections next year. The constitutional amendment will be the 18th one since it was adopted, but this would be the first amendment to the Bill of Rights.



Source: Constitutional review committee report

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