

Patricia de Lille | Why the international community should embrace the Expropriation Bill

Patricia de Lille
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The author writes that the Expropriation Bill is about people and ensuring that they get justice and fairness.
City Press

*Public Works Minister **Patricia de Lille** writes that she held a meeting with members of the diplomatic community on Friday to explain how government believes the Expropriation Bill will bring certainty to all stakeholders, and that it is a framework legislation that spells out how, and when, expropriation can take place.*

Looking at how things are in the world today, we can all testify that countries can't do without each other, whether through trade, imports and exports, finance, migration, technology, or even patterns of governance.

As globalisation proceeds rapidly as the result of the flow of information, ideas, and the movement of people through urbanisation across national boundaries, international integration requires the adoption of policies by separate countries as if they were a single political unit.

As part of the work of government in ensuring a comprehensive land redistribution programme is implemented for agricultural, human settlement, and industrial development purposes, the Expropriation Bill was gazetted in October last year to replace the current Expropriation Act of 1975 which is deemed inconsistent with the Constitution.

I shared with the international community that the Constitution provides that compensation for expropriation must be "just and equitable" having regard to all relevant circumstances. The Bill outlines circumstances when it may be just and equitable for nil compensation to be paid.

It does not prescribe that nil compensation will be paid in these circumstances. The Bill provides that the amount of compensation will, in the absence of agreement, be determined by the courts.

This is in accordance with section 34 of the Constitution, which provides -

“Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum.”

Bill confirms world as a global village

The new Bill, the result of a lengthy consultation process that included receiving about 50 000 comments from South Africans, including business, labour, and community stakeholders through the National Economic Development and Labour Council, sets out the rules by which the government may expropriate land “in the public interest” and “for public purpose”.

This Bill goes a long way to make our country a true member of the global village.

The term “Global Village” was a phrase coined by Marshall McLuhan in 1964, which he used to describe how the world is basically connected as a result of modern communication and trade, thus linking everyone in the world.

As we move forward to consider the Expropriation Bill, international interdependence and integration are strong and increasing. As interdependence by countries grows it is important that legislation such as the Expropriation Bill, are well understood by the international community.

Like modern communication, the land and globalisation mutually reinforce each other through export and import of goods and services, particularly agricultural products and trade of raw materials for manufactured products through intra-sectoral trade.

Import and export

It is through this legislation that importing goods brings new and exciting products to the local economy and makes it possible to build new products locally. Exporting products boosts the local economy and helps local businesses increase their revenue. Both

import and export bring jobs to the local economy and help national economies grow and expand.

When a country is rich in minerals and precious metals or even agricultural products, importing and exporting goods becomes not only important for businesses, it becomes important for individual consumers, too.

Economic theory tells us that the free movement of capital directs resources through exports and imports towards their more productive use. This movement raises the level of welfare in both the sending country and in the receiving country by creating opportunities for all.

Every country is endowed with specific resources. Consumers can benefit from certain products or components that are not produced locally, but are available to purchase from a business abroad.

In practice, the free flow of capital and agricultural products from the cultivation of land and other goods has been helpful in enhancing growth and raising the standards of living in those countries that have been successful in attracting capital and maximising its use.

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As hunger remains a serious global problem, with over 840 million people in the world chronically undernourished according to the United Nations World Food Programme, imports and exports are important for the economy because they allow a country to supplement non-existent, scarce, high cost products or services, with products from other countries through intra-regional trade.

The international community understood that the Expropriation Bill is a recognition of the urgency required to address the injustices of the past and restore land rights in a responsible manner, while ensuring that food security is maintained, that equitable spatial justice is achieved, and the continuation of investment to expand our industrial base is secured.

After all, land expropriation is not unique to South Africa. The ability of governments to acquire or expropriate land for the public good is something that is found worldwide in countries such as the USA, the UK, New Zealand, Australia, South Korea, Singapore,

Ethiopia, Rwanda, Brazil, Mexico, Chile, France, Norway, and Germany. There are many other examples.

Policy certainty

As a country, we understand that diplomacy is one of the key factors in international relations. After all, a diplomat is the representative and interpreter of the country they represent - they initiate activities, transfer information and provide orientation to their government when making decisions.

After meeting more than 70 members of the diplomatic corps based in South Africa, I am confident that foreign representatives are familiar with our policies and legislations such as the Expropriation Bill.

The Bill's legislative certainty is critical as we rebuild our economy and invest in our communities. The Bill is a policy matter and brings policy certainty to all, especially important stakeholders such as the diplomatic community.

Given the sad history of our country and spatial injustices, government is clear that land reform is urgent and that there is a need to comprehensively and adequately address the consequences of the legacy of apartheid and colonialism.

It is a sad reality that many people have died never having the security and dignity of owning land, or a home to truly call their own.

This is why government has to drive an accelerated land reform programme to bring justice and equity in land ownership to benefit all South Africans within the framework of the Constitution.

It is important to highlight this constitutional imperative because it demystifies the land grab fears and clarifies the definition of "without compensation" to correct the falsehoods peddled throughout the world by those who deliberately do not want to understand what the Bill is all about.

Nothing to fear

Foreign investors have nothing to fear - there is no way we are going to invite foreign investors into our country and then summarily take away their land. Investors are

guaranteed that their properties, as defined by Section 25 of our Constitution, are not just going to be grabbed and expropriated in an unconstitutional and haphazard manner.

Ultimately this Bill is about people and ensuring that we bring justice and fairness to many people who have for far too long been excluded and disenfranchised from owning property.

In the end, with globalisation and land expropriation, the world will continue to integrate through products from our land. I believe that countries that do not participate in the globalisation process are likely to face declining shares of world trade and private capital flows, and will find themselves falling behind their peers.

International relations promotes successful trade policies between nations. This requires the establishment of a more open environment for trade and investment and a reassuring environment for domestic and foreign economic relations.

I am confident that the international community will continue working with us to truly realise land reform in South Africa in ways that will bring us closer together, working in one accord for progress and growth in South Africa and for all countries.

- Patricia de Lille is Minister of Public Works and Infrastructure.

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