




31 July 2019

Mrs Thandi Modise
Speaker of the National Assembly
Parliament of the Republic of South Africa

Personal Office of the Speaker
Outgoing Mail
Date: 01/08/2019
From: WENDY CAWARO
To: RECEIVED BY HAND
Signature: 

Dear Madam Speaker,

REPORT OF THE PRESIDENTIAL ADVISORY PANEL ON LAND REFORM AND AGRICULTURE // THE AD HOC COMMITTEE TO AMEND SECTION 25 OF THE CONSTITUTION

I am writing to you while we await the election of the Chairperson for the Ad Hoc Committee to Amend Section 25 of the Constitution, and request that this letter be provided to the Committee Chairperson upon his or her election for this to be brought to the attention of the Ad Hoc Committee.

I record and place on record that:

1. The Democratic Alliance unequivocally supports land reform (which could conceivably be without compensation in very specific circumstances), and
2. The Democratic Alliance unequivocally opposes an amendment to the Constitution to allow for indiscriminate expropriation without compensation, and
3. The Democratic Alliance believes that a push to amend the Constitution for this purpose is a move that will condemn our economy to inevitable collapse.

Last week, the Presidential Advisory Panel on Land Reform and Agriculture presented a report in which it made some fundamental recommendations on the amendments of Section 25, that I would like to bring to the attention of the Ad Hoc Committee for reading into the record and for further discussion.

The following sections from the final report by the Presidential Advisory Panel on Land Reform and Agriculture refer:

- ***“Without a constitutional amendment to section 25, the State is currently able and within its powers to expropriate land for land reform purposes, based on just and equitable compensation.”***
- ***“If, however, the purpose of the amendment is to implement expropriation without compensation wholesale and without conditions, then such a motion would offend section 1 of the Constitution and would in effect, collapse the core underlying values of our Constitution.”***

The Panel is clear that the Constitution is not a barrier to land reform. I bring this to your attention for your due noting, as Speaker of the National Assembly.

Based on the above, it stands that there is no need to amend section 25 of the Constitution as it currently explicitly includes a legitimate mechanism for land reform including land expropriation, and land redistribution, based on just and equitable compensation. The compensation may, according to specific criteria, be set at zero.

The DA believes that the courts must have the power to determine what is just and equitable in terms of compensation. This will ensure that the wide-spread corruption which has characterised land reform over the last 25 years will be eradicated.

For example, both the Land Claims Court and High Court ruled that the price envisioned for the Mala Mala land restitution deal, which cost R1.1 billion and is the most expensive land deal to date, was excessive and not in the best interests of South Africans. However, the deal went through before the case reached the Constitutional Court. The money spent on this deal could have serviced at least another 110 restitution cases costing R10 million each and which could thus have given approximately 60 000 other beneficiaries the benefit of title, ownership and access to land.

There is clearly a need for the courts to be included in determining what is "just and equitable" and that there is no need to amend the Constitution.

I request that these facts be placed before the Ad hoc Committee for discussion.

Kind regards,

A handwritten signature in black ink, appearing to read 'Glynnis Breytenbach', written in a cursive style.

Adv. Glynnis Breytenbach MP

Member of Parliament for the Democratic Alliance