



## **EFF STATEMENT ON VOTING AGAINST THE CONSTITUTIONAL EIGHTEENTH AMENDMENT BILL IN PARLIAMENT**

Tuesday, 7 December 2021

Today, the EFF in parliament voted against the Constitution Eighteenth Amendment Bill, which sought to amend Section 25 of the Constitution. We did so because we are convinced that the Bill in its present format represents a sell-out arrangement, and that if it were to be passed, it would represent a significant retreat from our quest for a comprehensive resolution of the land question in this country.

It was the EFF that introduced a motion for the amendment of Section 25 of the Constitution to permit for expropriation of land without compensation in February 2018. In that motion, the EFF called for the establishment of an Ad Hoc Committee that would:

- i. review and amend section 25 of the Constitution to make it possible for the state to expropriate land in the public interest without compensation, and in the process conduct public hearings to get the views of ordinary South Africans, policy-makers, civil society organisations and academics, about the necessity of, and mechanisms for expropriating land without compensation;
- ii. propose the necessary constitutional amendments with regards to the kind of future land tenure regime needed, taking into account the necessity of the State being a custodian of all South African land.

That motion went through some amendments, and parliament eventually adopted a motion that referred this matter to the Joint Constitutional Review Committee (CRC) of parliament, and tasked the CRC to “ascertain the necessity for, and mechanisms for expropriating land without compensation”. The CRC undertook extensive public

hearings across the country, and the idea of expropriating land without compensation received overwhelming support amongst all sections of the South African society. From farm workers and farm dwellers whose security of tenure is permanently unstable, to the millions of landless and homeless urban workers, to aspiring black farmers who struggle to get access to land for their farming enterprises. Black people in their majority told the CRC that there could be no lasting peace in this country unless we resolve colonial land dispossession and apartheid forced removals. South Africans also supported the idea of state custodianship of the land, because they realised that the perpetuation of freehold tenure to land was tied at the hip with exclusion and exploitation, and that a broad-based redistribution of land needs to happen under different tenure arrangements.

The CRC tabled its report in parliament in December 2018, and recommended that the constitution must indeed be amended to allow for expropriation of land without compensation. As a consequence, parliament established an Ad Hoc Committee to initiate legislation amending Section 25 of the Constitution, as per the recommendations of the CRC report. This committee could not complete its work before the 2019 general elections, and was re-established in July 2019. From the beginning of its work, it became clear to us that the ANC had changed its mind about supporting land expropriation without compensation and was prepared to use the legal office of parliament to subvert the wishes of the black majority for the return of their land.

The Eighteenth Constitution Amendment Bill that was prepared by the legal office of parliament and sent for public comments in December 2019 made reference to a concept of “nil compensation”, and that the courts were the only competent body to determine the circumstances under which compensation would be “nil”. Compensation for expropriation remained a default position of the draft Bill. While the reference to courts was removed after public consultations, compensation for expropriation still remains a default position of the Bill.

The Bill also makes reference to a national legislation that must be developed to outline circumstances under which compensation for expropriation may be Nil. We all know that the Portfolio Committee on Public Works has already jumped the gun and is processing the Expropriation Bill, which makes reference to “Nil

Compensation”, but only for very limited categories of land. According to this Expropriation Bill, land that may be expropriated with nil compensation is ; (i) abandoned land, (ii) land held for speculation purposes, (iii) land owned by the state, and (iv) land that poses health and safety risks to the people. It is therefore clear that prime land suitable for agriculture, residential and industrial purposes would never be expropriated at the so called “nil compensation”.

The Bill also completely ignored the 2018 motion on the question of state custodianship of land, and the fact that this idea of land tenure received overwhelming support during public hearing in both the CRC process and in the process initiated by the Ad hoc Committee. The new amendments to Section 25 (4) and 25 (5) of the constitution, making vague references to state custodianship of “certain land” are meaningless and should be rejected by all who care deeply about the resolution of the problem of land inequality in this country.

The refusal by the ANC to join us in making fundamental amendments to the Constitution to repossess our land from settlers and to change exploitative forms of land tenure is the deepest form of betrayal of the aspirations of black people by the leeches now in power. It is the single-most important indicator that the ANC has long joined hands with the settlers to manage South Africa on their behalf, and to continue marginalizing African people, to keep them landless and perpetually dependent on the crumbs from the table of settlers. The landless majority in this country must see the ANC for what it truly is, and soon realise that their aspirations for emancipation cannot coexist with the ANC in power.

Those of us who are committed to the repossession of our land must now look at possible extra-parliamentary means of repossessing our stolen land. This is not the end of the fight for land repossession, the fight has just begun.

**ISSUED BY THE ECONOMIC FREEDOM FIGHTERS**

Elections Spokesperson (Leigh-Ann Mathys) 063 201 0807

Elections Communications Manager (Karabo Metsileng) 073 397 4351

✉ [communications@effonline.org](mailto:communications@effonline.org)

🌐 <http://www.effonline.org>

🐦 @EFFSouthAfrica

📷 @EFFSouthAfrica

👤 Economic Freedom Fighters

**VOTE EFF**



**2021 LOCAL  
GOVERNMENT ELECTIONS**