

Draft resolution (Mr J S Malema), amended and agreed:

That the House –

(1) notes that South Africa has a unique history of brutal dispossession of land from black people by the settler colonial white minority;

(2) further notes that land dispossession left an indelible mark on the social, political and economic landscape of the country, and has helped design a society based on exploitation of black people and sustenance of white domination;

(3) acknowledges that the African majority was only confined to 13% of the land in South Africa while whites owned 87% at the end of the apartheid regime in 1994;

(4) further acknowledges that the current land reform programme has been fraught with difficulties since its inception in 1994, and that the pace of land reform has been slow with only 8% of the land transferred back to black people since 1994;

(5) acknowledges that the recent land audit claims that black people own less than 2% of rural land, and less than 7% of urban land;

(6) recognises that the current policy instruments, including the willing buyer willing seller policy, and other provisions of section 25 of the Constitution may be hindering effective land reform;

(7) notes that in his State of the Nation Address, President Cyril Ramaphosa, in recognizing the original sin of land dispossession, made a commitment that Government would continue the land reform programme that entails expropriation of land without compensation, making use of all mechanisms at the disposal of the State, implemented in a manner that increases agricultural production, improves food security and ensures that the land is returned to those from whom it was taken under

colonialism and apartheid and undertake a process of consultation to determine the modalities of the governing party resolution;

(8) further notes that any amendment to the Constitution to allow for land expropriation without compensation must go through a parliamentary process as Parliament is the only institution that can amend the Constitution; and

(9) with the concurrence of the National Council of Provinces instructs the Constitutional Review Committee to –

(a) review section 25 of the Constitution and other clauses where necessary, 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;

(b) propose the necessary constitutional amendments where applicable with regards to the kind of future land tenure regime needed; and

(c) report to the Assembly by no later than 30 August 2018.