

HIGHLIGHTS: JOINT STATEMENT BY THE INTER-MINISTERIAL COMMITTEE ON LAND REFORM

Introduction

The government of South Africa has introduced a revised land expropriation Bill. The Bill was gazetted on Friday, 09 October 2020 by the Inter-Ministerial Committee on Land Reform.

It aims to replace the Expropriation Act, 1963 (Act No. 63 of 1975) that is inconsistent with the Constitution, and it makes provisions for expropriation without compensation.

The Bill is also part of the work of government in ensuring that a comprehensive land redistribution for agricultural purposes, human settlements, and industrial development is implemented.



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The current process:

- *The Minister of Public Works and Infrastructure Minister, Patricia de Lille, submitted the Bill to Parliament.*
- *The drafting of the Expropriation Bill was separate from the work of Parliament in reviewing Section 25 of the Constitution.*
- *The Bill has been drafted to be consistent with Section 25 of the Constitution as it currently stands.*
- *The Chief State Law Adviser has certified that it is so consistent.*



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Why is the Expropriation Bill needed?

Once the Bill is promulgated into law, the government will have gained a key acquisition mechanism that will enable land reform and redress, envisioned by the Presidential Advisory Panel Report on Land Reform and Agriculture.

The Bill amongst other things will elevate the government to its commitment to fast-track restitution and secure land tenure as recommended by the Advisory Panel appointed by President Cyril Ramaphosa.



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Why the Bill is needed?

Land Expropriation Bill, 2020 vs Expropriation Act , 1975 (Act No. 63 of 1975)

It is the view of the Presidential Advisory Panel report that the existing Expropriation Act 63 of 1975 is “inconsistent with the Constitution” and the correction has been long delayed. Furthermore, the Advisory Panel indicated that the Act undermines the prescripts of the Constitution.

However, the Land Expropriation Bill of 2020 will not only level the grounds for state organs to expropriate land, but will also extend to the local municipalities to reach vulnerable groups within their geographical areas.

The Bill will promote inclusivity and access to natural resources, which seek to benefit women, children, and persons with disabilities on the condition of expropriating in the public interest.



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Why the Land Expropriation Bill is needed?

The Bill brings certainty to South Africans and investors because it clearly outlines how expropriation can be done and on what basis.

The Presidential Advisory Panel understands the impact the Bill may bring, considering that the country is rebuilding the economy and investing in the communities.

By following the prescripts of the Constitution, compensation must be just and equitable. The Bill outlines circumstances when it may be just and equitable for nil compensation to be paid. However, it remains in the arm of the courts to determine the amount of compensation in various circumstances.



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