



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

YOUR

VOICE

COUNTS

All interested and affected parties, individually and/or organised are invited to participate in the public hearings on the review of section 25 of the Constitution, to assist the CRC.

The CRC calls for your views on these questions:

- Is Section 25 of the Constitution hindering expropriation of land without compensation?
- What changes would you like to see for the proper implementation of section 25 of the Constitution?

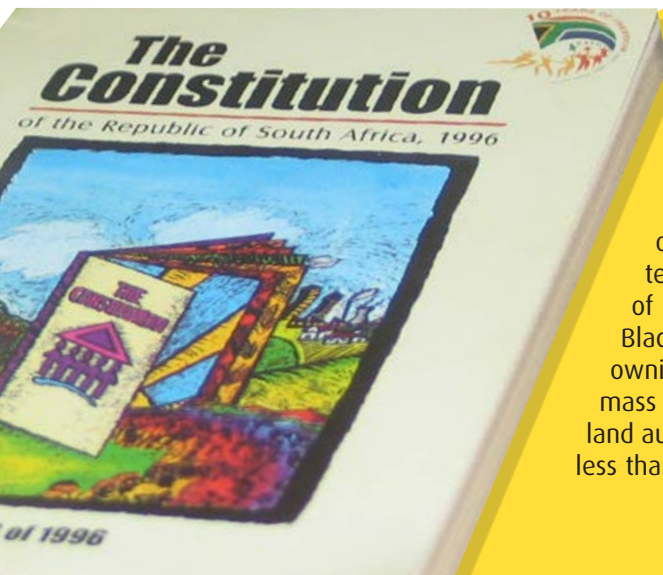
WHAT IS SECTION 25 OF THE CONSTITUTION?

Section 25 of the Constitution is popularly known as the property clause in the Constitution. The said clause provides the necessary steps to be followed when the State decides to expropriate property from individuals or companies for public interest. The process where the State expropriates land in the public interest is widely known as expropriation.

Expropriation of property for public interest can include using land to build water pipes, houses, roads, land reform and for agricultural purposes, amongst others, Section 25 of the Constitution further provides that public interest includes the nation's commitment to land reform and to bring about equitable access to all South Africa's natural resources.

The National Assembly and the National Council of Provinces recently resolved to mandate the Joint Standing Committee on Constitutional Review ("CRC"), to consider the review and possible amendment of section 25 of the Constitution, to make it possible for the State to expropriate property, including land in the public interest, without compensation.

WHY REVIEW SECTION 25 OF THE CONSTITUTION?



Due to apartheid discriminatory practices, black people were dispossessed of land through various pieces of legislation and policies, including the Native Land Act of 1913, amongst others. In terms of the Native Land Act of 1913 and other legislation, Black people were limited to owning 13% of the total land mass in South Africa. The recent land audit states that Africans own less than 2% of rural land, and less

than 7% of urban land. This means post-apartheid legislation has not succeeded in addressing the distribution of land by Government because only 8% of the land has been transferred back to black citizens since 1994.

Note legislation before and after democracy

**LAND ACT
OF 1913**

**WILLING
SELLER
AND
WILLING
BUYER
(POLICY)**

**EXPRO-
PRIATION
ACT 1975**

**RESTITUTION
OF LAND
RIGHTS ACT
1994**

**EXTENSION
OF SECURITY
OF TENURE
AMENDMENT
ACT 1997**

WHO IS RESPONSIBLE FOR THIS REVIEW?

Parliament has mandated the CRC as guided by the Joint Rules of Parliament of South Africa, (Joint Rules 97-103) to hold public hearings on Section 25 of the Constitution. Subsequently, the Committee will consider all the public input, deliberate and resolve on whether it is indeed necessary to amend section 25 of the Constitution, in order for it to provide for expropriation of property, including land, without compensation.

HOW DO YOU PARTICIPATE IN THIS REVIEW?

All interested and affected parties, individually and /or organised are invited to participate in the public hearings on the review of section 25 of the Constitution, to assist the CRC. The CRC calls for your views on these questions:

- Is Section 25 of the Constitution hindering expropriation of land without compensation?
- What changes would you like to see for the proper implementation of section 25 of the Constitution?

WHAT HAPPENS AFTER SUBMISSIONS?

After submissions, the CRC will follow this process and timelines:



HOW WILL THIS REVIEW BENEFIT YOU?

- Your input or view may influence possible amendments to be included on the report to be tabled by the Committee before Parliament.
- To follow the law-making process that seeks to allow the State to take land without payment.
- You will know that the State, not citizens, individuals and organisations have the power to expropriate land for public interest.

*Dates are subject to the Parliamentary Programme