

Amendment to allow land expropriation without compensation fails to pass

By [Tim Cocks](#)

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A proposal to change South Africa's Constitution to explicitly allow expropriation of land with no compensation failed to win the two-thirds of parliamentary votes that it needed on Tuesday, 7 December. Lawmakers debated whether to change Section 25 of the Constitution to enable authorities to seize land to address racial land inequalities left over from colonialism and White minority rule.



A woman works her land amid the Covid-19 lockdown, in Soweto. 31 July 2020. Reuters/Siphwe Sibeko

Redressing them has been a flagship promise of the ruling African National Congress (ANC) but little progress has been made on it nearly three decades since the end of apartheid.

"Today we stand to complete the fight against the original sin of land dispossession," the amendment's main champion, justice minister Roland Lamola, said in a speech in parliament. He said the state was targeting land only under special conditions such as it having longtime informal occupants, being unused and held purely for speculation, or being abandoned.

But it was rejected by the ANC's opponents on both sides of the spectrum. The main opposition Democratic Alliance (DA) and right-wing Freedom Front Plus view the plan as an assault on property rights, while the radical Marxist EFF - which also voted against - wants the state to take control of the land.

In all, 204 lawmakers backed the amendment and 145 voted against, with no abstentions.



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Apartheid geography

In the early 20th century, British colonialists gave the lion's share of farmland to Whites, mostly to the Afrikaners, descendants of generations of Dutch settlers who make up most White farmers today. They left just 7% for Blacks, aboriginal Khoisan and Coloureds - South Africans of mixed multiracial heritage.

Then in 1950, the Afrikaner National Party passed a law limiting movements of non-Whites, removing 3.5 million Blacks off their ancestral homelands and putting them in townships.

Twenty seven years of Black majority rule has barely shifted this apartheid geography, despite Nelson Mandela's pledge after taking power in 1994 to return 30% of land in five years.

"This Bill...does nothing to help landless South Africans who have been let down by the ANC's failing land reform," the DA's land committee chairperson Annelie Lotriet said.

Nearly 26 million hectares - three quarters - of privately-owned land is still in the hands of Whites, who make up less than a tenth of the population of 58 million, while only 4% is owned by Blacks who are nearly 80%, government data shows.

The government has tried to persuade Whites to sell their land under a 'willing buyer, willing seller' policy, but found hardly any willing sellers. A 2016 parliamentary study found the programme had transferred just 5.46% of farmland to Black individuals, trusts and state institutions in two decades.

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