

More clarity, debate needed on slow pace of land reform in SA, says SAPOA

The South African Property Owners Association (SAPOA) has raised concerns following the recent motion by the National Assembly to amend the Constitution to allow for land expropriation without compensation, particularly in relation to food security, agricultural production and the economy.



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According to SAPOA, while the historical background of land ownership needs to be addressed, it is critically important that South Africa navigates through the sensitivities with the greater vision being to ensure that the imbalance is dealt with and that economic stability continues to be reinforced.

“SAPOA supports a land expropriation process where the rights of present and future landowners are balanced, with the need to ensure stability and economic growth,” says Neil Gopal, CEO of SAPOA.

Right to property

Section 25 of the SA Constitution enshrines the right to property, which is an international human right. It states that no one may be deprived of property, except in terms of law of general application, and no law may permit arbitrary deprivation of property. Property may be expropriated only in terms of law of general application for a public purpose or in the public interest; and subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.

“Key challenges facing South Africa are extremely high levels of unemployment, structural poverty and inequality, and the question we need to address is how we resolve these critical issues through the process of land reform.

“There is no doubt that we need to urgently reverse the racial inequalities in land resulting from our colonial past and the violent dispossession of indigenous people off their land. But we need more clarity and debate on the factors responsible for the slow pace of land reform, and we welcome engagement with the Constitutional Review Committee on these matters,” he adds.

Recipe for instability

“We understand that the country cannot afford to protect private property with such zeal that it entrenches privilege, creates further inequality and entrenches poverty. This is a recipe for instability. The guarantee of private ownership to ensure investment, in tandem with addressing the ills of the past, is fundamental to a stable democracy,” he concludes.

There will be a public participation process in the Constitutional Review Committee's work, who are expected to report back on changes to Section 25 of the Constitution by 30 August 2018.

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