

# SOUTH AFRICAN ‘LAND GRAB’

Separating the *NOISE* from the *NEWS*

Please note that this article is NOT a **PERSPECTIVE** on the current motion to expropriate land without compensation but an **ANALYSIS**. And although the issue is generally clouded by negativity and criticism, the purpose of this article is to analyse the proposal in the context of what was said, and not what was falsely assumed.



Compiled by Mike Burnard

The true test of faith is a deep contentment that when God answers our prayers, even when the answer is not what we envisioned, we still have an unshakable conviction that God is sovereign, that He knows best and that He is in control.

When a million South Africans gathered to pray in Bloemfontein in 2017, there was an expectation that God would intervene. And He did! Less than 10 months later there was a leadership transition as Mr Zuma resigned the presidency and Mr Ramaphosa stepped in as the new leader. Most political leaders acknowledged that a new era has dawned on South Africa. The transition happened without a shot being fired and without any violent protests that so often mark leadership transitions in Africa. God indeed intervened in a miraculous, tangible and visible way.

But, sadly, it took less than a month for sceptics, Christian and non-Christian alike, to embark (yet again) on a course of fear and suspicion: **“Ramaphosa’s land grab will repeat Zimbabwe’s destructive mistakes,”** read the headline of **CapX** on 19 January 2018. **“President Ramaphosa to grab land from white farmers and return to black South Africans,”** read the headline of **Azania Post**. Posts on social media followed suit and soon the Christian media was also inundated with new requests for prayer and a renewed fear for the future.

Three factors that contributed towards and promoted the flood of Facebook posts and WhatsApp messages proclaiming the evil intent of the ANC and Mr Ramaphosa, were intentional disinformation, the absence of context, and the systematic dilution of truth.

Christians are mandated to be vessels of truth and agents of hope<sup>1</sup>. If followers of Christ do not display a different spirit to the world, they have nothing to offer. To be part of the solution and not part of the problem, we need to be informed, to discern between the rumours and the facts and to understand the context in which discussions took place and the actual words that were spoken. In such sensitive matters we need to refrain from making assumptions and seeking scapegoats.

So, what is the truth and how do we as Christians separate the noise from the news in such a sensitive and emotional issue? What follows is a factual analysis of the issue.

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<sup>1</sup> 1 **Peter 3:15** “But have reverence for Christ in your hearts, and honour Him as Lord. Be ready at all times to answer anyone who asks you to explain the hope you have in you,”

## What the “motion of land expropriation without compensation” is NOT

Sadly, right at the outset most commentators begin with incorrect information. Most of the Facebook posts and WhatsApp messages proclaim that Mr Ramaphosa has decided that **“all land of white farmers will be expropriated without compensation”**. Nearly every word in this sentence is based on misinterpretations, assumptions and fear. So before looking at the actual proposal brought before parliament, let’s clarify what the decision is **NOT**:

- **It was NOT Mr Ramaphosa that initiated the motion**

Even though Mr Ramaphosa mentioned in his inauguration speech in Parliament that he aims to resolve the issue of racial disparities in property ownership **“once and for all”**, it was not Mr Ramaphosa who initiated the motion to amend the Constitution in the National Assembly. The National Assembly adopted the motion after EFF leader Julius Malema submitted a motion that called for the establishment of an ad hoc committee to review and amend section 25 of the Constitution, to make it possible for the state to expropriate land in the public interest, without compensation.



The ANC then proposed an amendment to the motion, which was adopted, that the Constitutional Review Committee **“undertake a process of consultation** to determine the modalities of the governing party resolution”.

- **It is NOT a done deal**

Disappointingly, respected media sources incorrectly reported that **“South Africa votes to confiscate white-owned land.”** This was neither the motion, nor the decision in parliament, nor in the national Assembly. The decision was **“that a process of consultation to review and amend section 25 of the Constitution”** would be undertaken.

For now, the ball is in the court of the Parliament's Constitutional Review Committee, which will consider whether to amend the Constitution to allow expropriation of land without compensation and how it will be done. The motion has started a process but has not sealed a deal. The recommendations of the ad hoc committee are only expected by 31 August 2018.

- **It is NOT ‘land grab’**

The newly-appointed president assured all citizens that South Africa would **“not have a smash and grab-type situation when it comes to land expropriation.”** This should instil confidence in all South Africans. Even though leaders like Julius Malema are very vocal in their endeavours to take land from white farmers, Mr Ramaphosa and the ANC have firmly declared their intent to follow the guidelines of the constitution and that the law will not be sidestepped nor disregarded. The fact that the process will be subject to the law and the constitution implies that the implementation will also be subject to the law and the constitution. This provides a sound foundation for negotiation and should dissolve all fears of ‘land grab’ actions, as feared by many.

- **It is NOT Zimbabwe 2.0**

The motion is now referred to by many sceptics as Zimbabwe 2.0 (*a second Zimbabwe*). Nothing could be further from the truth and these messages are mainly based on fear and suspicion, two attitudes that should never be present in the same heart that carries faith and hope.

Mr Ramaphosa, in an interview on *Newstalk*, was adamant that the country won't follow in the same footsteps as Zimbabwe, which launched a similar policy in the 1980's that is wildly seen as contributing to its ‘third world’ status. **“We're not going to take land away from productive farms, which is what happened in Zimbabwe,”** Mr Ramaphosa stated.

- **It is NOT just against whites**

There is no doubt that the focus of the motion will mainly be on white-owned farms, but it is equally important to note that Mr Ramaphosa maintains a position that South Africa belongs to all who live in it, black and white. This is not necessarily the sentiment of political leaders like Julius Malema. The reconciliatory words of Mr Ramaphosa, who

was instrumental in writing the constitution that prevented South Africa from becoming like Zimbabwe in the first place, should therefore not be underestimated nor rejected.

## What are the dangers?

In the words of Mr Ramaphosa: ***“Land is a very broad, as well as a complex issue and it has to be handled very delicately.”*** The expropriation of land is a highly emotional and sensitive issue and must be approached with discernment, wisdom, understanding and, most of all, sensitive hearts. Just passing on messages based on fear is neither helping the cause, nor contributing to a solution. Facebook posts have the potential to do far more harm than good for farmers who are still in a position to negotiate.

There are basically two options in South Africa when it comes to land ownership and ignoring the issue for another 24 years is not one of them. To move forward as a nation and to pursue reconciliation will demand that this issue is addressed in a manner that will find favour in the hearts of most citizens. This will happen either through forceful expropriation, like what happened in Zimbabwe, or through a process of negotiation like Mr Ramaphosa proposes. There are dangers in both scenarios, but the danger of stirred violence in the hearts of impatient people presents a far greater threat to peace and security than peaceful negotiations, with the possible loss for a few. Mr Ramaphosa has rightly declared that the issue must be resolved “once and for all” so the nation can move forward. This will take courage and will demand the involvement of peacemakers and level-headed people.

## What are the facts?

White farmers own almost three-quarters of SA’s agricultural land, according to a land audit by farm lobbying group Agri SA, published in 2017. The amount of land held by the government and racial groups who were disadvantaged under white-minority rule rose to 26.7% of the agricultural land in 2016, from 14.9% in 1994, according to the audit.

However, the media incorrectly reported that it is only farms under white management that will be investigated. Mr Ramaphosa said he will also commission a study into what has been done with farms that have been redistributed since 1994. ***“The real issue, though, is that most of the redistributed land is lying derelict at the moment,”*** he said. ***“It’s not being worked.”***

## What are the procedures?

The ANC resolved, at its national conference in December 2017, that it would initiate amendments to the Constitution to allow for land expropriation without compensation. To do so, it will require the support of a section of the opposition to meet the two-thirds threshold. The EFF has previously promised to put its 6% representation in the National Assembly, at the ANC’s disposal, for this purpose.

Mr Ramaphosa, as the newly elected ANC and South African President, undertook in his closing remarks to the conference to lead the implementation of the policy. While the ANC placed some conditions under which land may be expropriated, the wording of the final resolution on land reform is yet to be released by the ANC.

Speaking at the conference, outgoing ANC economic policy head, Enoch Godongwana said that care would be taken to ensure that neither food security nor the financial sector, to which farmers are heavily indebted, were negatively affected by the ANC’s expropriation policy. Mr Ramaphosa echoed this in his remarks and said that, where appropriate, land ownership would be restored without compensation, but in such a way that agricultural production was increased.

***“South Africans should not be nervous about the ANC’s decision to seek land expropriation without compensation”***, party president Cyril Ramaphosa said on Sunday 14 January in an interview with eNCA. ***“We will have a workshop or a conference on land and look at all its various aspects and beyond that we will come up with a clear policy, or direction on how this will be handled. This would only be done in a manner that will not harm the economy, agricultural production or food security,”*** he said.

The motion that calls for the committee to review Section 25 of the Constitution will allow for public comment and input, before reporting back to the National Assembly by 31 August. The fact that the public, cultural and religious leaders can provide input bears testimony to a democratic society that seeks the best interest of all its citizens.

## What is at stake?

Without making assumptions or speculating on possible outcomes it will do all commentators well to note the words of Mr Ramaphosa when he addressed the nation:

***"What this moment requires is for people to engage with each other and come up with proposals that can lead to a just and sustainable outcome,"*** he said. ***"There is no reason for anyone of us to panic and start beating war drums. Farming activities must continue as normal, and investments in land and farming must continue. We are going to handle this matter in the way we've always handled difficult issues in our country: by dialogue, discussion, engagement, until we find good solutions that will take our country forward."***

Mr Ramaphosa reiterated that South Africa belongs to all who live in it, black and white, and that the land process was an opportunity to make ***"just choices that will serve to unite the nation"***.

***"Today we have a great opportunity to address the land question, but to address it in the way that will make sure our economy continues to grow, make sure our agricultural production keeps going up, and make sure that indeed there is food security in our country. South Africans must therefore navigate this issue not by fear or distrust. Their choices must reflect their hopes, not their fears,"*** he said. ***"Desist from driving fear into the hearts of our people."***

***"The passing of the motion has got South Africans from all walks of life and from all income groups talking,"*** he continued. ***"Some have become very hopeful, some have become very fearful. It is a question that we will continue to handle with care and responsibility as government. There will be no smash-and-grab of land in our country. That we will not allow,"*** he repeated, to applause from the Assembly. He further stated the matter would be resolved through comprehensive consultation.

***"There are some who say there is no need to talk. There are some who continue to drive fear into the hearts of South Africans and the international community. Some have even been involved in sending messages to international investors, saying it is no longer safe to invest in South Africa. I would like to say, desist from driving fear into the hearts of our people about this matter,"*** he said. ***"The matter was serious, and it was important to discuss it in the most responsible manner. It's in SA's interests to have commercial farmers."***

Mr Ramaphosa said he would soon be initiating a dialogue with key stakeholders to give effect to the ANC's resolutions on land, adopted in December at its national conference.

## What happens next?

The Constitutional Review Committee comprises members of the National Assembly and the National Council of Provinces. ANC MPs Lewis Nzimade and Vincent Smith are the co-chairpersons. Among the 22 members of the committee are the ANC's Mathole Motshekga and Francois Beukman (who both served on the ad hoc committees on Nkandla), the DA's James Selfe and Glynnis Breytenbach and the EFF's Floyd Shivambu.

This committee deals with proposals to amend the Constitution, which can be submitted by the public. They will have hearings where members of the public, civil society and parties can present their proposals.

The National Assembly gave the committee a deadline of 30 August to report back on its work. If the committee decides to indeed amend the Constitution, it will have to draft the amendment.

## What will be considered?

Section 25 of the Constitution deals with property and is often called the "property clause". In its current form, it states that "no law may permit arbitrary deprivation of property" and that "[property] may be expropriated only in

terms of law of general application (a) for a public purpose or in the public interest; and (b) 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".

Section 25 also says: "the state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis."

## What do the respective parties propose?

Since its inception, the EFF agitated for expropriation without compensation. ***"The state should, through its legislative capacity transfer all land to the state, which will administer and use land for sustainable-development purposes. This transfer should happen without compensation, and should apply to all South Africans, black and white,"*** reads the EFF's policy on its website.

The ANC's policy, on what will happen after the land is expropriated without compensation, is less clear. Given the requirements that it should not harm economic growth and food security, and Mr Ramaphosa's utterances that it should be used as a way to kick-start an ***"agricultural revolution"***, it seems the ANC's policy will not entail expropriating all land and transferring it to the state, but rather focus on specific pieces of land that will be used for land reform projects.

Other parties who support the expropriation without compensation principle include the IFP, UDM, NFP, Agang, AIC and APC.

The DA does not support it, even though it says it ***"is fully committed to redressing the history of violent land dispossession in South Africa, and the social and economic legacy of this dispossession which still exists in our country today"***.

***"The DA will defend the Constitution and show that expropriation without compensation is not the solution to assisting the poor and marginalised in accessing land and economic opportunities,"*** DA MP and spokesperson on rural development and land reform, Thandeka Mbabama, said in a statement released on Wednesday.

Other parties opposing expropriation without compensation include Cope, the ACDP and the Freedom Front Plus.

## What will it take to change the Constitution?

To amend the Constitution, two-thirds of the National Assembly must vote for a proposed amendment and, in the National Council of Provinces, six of the nine provinces must be for the proposed amendment. This means 267 of the National Assembly's members must vote for the proposed amendment. The ANC currently has 249 MPs and the EFF 25.

The EFF has repeatedly promised to vote for an amendment that would allow expropriation without compensation. This means that there will be enough votes to amend the Constitution if all ANC and EFF MPs vote according to party lines.

## What needs to happen now?

Firstly, every Christian should take the words of Mr Ramaphosa seriously when he said that we need to desist from driving fear into the hearts of people. Fear, suspicion and distrust is not a political issue, this is a spiritual issue. Fear paralyses and ultimately leads to disobedience. Once we become agents of fear, we completely nullify the work of the Lord. This is a matter of life and death.

Secondly, we need to think differently. INcontext recently interviewed several farmers from Kwa Zulu Natal about the "motion of expropriation without compensation" and some were adamant that farmers need to change their mindsets. ***"Farmers should contemplate turning their farms into businesses, empowering the local community and giving shares to the labourers,"*** one young farmer said. ***"Once a farm is turned into a business, with the farmer and***

*the board of directors as stakeholders, the farmer can then rent the farm from the business and in doing so find greater financial security in business, while at the same time contributing more towards the community,” he said. But mindsets and attitudes will have to change.*

## From a Christian perspective

Christ never approached difficulties with a sense of despair. There was always a golden thread in His words and in His life, that God was sovereignly in control and orchestrating events for a Kingdom purpose. Even in Mark 13 when Christ shared the signs that will usher in the end, He clearly revealed an undeniable certainty that He was the one firmly in control. In the midst of arrests (vs 9), His disciples would have the opportunity to share the Good News. In the midst of wars and persecution (vs 10), the gospel will be preached to all peoples. Appearing in courts and facing imprisonment (vs 11), the Holy Spirit will provide the words to speak.

The point that Christ made repeatedly was that obligation and opportunities are two separate, but two critically important entities for those who follow Him. People can force us unwillingly into lawful obligations that might harm us, but only we can rob ourselves of the opportunity to testify of a forgiving, compassionate and loving God. It will ultimately be decided by how we prioritise our lives, eternal Kingdom or temporary dwelling. So, let us refrain from sowing fear, suspicion and distrust. Let us follow the example of Christ in prayer, faith and gentleness.

*There is no copyright on this article. Please feel free to pass it on as widely and as frequently as possible. Become a messenger of hope.*

## SOURCES

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