

Kwanalu, AgriSA meet with KZN farmers ahead of EWC hearings

To keep farmers informed and to gather their feedback, Kwanalu, together with AgriSA, hosted a workshop for the heads of all KZN farmers' associations and leaders of local commodity groups ahead of the Expropriation without Compensations (EWC) hearings to be held by the Constitutional Review Committee (CRC) in mid-July. Both AgriSA and Kwanalu will be making comprehensive submissions to the CRC on behalf of all members.



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Kwanalu CEO, Sandy La Marque, outlined Kwanalu and AgriSA's blueprint for dealing with the current land issue discussions and the call for EWC, telling those present that it is at times in like these that the critical role that organized agriculture plays, really comes to the fore. "We at Kwanalu, and together with our national body AgriSA, are approaching the motion to amend the property clause, Section 25 of the Constitution, with calculated leadership strategies based on sound legal, economic and social positions on behalf of our members," said La Marque.

"Our position on the proposed amendment, according to our members' mandate, is that Section 25 of the Constitution does not pose an obstacle and, in fact, the Constitution currently does make provision for land reform. Furthermore, the fact that Section 25(3) of the Constitution requires fair and equitable compensation to be paid is also not an obstacle. This was expressly confirmed by the report compiled by the High-Level Panel on Key Legislation," said La Marque.

Poor implementation, inadequate budgets and corruption the real problem

La Marque went on to say that large-scale EWC will have a very serious impact on food production and the economy and that the uncertainty created by threats of EWC is undermining investors' confidence in the agricultural sector.

“There are many transformation projects that are successful. The correct support and funding models could result in many more of these projects being launched and through partnerships, the private sector can assist with implementation of transformation and help to ensure that land reform is sustainable,” said La Marque.

She says that the real problems lie not with the current limitations of Section 25 of the Constitution but with the lack of and poor implementation of existing legislation and programmes, inadequate and unrealistic budgets and the high levels of corruption.

Obstacles and recommendations according to High-Level Panel Report

Speaking about the High-Level Panel Report, which was released by Government in November 2017, and makes detailed recommendations on all existing current land policies and laws, La Marque explains that the Report identified the following as obstacles to land reform:

- Evidence of corruption by officials
- Diversion of land reform budgets to elites
- Lack of political will
- Lack of training

And that the High-Level Panel Report recommended the government should amongst other:

- Use its current expropriation powers more boldly
- Test the meaning of compensation provisions of 25(3) in relation to land that is unutilised or underutilised
- Well-situated state land to be made available to house the poor

“This High-Level Panel Report also noted that though the Constitution currently provides for positive land rights in Sections 25 (5), (6), (7) and (9) of the Constitution, that these rights at present are not being adequately promoted, enforced or protected, and that instead they appear to be under attack from policies and practices directly benefiting specific elites within political alliances,” said La Marque.

Written submissions

La Marque has confirmed that both Agri SA and Kwanalu would be making comprehensive submissions to the Constitutional Review Committee (CRC). Kwanalu is recommending individuals to make their own written submissions.

“It is important that individual submissions are written responsibly and speak to the EWC matter in a clear and uniform manner,” said La Marque.

“The questions to be addressed in these presentations include does Section 25 of the Constitution pose an obstacle to land reform? Is EWC the solution to the lack of progress made with land reform? What mechanisms are needed to make land reform happen quickly and sustainably? The question is therefore two-fold – firstly, it is about the need, or otherwise, to amend Section 25. And secondly, it is about the necessary mechanisms to address land reform problems and specifically the compensation issue,” said La Marque.

The CRC has announced four hearings will be held in mid-July 2018.

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