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By Mail & Guardian

Parliament approves land Expropriation Bill

Parliament on Thursday approved the land expropriation Bill enabling the state to make compulsory purchases of land to redress racial disparities in land ownership.

South Africa's ruling African National Congress (ANC), facing local elections in August, has promised to speed up plans to redistribute land which remains predominantly in white hands two decades after the end of apartheid.

The Expropriation Bill is expected to land on President Jacob Zuma's desk soon after the National Assembly on Thursday adopted changes to the controversial law.

The Bill, which sets out the legislative requirements for the State to lay claim to land for public purpose or in the public interest, was passed after ruling ANC and some opposition parties MPs voted in favor of the Bill, which was slightly amended by the National Council of Provinces (NCOP).

The Democratic Alliance (DA) opposes the Bill on the grounds that the term "property" in the Bill was not defined as referring to land only, meaning it was open to interpretation and could lead to movable property like shares and intellectual property be expropriated. One of the other problems, DA MP Anchen Dreyer said, was the fact that compensation for expropriated land would not cover outstanding bank payments, meant property owners could be left without money to find alternative accommodation.

The UDM also opposed the Bill, insisting that while land could be expropriated for restitution purposes, those who were dispossessed of their land prior to the 1913 Land Act would not benefit.

The National Assembly accepted changes made by the NCOP. The changes were largely technical in nature.

The Bill would now be sent to Zuma to sign into law. It sets out the rules by which the government can expropriate land "in the public interest" and "for public purpose".

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While land owners would be paid compensation, the State would not merely rely on “market value” to determine the rand amount to be paid.

Other criteria include the “history of the acquisition”, “the current use of the property”, and “the purpose of expropriation”.

Land owners would also be able to approach the courts should they not be happy with the compensation paid.

Some economists and farming groups have said the proposals could hit investment and production at a time when South Africa is emerging from a major drought - pointing to the economic damage linked to farm seizures in neighbouring Zimbabwe.

They have also complained about a lack of clarity on how it will all work.

But the government says the redistribution process needs to be accelerated, to rectify past wrongs and provide opportunities to the previously excluded, and has repeatedly said it will stick to the law and not follow Zimbabwe’s example.

Experts estimate about 8 million hectares of farmland have been transferred to black owners since the end of apartheid, 8 to 10 percent of the land in white hands in 1994 and only a third of the ANC’s long-running 30 percent target.

The party has said it will speed up the process through the expropriation Bill, allowing the state to expropriate land without the owner’s consent. – Reuters; African News Agency (Edited by Michelle Solomon)