



FW de Klerk
FOUNDATION

ANC PRESIDENT RAMAPHOSA’S LATE NIGHT ANNOUNCEMENT - IS THIS THE RIGHT WAY TO GO ABOUT SOMETHING SO IMPORTANT?

The FW de Klerk Foundation noted with grave concern the statement on expropriation without compensation (EWC), by ANC president Ramaphosa after the NEC Lekgotla last night. There are two main problems with the statement, procedurally and substantively.

Speaking as leader of a political party, he abused the platform of the national broadcaster to make a party-political announcement, as if it were an announcement as President of the country. This shows the same dangerous conflation of party and State as we have seen during the Zuma years. The statement also pre-empts the outcome and makes a mockery of the parliamentary process that is underway, as if the ANC is the only party in Parliament. The incidental reference to the “parliamentary process” does not hide the apparent disdain the majority party has for the Legislature and its processes. In addition, the announcement short-circuited the public hearings, thus rendering public participation in the legislative process obsolete. This means that any future amendments are open to a legal challenge on grounds of lack of procedural fairness.

On the substantive side, although the statement (and the NEC Lekgotla) affirms the ANC’s previous views on EWC, it deviates in important aspects. Instead of the qualifiers at Nasrec (agricultural production, food security, future investment in the economy and not harming other sectors of the economy), it puts the goals of EWC as redress, advancing economic development, increased agricultural production and food security. This takes the test of the economic viability of EWC out of the economic and business sphere and puts it in the sphere of political rhetoric. Nowhere in history has the dilution of property rights led to economic development, an increase in agricultural production and food security. This rhetorical pipe-dream has only led to spectacular failures, in countries such as Zimbabwe and Venezuela. This will be the last blow to international investment and much-needed job creation.

The Foundation will keep on working to protect the national accord reached in 1994. It will continue to uphold the Constitution and its universal principles - one of which is the sanctity of property rights. We will also keep pointing out that government can - and should - address land reform issues in accordance with Section 25. As the High Level Panel Report has pointed out, it is not necessary to amend section 25 to achieve this important constitutional goal.

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