IMEMORANDAMU YEENJONGO ZOMTHETHO-SIHLOMELO OYILWAYO WESHUMI ELINESIBHOZO WOMGAQO-SISEKO, WOWAMA-2019

1. INTSHAYELELO

Lo Mthetho uYilwayo unenjongo yokwenza isilungiso kuMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika, wowe-1996, ngokuthi unike ingcaciso ngokuthathwa komhlaba ngaphandle kokuhlawulwa kwembuyekezo. Ngethuba lePalamente yesiHlanu, iKomiti yokuHlaziya uMgaqo-siseko yagunyaziswa ziziNdlu zoMbini zePalamente ukuba ifune izimvo zoluntu ngomba ocetywayo wokuhlaziywa kwecandelo 25 loMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika, wowe-1996 ("uMgaqo-siseko"). Olu hlaziyo lugxininisa kumba wokuvumela umbuso ukuba uthathe umhlaba oza kunikwa uluntu ngaphandle kwentlawulo, kwakunye neenkqubo eziza kulandelwa xa kuthathwa umhlaba ngaphandle kwentlawulo. Emva kokuba kubanjwe iindibano ezininzo zokugaya izimvo zoluntu, iKomiti yoHlaziyo loMgaqo-siseko iye yangenisa ingxelo kwiziNdlu zombini iphakamisa ukuba:

> "ICandelo 25 loMgaqo-siseko ukuba lenziwe izilungiso ukuze licacise ngokuphandle ezi zinto zingacaciswanga ngokuphandle kuMgaqo-siseko zimayelana nokuthathwa komhlaba ngaphandle kwembuyekezo, njengendlela esemthethweni yokubuyiswa komhlaba, ukuze kulungiswe umonakalo wangaphambili owabangelwa kukuhluthelwa kwabantu umhlaba ngaphandle kwesizathu ezivakalayo, ngokwenza oko kuqinisekiswe ukuba umhlaba wabiwa ngokulinganayo kuxhotyiswe nesininzi sabantu boMzantsi Afrika batsho bakwazi ukudlala indima ebalulekileyo njengabanikazi bomhlaba abakwaziyo ukuwusebenzisa, kumaphulo okuvelisa ukutya nakwiinkqubo zokuzisa iinguqu kwezolimo."

Iphakamise nokuba iPalamente kufuneka imisele ngokukhawuleza iinkqubo eza kuqalisa lo msebenzi wokwenza izilungiso kumasolotya afanelekileyo ecandelo 25 loMgaqo-siseko. Loo nkqubo yamiselwa ngesigqibo seNdlu yoWiso-mthetho yeSizwe kuqala ngethuba lePalamente yesiHlanu, yaze yaphindwa yiPalamente yesiThandathu, into leyo eyakhokelela ekubeni kuqulunqwe lo Mthetho uYilwayo.

2. IINJONGO ZALO MTHETHO UYILWAYO

Injongo yoMthetho-sihlomelo oYilwayo weShumi elinesiBhozo woMgaqo-siseko, wowama-2019 (“uMthetho oYilwayo”), kukwenza izilungiso kwicandelo 25 loMgaqo-siseko ukuze ucacise ukuba ilungelo lokuba nomhlaba linganyinwa okanye libekelwa imida umzekelo xa umhlaba uthathwe ngeenjongo zokuwubuyisela kubanikazi bawo, kungangahlawulwa mali yembuyekezo. Kwakhona kukucacisa nokuba lo mda umiselwa yindlela esetyenziswayo esemthethweni enokukhethwa xa umhlaba uthathwa ngeenjongo zokuwubuyisela kubanikazi bawo, ukuze kulungiswe iimposiso zangaphambili ezabangela ukuhluthelwa kwabantu umhlaba ngaphandle kwezizathu ezivakalayo, ngokwenza oko kuqinisekiswe ukuba umhlaba wabiwa ngokulinganayo kuze kuxhotyiswe abemi abasisininzi boMzantsi Afrika ukuze babe ngabanikazi bomhlaba abawusebenzisela ukuvelisa, abathatha inxaxheba kumaphulo okuvelisa ukutya nakwiinkqubo zokuzisa iinguqu kwezolimo.

3. UMXHOLO WALO MTHETHO UYILWAYO

3.1. Umhlathi 1 uphakamisa ukuba kwenziwe isilungiso kwicandelo 25 loMgaqo-siseko ukuze linike ingcaciso ngokuba apho umhlaba kunye nezinye naziphi na izinto ezenziweyo zokuwuphucula uthathelwa iinjongo zokuwubuyisela kubanikazi bawo, ungangahlawulelwa imbuyekezo.

3.2. Umhlathi 2 unika ingcaciso ngesihloko esifutshane nexesha oza kuqaliswa ngalo.

4. IMALI EZA KUHLAWULWA NGUMBUSO

Ayikho

5. INKQUBO YEPALAMENTE

5.1 IKomiti iphakamisa ukuba lo Mthetho uYilwayo kufuneka uqhutywe ngokwenkqubo eyasekwa licandelo 74(2) loMgaqo-siseko njengoko injongo yayo ikukwenza isilungiso kwicandelo elikwiSahluko 2 soMgaqo-siseko weRiphabhlikhi yoMzantsi Afrika, wowe-1996.

5.2 Le Komiti inoluvo lokuba kunyanzelekile ukuba lo Mthetho uYiwayo uthunyelwe kwiNdlu yeSizwe yeeNkokeli zeMveli ngokwecandelo 18(1)(a) loMthetho woLawulo nobuNkokeli beMveli, wowama-2003 (uMthetho uNombl 41 wowama-2003), njengoko unamasolotya anxulumene nemithetho yemveli okanye amasiko neenkuqo zabantu abaphantsi kweenkokeli zemveli.

DRAFT