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DEBATE

# Land expropriation bill passed, but red flags are raised

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THE National Assembly has passed the Expropriation Bill in spite of opposition from some political parties.

The bill will allow for expropriation of land only for public purposes and if it is in the public interest.

It is based on Section 25 of the Constitution. Along with the clauses stipulated in Section 25, which refer to "just and equitable compensation", it will be possible for no compensation to be provided but only in specified instances. These are for abandoned land, state land, or land held for speculative purposes.

Patricia de Lille, the Minister of Public Works, led the debate. She said expropriation was only one acquisition mechanism that in appropriate cases, for public interest, would enable land reform and redress.

"We can debate our points, but what is wrong is to instil fear-mongering and distort the facts in a debate about land, and this is done all too often. Many times, those against the Expropriation Bill have been people who were never subjected to laws that stripped people of their property or rights to own property."

Samantha Graham-Mare, the DA's public works and infrastructure spokesperson, said the bill was being used for populism and political point-scoring.

"Instead of opting to present an Expropriation Bill that effectively outlines the procedure for government land acquisition, the Good Party and the ANC have delivered a dangerous piece of legislation that directly assaults private property rights and threatens property ownership.

"This will take us on a very dangerous journey in the footsteps of failed states like Venezuela and Zimbabwe," she said.

The bill sought to undermine private property rights in favour of state ownership, she warned.

"This, by sneaking in expropriation without compensation through the back door inside of ordinary legislation. Resultantly, the DA believes this bill is unconstitutional and violates Section 25 of the Constitution."

The DA tabled two amendments to the proposed bill, which it said would have provided substantial protection of private property rights by ensuring that only state-owned property could draw an initial offer of no compensation.

Pieter Groenewald, leader of Freedom Front Plus (FF+), said the bill had serious economic consequences and must be tested in the Constitutional Court.

"The FF+ is convinced that this bill is unconstitutional and dishonest. The biggest disadvantages of the expropriation will affect commercial banks, financial institutions and especially private owners. Companies looking to develop in the country will think twice.

"These disadvantages will mean nothing less than the destruction of the country's economy, because private



Samantha Graham-Mare



Dr Pieter Groenewald



Thabane Miya



Sanele Zondo

ownership is one of the cornerstones of a democracy and a free market system."

He said the consequences of the bill being enacted were rising living costs, food insecurity, greater unemployment and greater poverty.

"No investor will invest his money where he knows it can be expropriated without compensation. The ultimate losers are the youth of South Africa. Their future will be stolen by a law that should not be known as the Expropriation Act but rather as the Destruction Act."

Thabane Miya, Exco member of the EFF in eThekweni, said the bill was not passed in the way the party had wanted.

"It was twisted to something else. We wanted it to be passed without compensation.

"If it is passed as it is, capitalists will still win because the white minority will sell their land to the government at market value and the black majority won't benefit from that. The government seems to be pro-white capitalist and not its black majority."

He said the party's war council would discuss the bill further to determine a way forward.

Sanele Zondo, the IFP spokesperson on Public Works, said the party did not agree with the manner in which the bill was passed.

"The people in South Africa want their land back and we support land reform for our people. However, it is not clear through this bill who actually owns the land. The government does not own any land."

He said the bill was contradictory. "What about the land that is owned by amakhosi (chiefs)?"

"There are many contradictions within this bill and there needs to be more clarity."

The Expropriation Bill will now go to the National Council of Provinces (NCOP).

After a process of engagement with the provinces, the NCOP will then send the bill back to the National Assembly and it will then be signed by President Cyril Ramaphosa to be enacted.