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OVERVIEW OF THE WRITTEN SUBMISSIONS ON THE EXPROPRIATION BILL [B23 – 2020]

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1. INTRODUCTION

The Portfolio Committee on Public Works and Infrastructure sent the Expropriation Bill [B23 – 2020] out for public comment on 10 December 2020.¹ The call for submissions' closing date ends on 10 February 2021.

The Portfolio Committee's published call for submissions and hearings invited stakeholders and interested persons to submit written submissions on the Expropriation Bill's purpose which is to:

- Repeal the existing Expropriation Act (No. 63 of 1975)

¹ Call for submissions went out via print media and website publication from 11 to 12 December 2020.



- Provide a common framework in line with the Constitution to guide the processes and procedures for expropriation of property by an Organ of State
- Provide for instances where expropriation with nil compensation may be just and equitable

In addition, to the above outline regarding the call for submissions, a link to the full text of the Expropriation Bill was included. The public were provided with different forums through which submissions could be sent in, i.e. completed through an electronic form, electronic mail (email) or WhatsApp. The public were also invited to indicate interest in making oral presentations on the Bill.

This paper outlines a select number of written submissions submitted via the electronic form and email. These submissions to date, (i.e. 29 January 2021), total 3 994 emails and 121 electronic forms from individuals, and bulk emails from organisations such as the South African Institute of Race Relations (IRR) and the TLU SA.² As of 31 January 2021, additional bulk emails from individuals; the IRR; TLU SA and Dear South Africa (or DearSA) increased the submissions to 29 384.

The paper will provide an overview of some of the views expressed in the written submissions, below.

2. BRIEF PROVISIONS OF THE EXPROPRIATION BILL [B 23 – 2020]

The Expropriation Bill [B23 – 2020] is a new Bill and seeks to repeal the existing Expropriation Act (No. 63 of 1975) (as amended) and to align it with the provisions of the country's Constitution. The **Expropriation Act (No. 63 of 1975)** allows the State to expropriate “land and other property for public and certain other purposes”,³ which, include land to erect electricity pylons; the building of roads or other infrastructure.

The Expropriation Bill [B23 – 2020] seeks:⁴

- To provide for the expropriation of property for a public purpose or in the public interest;
- To provide for certain instances where expropriation with nil compensation may be appropriate in the public interest;
- And to provide for matters connected therewith.

The Bill's overarching provision falls under Section 25, the Property Clause, as follows:⁵

Section 25 of the Constitution of the Republic of South Africa, 1996, provides as follows:

“Property

² TLU SA is an agricultural union and prior to 2000 was known as the Transvaalse Landbou-Unie.

³ Minister of Public Works (1975).

⁴ Minister of Public Works and Infrastructure (2020), p. 2.

⁵ Minister of Public Works and Infrastructure (2020), pp. 2-3.



- 25.** (1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
- (2) Property may be expropriated only in terms of law of general application—
- (a) for a public purpose or in the public interest; and
- (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.
- (3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including—
- (a) the current use of the property;
- (b) the history of the acquisition and use of the property;
- (c) the market value of the property;
- (d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
- (e) the purpose of the expropriation.
- (4) For the purposes of this section—
- (a) the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and
- (b) property is not limited to land.
- (5) The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.
- (6) A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.
- (7) A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.
- (8) No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36(1).
- (9) Parliament must enact the legislation referred to in subsection (6)."

2.1. Arrangement of the Expropriation Bill

The Bill is further arranged into nine Chapters which include the following:⁶

- Chapter 1: Definitions and Application of Act.
- Chapter 2: Powers of the Minister to Expropriate.
- Chapter 3: Investigation and Valuation of Property.
- Chapter 4: Intention to Expropriate and Expropriation of Property.
- Chapter 5: Compensation for Expropriation.

⁶ Minister of Public Works and Infrastructure (2020), pp. 3-4.



Chapter 6: Mediation and Determination by Court.
Chapter 7: Urgent Expropriation.
Chapter 8: Withdrawal of Expropriation.
Chapter 9: Related Matters.

Following below are the overview of a select number of the written submissions received to date, i.e., 29 January 2021.

3. OVERVIEW OF SELECTED WRITTEN SUBMISSIONS ON EXPROPRIATION BILL [B23 – 2020]

It should be noted that the written submissions are still being received by the Portfolio Committee on Public Works and Infrastructure, with the closing of submissions being the 10 February 2021. While, the volume of written submissions to date comprises of a large number, it should be noted that the bulk emails from DearSA; the IRR; TLU SA and some individuals also comprises of two or three duplicates. In addition, the bulk emails might contain individual names, with the same submission.

3.1. A Note on Submissions Received to Date

The submissions can be categorised as follows:

- General comments of concern relating to the possible long-term effects the Bill might have on the economy of the country, food security and agriculture, in particular.
- General comments questioning the need for an Expropriation Bill, or the provision of compensation, or the impact of nil compensation.
- Suggestions were also made that the existing Expropriation Act (No. 63 of 1975), remain in force.
- Some submissions agreed that the existing Expropriation Act is unconstitutional and should be replaced.
- Comments on failed examples of expropriation, particularly within Zimbabwe.
- Corruption and illegal acquisition of land mentioned.
- Concerns that expropriation will include more than land, but other rights such as intellectual property etc.
- Some substantive comments dealing with specific definitions and clauses in the Bill; highlighting concerns and/or providing alternative formulations or interpretations to these sections.

The submissions by some individuals also consist of a single sentence, rejecting the Expropriation Bill. It is also unclear in some of the written submissions if the Bill is supported or rejected, as the authors provide different scenarios and explanations of the possible impact that the Bill might have on the country in general, livelihoods or individuals.



The authors also argue that the expropriation of land is unnecessary as the Government, or the State already owns sufficient land.

4. DEAR SOUTH AFRICA

Following below is a select number of over 803 written submissions from individuals through the Dear SA bulk e-mail submissions. The majority of the authors are concerned with Chapter 2: Powers of the Minister to Expropriate; Chapter 4: Intention to Expropriate and Expropriation of Property; and Chapter 8: Withdrawal of Expropriation.

4.1. Select DearSA Written Submissions

The overarching sentiment is that the provisions under Chapters 2; 4; and 8 are of particular concern and that people’s ownership of their properties and other assets would be expropriated in an arbitrary manner.

Figure 1: Select DearSA Written Submissions

| Written Submissions on Expropriation Bill – DearSA | | | |
|--|--------------|----------------|---|
| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| 1. Daniel Bosman | DearSA | No | No I do not support the Expropriation Bill [B23-2020]. My top concern is other. This is legalised theft and after they have stolen it and given it to a so called disadvantaged person it will be destroyed like history since 1994 has clearly proven and shown us and can not be denied nor be erased. You are just creating more parasites that will eventually kill the host that sustains the development and maintenance of a once prosperous country that is being run down the drain and flushed. After that there will not be anything left for the parasites because the host that sustained it will be eliminated and Africa history repeated. They simply do not understand the consequences it will have on international investment that they can not live one day without it. Shame! |
| 2. Anne Swart | DearSA | No | No I do not support the Expropriation Bill [B23-2020]. My top concern is Compensation for expropriation (ch.5). |
| 3. Jan Opperman | DearSA | No | No I do not support the Expropriation Bill [B23-2020]. My top concern is other. Its economic suicide |
| 4. Stephen Verwey | DearSA | No | No I do not support the Expropriation Bill [B23-2020]. My top concern is Powers of Minister to expropriate (ch.2). The Government using this to Cover up their non performance , theft, corruption and getting votes to stay |



| Written Submissions on Expropriation Bill – DearSA | | | |
|--|--------------|----------------|--|
| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| | | | in power. State owns sufficient land to meet as called the disadvantaged. |
| 5. Belinda Lobley | DearSA | No | No I do not support the Expropriation Bill [B23-2020]. My top concern is Intention to expropriate (ch.4). Economic suicide! No one in their right mind will invest in South Africa. More qualified people will emigrate. |
| 6.Moira Van Der Merwe | DearSA | No | No I do not support the Expropriation Bill [B23-2020]. My top concern is Intention to expropriate (ch.4). I worked myself to death to have a house. over my dead body. Go work for your house and see how you feel if its exprop. |
| 7.Konrad Muller | DearSA | No | No I do not support the Expropriation Bill [B23-2020]. My top concern is other. I DON'T support expropriation without compensation in any form. Its open for abuse, corruption etc. As with state capture, only selected elites will benefit, leaving the citizen of the country poor and owning nothing. |
| 8.Anne Jansan | DearSA | No | No I do not support the Expropriation Bill [B23-2020]. My top concern is other. Start by expropriating all ministers and politicians wealth and farms and businesses and see how it goes down, if it is happily handed over, then roll out to other sectors. If not? Why would you force it onto other people if it doesnt work? |
| 9.Ivan Tinniswood | DearSA | No | No I do not support the Expropriation Bill [B23-2020]. My top concern is Withdrawal of expropriation (ch.8). I think that there is more than enough land owned by the government themselves without having to take the land away from the public. I am afraid that this will make way for even more corruption. As a pensioner I depend heavily on my small piece of land to earn myself a small income. |
| 10.Mel Ross | DearSA | No | No I do not support the Expropriation Bill [B23-2020]. My top concern is Powers of Minister to expropriate (ch.2). |

The above submissions include suspicion of the Government and its intentions with the provisions of the Expropriation Bill. The individuals such as pensioners, are concerned that the Bill makes their security of tenure insecure, while others fear that the process might be open to corruption.

5. SOUTH AFRICAN INSTITUTE OF RACE RELATIONS

A large portion of the almost over 4 115 written submissions are from the IRR. While, this appears as a large number, its bulk email comprises of a single submission, included in its entirety below.



5.1. Full IRR Written Submission Bulk-email

The following submission is one of the numerous bulk e-mails from the Institute of Race Relations (IRR), with the sub-heading - **Endorsement: IRR's submission to the Department of Public Works and Infrastructure.**

I, Hendrik Steyn hereby make the following individual and unique submission to the Portfolio Committee on Public Works and Infrastructure on the Expropriation Bill 2020 [B23-2020]:

Submission to the Portfolio Committee on Public Works and Infrastructure on the Expropriation Bill of 2020 [B23-2020]

1. The enormous importance of the Expropriation Bill to all South Africans

If the Expropriation Bill of 2020 (the Bill) is enacted into law in its current form, it will allow the government to seize ownership or control of both land and many other assets. Homes, pensions, business premises, mining rights, shares, and unit trusts will all fall within the Bill's definition of 'property', making them vulnerable to expropriation for 'nil' or inadequate compensation.

Contrary to government reassurances, the Bill will not be limited to land reform. Nor will it solve land reform problems, which stem largely from inefficiency, corruption, and an absence of secure ownership. Instead, the Bill will threaten the property rights of all South Africans: from the 9.5 million people with home ownership to the roughly 18 million with customary law plots, and the estimated 17 million who belong to pension funds. It will also harm all business owners, both large and small. At the same time, the economic fall-out from the Bill will further hurt the 11 million individuals now unemployed by reducing investment, limiting growth, and stalling post-lockdown recovery.

2 Particularly damaging provisions in the Bill

Under the Bill, 'nil' compensation may be paid for land expropriations in five listed circumstances. This means, for example, that no compensation may be paid to owners who have lost control to land invaders or building hijackers. However, the circumstances in which 'nil' compensation may be paid are expressly 'not limited' to the five set out in the Bill – so no one can tell how much more widely 'nil' compensation may in time extend.

Nil compensation will also apply should the government later take custodianship of all land in the country, as the Economic Freedom Fighters (EFF) and the African National Congress (ANC) have long desired. No compensation will then be payable because of the way in which the Bill defines 'expropriation'. This definition draws a technical, artificial, and unconstitutional distinction between the taking of ownership by the state – which counts as an expropriation requiring 'just' compensation – and the state's assumption of custodianship, which does not.

The Bill's procedures for expropriation are heavily skewed in favour of the state. All 'expropriating authorities' (which will include all provincial premiers and municipalities) must



begin by negotiating with owners, investigating the properties to be taken, and issuing notices of their intention to expropriate. Objections from owners must be considered, but need not be answered.

Once it has taken these preliminary steps, an expropriating authority may serve the owner with a notice of expropriation. Under this notice, both the ownership and the right to possess the property will automatically pass to the expropriating authority on specified dates. These dates could be set very soon: within a week or fortnight of the notice being received.

The compensation, if any, that has been offered is supposed to be paid when the expropriating authority takes possession, but in practice could often be delayed. An expropriated owner may contest the compensation offered in the courts, but people already reeling from the sudden loss of their homes, business premises, or other assets will generally find it too costly and difficult to litigate. They will also bear the onus of proving that the compensation offered is not enough – and will have to pay much of the expropriating authority's legal costs, in addition to their own, if they fail to convince the courts of this.

Mortgage bonds on expropriated houses or other properties will automatically terminate on the date when ownership passes to the state. However, expropriated owners must still pay off their outstanding debts, despite having lost their assets to the government. Any compensation payable must thus be apportioned between owners and banks, as the Bill provides, with owners responsible for remaining shortfalls.

3. Enormous likely economic damage from the Bill

South Africa's economy is already reeling from the impact of prolonged Covid-19 lockdowns. Some 2 million jobs have been lost in the past year, the budget deficit is expected to exceed 15% of GDP, the government is having to borrow some R2.2bn a day to help fund its (mainly consumption) spending, and a sovereign debt default cannot be ruled out.

The country urgently needs an upsurge in foreign and local investment to jumpstart growth, expand employment, and quicken its economic recovery. But this will not be possible under the Bill, which – contrary to the ANC's own 54th national conference resolution – is sure to destabilise the agricultural sector, endanger food security, and undermine economic growth. It will also erode business confidence, restrict investment, constrain tax revenues, and add to an already unsustainable burden of public debt.

4. The unconstitutionality of the Bill

The Bill contradicts Section 25 of the Constitution (the property clause), which requires 'just and equitable' compensation on all expropriations, including any assumption of custodianship by the state. Section 25 further demands a prior court order confirming the validity of any expropriation or other taking before it is implemented.

The Bill is also inconsistent with other provisions in the Bill of Rights, including:



- Section 33, which requires just administrative action, rather than expropriation procedures heavily skewed against the citizen and in favour of the state;
- Section 34, which gives everyone a right of access to court, which may not be undermined by reverse onus or other unreasonable provisions; and
- Section 26, which requires court orders before people can be evicted from their homes.

5. The right way forward – a better alternative

The current Expropriation Act of 1975 is inconsistent with Section 25 and must be replaced. However, the Bill is just as unconstitutional as the present Act, and needs to be jettisoned in favour of a better alternative. This alternative bill should require just and equitable compensation for every expropriation or other taking, together with damages for consequential losses such as moving costs and lost incomes. Prior court orders confirming the validity of all proposed takings should be mandatory. In addition, an alternative bill should require the payment of all compensation before ownership passes to the state, failing which any notice of expropriation should automatically become invalid. The Expropriation Bill of 2020 is intended to supplement the EWC (expropriation without compensation) constitutional amendment bill, which was rushed through the final stages of the public consultation process so that the Ad Hoc Committee can present it to Parliament for adoption as soon as the ANC and EFF are able to accomplish this.

The IRR submitted large numbers of bulk emails, with the above duplicate message. As with the TLU SA (to be discussed below), the overarching argument is that the Expropriation Bill [B3 – 2020] is inconsistent with Section 25 of the Constitution, as no provision is made for nil compensation. The IRR argues that the Bill is unconstitutional as it violates Sections 26; 33; and 34 of the Bill of Rights.

The requirement of a Court Order prior to an eviction; just administrative action and the right to access to a Court are all viewed as necessary provisions that are being violated by the Bill. The intentions of the Ad Hoc Committee on the Amendment of Section 25 are questioned and viewed as having failed to undertake a proper consultation process.

6. WRITTEN SUBMISSIONS OF TLU SA

The TLU SA bulk email written submissions also include an inserted picture, with an image of the R100 that comprises of former President Mandela's face, and the wildebeest; a tractor and agricultural land; TLU SA emblem with the words: "IT IS NOT JUST ABOUT LAND."

6.1. TLU SA Bulk E-mail Submissions

Following below is the bulk email from TLU SA which is verbatim (including errors in the text), and is representative of the submissions sent by this organisation to the Portfolio Committee on the Expropriation Bill.



WRITTEN SUBMISSION OF THE EXPROPRIATION BILL

My name is Doreen van Zijl and I wish to comment on the suggested changes to the Expropriation Bill.

I strongly disagree with the repealment of the existing Expropriation Act 63 of 1975 to give state organs the power to expropriate property.

I do not agree that there should be instances where nil compensation is just and equitable.

I believe that private ownership is the core of a healthy economy and community. I do not agree that my belongings, for which I have worked hard, might be expropriated by the state.

Private ownership should be protected by the law. I strongly disagree with changes to the existing Expropriation Act 63 of 1975 to give state organs the power to expropriate property. I do not agree that there should be instances where nil compensation is just and equitable.

You are welcome to contact me on 0716484165.

Regards,
Doreen van Zijl

The above submission is representative of the bulk emails sent through the TLU SA. The core sentiment of the TLU SA submissions is that the authors are opposed to the Expropriation Bill. The authors are concerned with the prospect of having loss of ownership, as well as nil compensation upon expropriation.

Some included the following verbatim sections in addition to the overarching objection above:

- Dié konsep wetgewing is 'n aanval op privaatbesit wat NIE geduld kan word NIE. Daar is 'n rede hoekom dit indruis teen die Grondwet.
- ANC is dead set to employ their populist politics to Block / Derail much needed Investment, by destrtruction of SA as a Viable Investment destination and Jeopardising our Economic system. A la Zimbabwe! Does the ANC not learn??
- The existing land reform Programme is a joke, due to their own Corruption and Incompetence! You Cannot deny The Most basic Citizen's right of Legal Ownership!
- Alternative: Gov't to support and use Taxpayer's money to allocate both state and private land to the "disinherited" and then Manage their progress. Incentivise the proper productive use of All land, de-incentivise the holding of Idle land, for speculation or any other reason through Taxation, Grants, etc.
- Hel Nee ons werk ons gatte af, en die korruppte government wil net vat, NEE STEEL.



Note that the above submissions are from different individuals who added these sentiments to the overarching written bulk email of TLU SA. These are presented verbatim from the e-mails.

The sentiments expressed relate to the threat or assault on private property, that should not be tolerated; that people have worked hard to accumulate these assets which they believe that a corrupt Government wants to simply take or steal. The authors also view the Bill as a populist move by political parties, which would only lead to the destruction of South Africa, similar to what happened in Zimbabwe. In addition, the argument made is that the Expropriation Bill will not solve the Land Reform Programme, which is viewed as a failure due to corruption.

The TLU SA submissions are mainly concerned with the provision of nil compensation, which it views as not being just or equitable, as well as the retention of the existing Expropriation Act.

7. INDIVIDUAL WRITTEN SUBMISSIONS

A number of individuals sent in written comments on the Expropriation Bill. These are individuals where some indicate that they are writing in their personal capacity and not representing any organisation or group. The reasons stated in these individual submissions have been provided verbatim, and include any errors in the text.

7.1. Select Individual Submissions

The submissions below either clearly state opposition to the Expropriation Bill, while others do not state this and have therefore been reported as “Unclear”. Note, this comes from how the authors do not state any favour of the Bill, but do present concerns and alternatives to some sections.

Figure 2: Select Individual Written Submissions

| Written Submissions on Expropriation Bill - Individuals | | | |
|---|------------------|----------------|---|
| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| 1. Colin De Villiers | Livestock Farmer | Unclear | <p>I am an extensive mixed livestock farmer in the Karoo, Western Cape, with my personal details on the website indicated below.</p> <p>My personal view on the above matter</p> <p>1. I feel that there are far to many "Gray" areas in the valuation methods incorporated into the proposed amendment of the Expropriation Bill. It will leave to many interpretations by the Human mind which is often clouded by</p> |



| Written Submissions on Expropriation Bill - Individuals | | | |
|---|--------------|----------------|--|
| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| | | | <p>personal experience and angles of reference, and not necessarily purely based on scientific facts and figures. The subject of Property Valuation is a fully developed science and should be the only instrument to value any property. This is also the only method that will be indisputable, transparent and generally accepted and thus speed up the process towards the outcomes that you are trying to reach in this regard.</p> <p>2. It is common knowledge that in every country of the world you may rightfully own certain assets. Thus if any of these governments in any of these countries takes away a rightfully owned asset from somebody without paying the true market value or scientifically based reasonable value for it, it will be classified as theft in any Country/Religion/Language. So: Why tamper with a universally accepted human right in a Democracy like South Africa?</p> <p>3.To get to the Agricultural side of the matter: Say for instance a previous government/regime took land from a individual or community A on a unacceptable common law basis, for that time and circumstances, and gave it to individual B. Then there arises 2 scenarios: Scenario 1. The descendants of B still owns the land and has never bought and paid for it rightfully from a previous family member or entity. In this case there might be a case to be made that the current government might take it back, but with the proviso that all improvement to the land must be paid to the current owners at reasonable market value. I however, do not know of any similar scenarios still exciting in South Africa except in the so called "Black Homeland" areas.</p> <p>Scenario 2. The descendants of B has sold the land with all it improvements according to the rules of the common law to C. Then nobody my confiscate the land from C because C is a innocent party to the process and it can not be expected from C to take a loss from actions which C has no part in and has done all his/her/it's dealings is a bone-fade way. If the Government then wants to give back the land to A it must pay for it with public money if deemed in the public interest.</p> <p>4. I agree fully with the findings of former President</p> |



| Written Submissions on Expropriation Bill - Individuals | | | |
|---|---------------|----------------|--|
| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| | | | <p>Mothantle of why Land reform has not progressed at a faster and more successful way as everybody rightly expected, and therefore it deems the amendment of Art 25 unnecessary and dangerous.</p> <p>5. Lastly I want to note that it will be in no-ones interest (especially the poorest of the poor) to disturb the fragile race harmony that there exists in South Africa at the moment. If this process is not handled in the most sensitive, just and based on undisputed scientific facts it can lead to Civil War and/or grand scale terrorism which is to ghastly and detrimental to everything that is good in South Africa, that I do not even want to think about it.</p> <p>Thank you very much for the opportunity to air just some of my more pressing views</p> |
| 2.Lindi Ann Meneses | Not indicated | No | <p>I object to the bill as it is unconstitutional. South Africa is a Democracy and not a Communist state or a country ruled by Monarchy. People have property rights and the laws are capitalist. Dictatorship is unconstitutional. Government may provide land to citizens but not privately owned land. There is no grey area when it comes to law and our Constitution.</p> |
| 3.Marlene Fourie | Not indicated | No | <p>The consequences of other countries where land had been expropriated without compensation was that their economies had collapsed and to this day could not be fixed again. Please don't do this to South Africa. All race groups should get to keep their land and that only Government, municipal and local authority owned land be expropriated.</p> |
| 4.Glynnis Straton | Not indicated | No | <p>Going through the draft for comment there are numerous areas that need further clarification in the years of the law.</p> <p>No redress or thought is given to a mortgagee and the financial institution providing a bond. If a person is kicked off their land and still owes on a bond - how will this be addressed? Financial institutions will be at a loss as mortgagees then have every reason to walk away and not honor their debt. Why should they as they will no longer have a property that they have legally been paying for.</p> <p>Secondly- what is the definition of just and equitable? This needs to be clearly defined.</p> <p>This is a highly emotive issue that needs addressed properly</p> |



| Written Submissions on Expropriation Bill - Individuals | | | |
|---|---------------|----------------|---|
| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| | | | <p>before being passed.</p> <p>It clearly seems that this law has not been thought through so cannot be passed until all issues are legally clarified.</p> <p>I object on the above grounds.</p> |
| 5. Raymond Bush | Not indicated | Unclear | <p>I wish to raise 2 points regarding the above:</p> <p>1) In section 12(3) the use of the words “<i>including, but not limited to</i>” is problematic and should be deleted as this phrase provides a plethora of bases on which land can be expropriated and result in abuse.</p> <p>2) What happens if the property is bonded to a financial institution. Not only is the property taken but the owner is left without the property and a debt to the financial institution. This situation needs to be provided for in a fair manner.</p> |
| 6. Timothy Beer | Not indicated | Unclear | <p>There is no subtle choices to be made here as any small decision can cause extreme havoc in the fragile economic position South Africa finds itself in as we as the people of South Africa are still weathering off the financial strain of COVID19.</p> <p>These are already challenging times for our economy. Major banks are set to lose millions of Rands in the home loan sector.</p> <p>What is fair and makes both parties feel that they achieved their goal?</p> <p>As BBBEE and the supply of RVP houses to the majority of South Africans has ensured that the Black communities are taken care of. It is to the leaders of the rulings party we must look to for guidance and solutions on empowering the poor.</p> <p>Give equal rights and opportunities to all South Africans to have a right to Higher Education.</p> <p>For by Educating our people they empower themselves to earn money and sustain themselves.</p> <p>We have well educated people in South Africa of all races. The work and effort each well educated person in South</p> |



| Written Submissions on Expropriation Bill - Individuals | | | |
|---|---------------|----------------|---|
| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| | | | <p>Africa achieved by being able to buy their first house is a sense of pride and it is something to work towards. To be able to buy a house is one of life's great achievements. By giving that high achievement away for free and even taking the land from a citizen that worked hard to be able to buy the land is unjust and undermines the value of owning a piece of land or an house in the Republic of South Africa.</p> <p>People tend to appreciate their possessions more when they have worked hard for them. We cannot dilute the achievement of being financially able to buy a property.</p> <p>If we receive something for free, human nature tends to care less about something that is of a lesser value. Value of land and property is a key factor to sustainable growth of our country's economy.</p> <p>Maintenance is much higher in upper class neighborhoods as the people that live there are more inclined to take care of their houses and neighborhood because of the value they have for their houses that they have worked hard for to own.</p> |
| 7. Mohamed Bulbulia | Not indicated | No | <p>I write this mail to you with great concern. The reason for this is I have been born into the first generation of born frees and I must say that in 20+ years of Democracy I have not felt Democratic at all.</p> <p>I am totally against this bill and would urge government to re-think this decision. We don't have to look far to see the impacts of this when our neighbors in Zimbabwe are calling all farms back. I fear the same would happen to South Africa.</p> <p>Corruption play a huge role as those connected would be if it before your average South African would get a chance.</p> <p>Watch how prime land is give to ANC friends and family while those in need continue to suffer just like they did when they hopelessly waited for food parcels during this ongoing pandemic.</p> <p>I urge government to reevaluate this massive moment in African history as those who want this bill to be passed are well in their 50's and 60's. Speak to the youth, speak to</p> |



| Written Submissions on Expropriation Bill - Individuals | | | |
|---|---------------|----------------|---|
| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| | | | <p>those under 30 who have a future in this country.</p> <p>Give us a reason to stay, and if you don't watch us all leave.</p> |
| 8. Willie Viljoen | Not indicated | No | <p>I just want to raise my concern about the changes to this bill. Particularity to the fact that land can be taken from a legal owner without compensation. This is nothing else as land grab and you as an owner that paid a lot of money for it does not have a say.</p> <p>I wish you will reconsider this with an open mind and protect the owner's civil right to get compensated for the land or property that gets taken away by the state.</p> <p>This looks more and more like a communistic ideology where the individual's right gets taken away. There are many examples of states where this has been done and failed miserably.</p> <p>I thank you for the opportunity to be able to raise my concern.</p> |
| 9. Thinus Tiny | Not indicated | No | <p>Not sure where to submit this but I oppose the expropriation bill.</p> <p>If the bill is passed a lot of young investors, such as myself, who has invested in rental property will be dealt a heavy blow, especially if we still need to pay off the property.</p> <p>This will mean that we will lose our investment and would most likely still have to pay off the bond, for a property we do not have.</p> <p>This would more likely than not drive more youthful investors and entrepreneurs to immigrate to other countries.</p> |
| 10. C.J. Redelinghuys | Not indicated | Unclear | <p>Herewith I wish to submit my comment on the Land Expropriation Bill currently under discussion</p> <p>* Section 12(3), which deals with the conditions under which land can be expropriated for zero compensation, is too broad and unspecific -- leaving too much room for people's rights to be abused. In particular, the words "including, but not limited to" is problematic and should be</p> |



| Written Submissions on Expropriation Bill - Individuals | | | |
|---|---------------|----------------|--|
| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| | | | <p>scrapped.</p> <p>* The Bill should be clearer on the due process as it concerns land/property owners that reside outside of South Africa. There should also be more clarity regarding the differences in due process between foreign and local owners -- with the hope being that fairness and equal treatment will be the main goal here.</p> <p>* Regarding land/property that was acquired by way of a mortgage, the Bill must provide more clarity on the rights of our financial institutions (those granting the mortgages) and give greater consideration to the impact on these institutions as right holders. --</p> <p>"The mind is not a vessel to be filled but a fire to be kindled." - Plutarch</p> <p>Disclaimer: The views expressed here are my own and do not necessarily represent those of my employer.</p> |
| 11. Andrea Robertson | Not indicated | No | <p>This proposed legislation will be the death knell for SA. I cannot believe that the ANC government cannot see this. Perhaps if each Minister could answer the following question, it would be easier for the politicians to see the problem:</p> <p>Let us imagine you have worked hard and saved for 5 years to finally be able to afford a deposit on the BMW you have been lusting after since a child, and no sooner have you taken possession of the car of your dreams, than the government take it from you and give it to someone else, taking a cut on the way through. You are left with having to pay the instalments due from the loan you took to buy the car. What would be your reaction?</p> <ol style="list-style-type: none"> 1. You would feel seriously angry and consider stealing other people's possessions on the basis of if government can do it, you can do it; or 2. You would wish the new owner the very best, especially if that person cannot drive, because he/she never learnt to drive; or 3. You would never again buy a car in SA and emigrate in the shortest possible time you could, in case the government decides to also expropriate/steal your other |



| Written Submissions on Expropriation Bill - Individuals | | | |
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| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| | | | <p>possessions. You would also explain to everyone within earshot, especially other people potentially also wanting to buy a car, that buying a car in SA is a no-no because the products of your hard effort will be stolen from you.</p> <p>4. You would immediately not expend any effort on increasing your assets anymore, because what is the point of that? Leading to no more demand for manufactured goods.....no businesses making money.....no taxes.....</p> <p>Newsflash people. You are going to kill SA off with this idea. Then who will keep paying your outrageous salaries? Think please, think.</p> |
| 12. Soleil Jones | Not indicated | No | <p>Please find my comments on the proposed Expropriation Bill below:</p> <p>Kindly note I am OPPOSED to the proposed Bill.</p> <ul style="list-style-type: none"> • This Bill threatens to seriously erode property rights in South Africa, which will ultimately harm all people in South Africa and make everybody poorer. • Section 12(3): of the Bill sets out the listed circumstances under which land can be expropriated for nil compensation. The use of the words “including, but not limited to” is not acceptable and should be deleted. This phrase opens the flood gates for expropriation based on flimsy reasons and is vulnerable to abuse and corruption. There are many aspects of this section that need to be addressed in order to provide clarity and certainty and to avoid the arbitrary deprivation of citizen’s right to property. • The Bill’s failure to address the implications for loans attached to expropriated properties threatens to seriously undermine the stability of the financial and banking sector. • It is widely regarded that rural land will be most vulnerable to expropriation. The Bill poses a serious threat to food security in South Africa, as commercial farming becomes less and less attractive to experienced and knowledgeable farmers who cannot risk having their farms expropriated. • It seems the Bill seeks to allow expropriation of different property types in addition to land (intellectual property, |



| Written Submissions on Expropriation Bill - Individuals | | | |
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| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| | | | financial investments, etc.) |
| 13. Reza Daniels | Not indicated | No | It's a firm no from me you should not take land from hard-working people. The government has enough land to give away. No!!! no no no to the expropriation bill. |
| 14. Rushana Kamaldien | Not indicated | No | No to The Bill: Expropriation of Land Without Compensation |
| 15. Glenecia Isaac | Not indicated | Unclear | Clauses like... "including, but not limited to, " must be removed from this proposed bill. |
| 16. De Villiers, Neetling | Not indicated | No | No. The Constitution is fine. The current legal framework is fine. Do something constructive instead. |
| 17. Jaco Barnard | Not indicated | No | <p>Firstly - we believe in the equality of opportunities for all citizens of South Africa.</p> <p>Land is a means to an end. Land is Pride, our heritage, and cultural right some might believe.</p> <p>With land we can feed oneself, hose our families and bury our dead. But unfortunately we don't all have access to it.</p> <p>The problem with the socialist mentality is that you as the ANC believes that by taking land from someone else it will empower the disenfranchised. All you are doing is empowering the elite, the politicians and few have have power.</p> <p>Unfortunately the hearts of many of those described above are corrupt and the ideals have been displaced by theft, arrogance and power which as we know corrupts absolutely.</p> <p>Land is expensive but also expensive to maintain, transact and there are no cheap mistakes. To think that you can take and be the custodian of land without empowering the end user with sufficient capital to allow them to utilise, add value to or benefit from the land is mere wishfull thinking.</p> <p>To take the land, expropriate it at no cost destroys so much of a system that ao many rely on for their livelihoods. Dont let greed be the driving force behind your decisions, dont let the efesr of losing votes to the EFF be your muse - be authentic and be honest to the people of SA.</p> |



| Written Submissions on Expropriation Bill - Individuals | | | |
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| Name | Organisation | Support Yes/No | Reasons (verbatim) |
| | | | Dont allow the corrupt to control the destiny of those who pay taxes, employ people and work hard every day to make this country a better place. |

The individual submissions above raise concerns about the broad nature of some of the definitions and provisions of the Bill, for example Section 12(3) the use of the words “including, but not limited to”. This provision is viewed as opening avenues for abuse.

The consequence of expropriation without compensation, or nil compensation, where individuals have bonds on the property; concerns about capital outflows; uncertainty of the security of private land ownership etc. Clarity is sought on properties that are in Trusts, as well as properties that still have a mortgage owing.

Some individuals oppose the nil compensation provision, and believe that it is linked to the expropriation of land without compensation.

8. CONCLUSION

The paper provides a brief overview of some of the written submissions to date. Note, this does not include all inputs of the two substantive submissions which provide Clause-by-Clause suggestions on the Bill.

The substantive submissions are concerned with the constitutionality of balancing the provision for expropriation for the public interest, in relation to the individual’s rights. The submissions also suggests that a number of Clauses dealing with timeframes related to the expropriation process should be reconsidered, as these might be too short.

The Fish Hoek Valley Ratepayers and Residents’ Association include the following issues:

- Definitions of public interest and public purpose are too vague and need to move beyond land.
- Makes specific mention of derelict properties and absentee landlords, and notes that Cape Town has many of these, and that there might be difficulties in identifying these absentee landlords.
- Clause 7 provision of intention to expropriate might be difficult to serve on absentee landlords.
- The expropriating authority should not be allowed to set the compensation for expropriation, Clauses 7 (7), 12 (1) and (2) need rather to be arbitrated by a third party that understands the value of the property and whether offers and bids are reasonable (just and equitable).
- Determining that the compensation being fair and equitable. Arbitration will be cheaper for both sides rather than having to institute legal proceedings in a competent court.



The bulk emails sent through the three main organisations DearSA; the IRR and TLU SA in the main object to the provisions of the Expropriation Bill, particularly nil compensation. A number of individual submissions oppose the Bill, with concerns of arbitrary loss of property, land or other assets.

The submissions include concerns that the individual, and not the expropriating authority carries a greater part of the burden in providing proof of what constitutes unjust compensation and the legal costs incurred.

It should be noted that the Bill does make provision for Mediation and Determination by Court in instances where no agreement is reached in terms of compensation. However, the submissions still raise this as a concern, viewing that in the main nil compensation will be instituted as a first or only option.

The bulk emails from the different organisations at present only provide one narrative in the written submissions. It is unclear at present how many of the submissions are in favour of the Expropriation Bill.

The sample of the electronic form provide a small percentage of (approximately 7%) of the 121 submissions that are opposed to the Bill as of 29 January 2021.

The samples presented above, are in the main opposed to the Bill in its entirety, but do not provide an alternative, while a select few provide some suggestions to strengthen the position of the individual, which the authors argue that some of the provisions currently in the Bill leaves them vulnerable.

As noted above, as of 31 January 2021, thousands of additional bulk emails were received on the Expropriation Bill, from DearSA; the IRR; TLU SA; AfriForum and Free State Agriculture (FSA), which increased the current email written submissions, (including duplicates), to 29 384, and a further 38 785, as at 12:04 on 02 February 2021. While in the main these are large numbers, the message contained in the bulk emails remains a single and unchanged submission.

9. REFERENCES

DearSA (2021) *Bulk Written Submissions from DearSA January 2021 on the Expropriation Bill [B23 -2020]*.

IRR (2020) *Bulk Written Submissions from the South African Institute of Race Relations December 2020 on the Expropriation Bill [B23 -2020]*.

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TLU SA (2020) *Bulk Written Submissions from the TLU SA December 2020 on the Expropriation Bill [B23 -2020]*.

TLU SA (2021) *Bulk Written Submissions from the TLU SA January 2021 on the Expropriation Bill [B23 -2020]*