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President Cyril Ramaphosa (2018-present) signs the Expropriation Bill into law leading to elevated tensions within the ruling Government of National Unity (GNU) coalition. The bill itself does not pose a major threat to South Africa's operating environment even though it controversially identifies instances in which expropriation without compensation can take place. Dozens of illegal miners die during a police-led siege at the Stilfontein Gold Mine in North West Province in an incident that highlights the growing scale of illegal mining in the country. At least 13 South African National Defence Force (SANDF) soldiers are killed in clashes with the Rwanda-backed M23 rebel group in the Democratic Republic of Congo (DRC).

President signs Expropriation Bill into law raising tensions within the ruling coalition

President **Cyril Ramaphosa** (2018-present) on 23 January signed the **Expropriation Bill** into law on 23, replacing the **Expropriation Act of 1975** as the new law governing property expropriation and eminent domain in South Africa.¹ Notably, **Parliament** passed the bill in March 2024 but Ramaphosa delayed assenting to the bill likely in an effort to avoid aggravating voters ahead of the 29 May 2024 general election and derailing the post-election coalition negotiations.

The controversial bill has been a source of political contention for some time - its critics claim that the law is too ambiguous on the matter of expropriation without compensation, creates the conditions for the arbitrary targeting of landowners, and may even be unconstitutional.

Several of the political parties within the **Government of National Unity (GNU)** coalition have repeatedly voiced opposition to the bill including the **Democratic Alliance (DA)**, **Inkatha Freedom Party (IFP)**, **Patriotic Alliance (PA)** and **Vryheidsfront Plus (VF Plus)**. After Ramaphosa assented to the bill it became evident that the president had not consulted or informed his GNU partners that he was planning on enacting the law despite knowing that it was a point of tension within the coalition.

Ramaphosa's decision to blindside the other GNU members is particularly significant given that the current public works minister, **Dean Macpherson**, is from the DA and will be tasked with overseeing the implementation of the new bill. Shortly, after the Presidency revealed that Ramaphosa had signed the bill, Macpherson publicly stated that his department would not pursue any efforts to expropriate property while he was in office. This led to a public spat between Macpherson and deputy president **Paul Mashatile** who called on MacPherson to resign if he would not properly implement the bill.²

Ramaphosa's **African National Congress (ANC)** has further sought to portray opposition to this bill as political posturing by the DA but this ignores the deep frustration this development has caused with major members of the GNU. The IFP – which is the third-largest party in the GNU – is a leading critic of the bill which it believes threatens communal landownership and, more importantly, the **Ingonyama Trust**, which controls nearly all communal land in **KwaZulu-Natal Province**, the IFP's former stronghold. Control of this trust is a key source of the **Zulu** monarchy's continued power. The IFP has already called for the act to be referred to the constitutional court for a declaratory order and will likely support any constitutional challenge to the expropriation bill.³ Similarly, the PA's leader

¹ EWN, 24 Jan 2025

² EWN, 26 Jan 2025

³ Daily Maverick, 26 Jan 2025

Gayton McKenzie accused Ramaphosa of 'back stabbing' the other GNU members. The PA is the fourth largest party in the GNU.

The ANC should be concerned about the extent to which the other GNU members feel disrespected. Collectively, the DA, PA, and VF Plus control 119 seats in the **National Assembly** and are essential for the government to remain in power. Furthermore, this is the latest in a series of incidents in which Ramaphosa ignored his coalition partners' concerns. In September, Ramaphosa signed the **Basic Education Laws Amendment (BELA) Act** into law despite the DA and VF plus's objections.⁴ The DA eventually accepted the implementation of the BELA Act after a compromise was reached via the GNU's cabinet clearing house mechanism that enabled basic education minister, the DA's **Siviwe Gwarube**, to oversee the development of the law's policy guidelines.

Ramaphosa's decision to sign this latest bill has aggravated tensions within the GNU in a manner that will test the coalition's resilience. It has further laid the foundations for the GNU to face itself in court as the DA, VF Plus, and IFP will likely challenge the bill before the constitutional court. This matter will likely also be referred to the cabinet clearing house mechanism which was created to address disputes within the coalition. However, this dispute is not just about the legislation at hand but also the perceived lack of respect by Ramaphosa and the ANC towards the other GNU members.

However, it should be emphasised that Parliament had already passed the Expropriation Bill had prior to the general election and therefore, there was a mandate to pass the bill – albeit an outdated one. However, the manner in which Ramaphosa and the ANC managed this situation will place further strain on the relationship and intensify future disputes around other controversial matters such as the implementation of the **National Health Insurance (NHI)**, the **SABC Bill**, and the trade, industry and competition minister **Parks Tau's** controversial new proposal to expropriate 3% of private companies' net profit to establish a R100 billion (\$5.35 billion) transformation fund.⁵

Ramaphosa's actions reflect both the ANC's discomfort and frustration with being in a coalition as well as the political environment within the ANC itself. The ANC has been the dominant force in South African politics for over 30 years and the loss of its majority in the 2024 general election was a deep humiliation for the party. However, the ANC has not internalised this new political reality, especially after Ramaphosa's deft political manoeuvring during the coalition negotiations, which helped ensure that the party retained a disproportionately strong presence in the cabinet. As a result, the party's hierarchy, including Ramaphosa, struggles with the prospect of needing to deliberate with other parties before making decisions. This is especially true regarding the DA, which was the ANC's main opposition for several electoral cycles. Ramaphosa and the ANC are hoping that the other GNU member parties are so keen to remain in government that they will swallow being sidelined on major issues.

Actions, such as signing the Expropriation Bill without consultation, are also intended to make the GNU members appear weak and thus further strengthen the ANC's position. However, despite the tensions, the GNU is considered resilient enough to withstand this development - member parties are enjoying having some executive power and implementing policy at a ministerial level and will likely accept that there will be times of tension and disagreement, especially with the ANC.

In addition, Ramaphosa needs to appear strong ahead of the ANC's upcoming **National General Council (NGC)** which is expected to take place in June or July this year. The NGC is the ANC's most important conference in between its five-year national elective conferences. NGCs usually reveal the state of the factional competition within the party and have provided the best opportunity for opponents of the incumbent leader to stage political attacks. The GNU has mixed support within the ANC and several factions are openly opposed to the ANC's partnership with the DA. As such, Ramaphosa needs to be able to prove that he and the ANC still dominate the GNU to silence his opponents and critics within the ruling party.

⁴ News24, 20 Dec 2024

⁵ Business Tech, 19 Jan 2024

.... however, the bill does not pose a meaningful economic threat

Despite the concern among political parties, the Expropriation Bill does not pose a meaningful economic threat. The final bill that was passed in March 2024 was substantially weaker than the original call to enable widespread nationalisation and expropriation without compensation.

It should be noted the government has always been able to expropriate land for public purposes as is the case in most countries across the world. The new law does allow for so-called 'nil compensation' in certain cases but this will be subject to a court ruling.⁶ Cases in which the bill envisions such expropriation without compensation include:

- Instances where land has been left unused for speculative purposes;
- Where an organ of state holds land that it is not using for its core functions and is not reasonably likely to require the land for its future activities;
- Instances where an owner has abandoned the land by failing to exercise control over it;
- Where the market value of the land is equivalent to, or less than, the present value of direct state investment;
- When the nature or condition of the property poses a health, safety or physical risk to persons or other property; or
- When a court or arbitrator determines the amount of compensation it may be just and equitable for nil compensation to be paid, having regard to all relevant circumstances.

The most significant concern with the bill is the fact that the act does not limit its definition of property to land which does leave open the possibility of the state expropriating moveable assets, even intellectual property. These matters will most likely be resolved before the courts.

The bill's signing had a negligible effect on South Africa's largest bourse, the **Johannesburg Stock Exchange (JSE)**, further indicating that it is not expected to meaningfully impact South Africa's operating environment.

Stilfontein mine siege ends as dozens of illegal miners are confirmed dead.

The nearly five-month stand-off between illegal miners and police at the **Stilfontein Gold Mine** in the **North West Province** ended on 15 January, leaving at least 88 people dead, although witness accounts indicate that the true number is likely much higher.⁷ Illicit mining has become a major organised crime concern in South Africa in recent years. The decline of Southern Africa's mining sector has resulted in thousands of retrenched miners often located in towns and villages with little to no economic prospects. Illegal mining offers a means to secure a living for these individuals both those from South Africa and neighbouring countries.

The scale of illegal mining was highlighted by this standoff, which began in August 2024 when the **South African Police Services' (SAPS) Operation Vala Umgodi** blockaded the entrances to the mine and cut off food supplies in an effort to compel the miners to exit and surrender.⁸ However, the miners attempted to wait out the police operation believing they had sufficient stockpiles to outlast a siege.

This eventually led to a deadly situation where many of the slowly starving miners became too weak to exit the mine via the physically taxing system of ropes and ladders. Miners who did manage to exit the mine claimed that several of the trapped miners had resorted to cannibalism to stay alive.⁹ The remaining miners needed to be rescued using a winch and lift.

SAPS arrested at least 1,500 illegal miners during the five-month operation. The fact that such a large illicit mine could operate illustrates the scale and sophistication of illegal mining in the country. The

⁶ Parliament, 9 Oct 2020

⁷ SABC, 21 Jan 2025

⁸ EWN, 26 Nov 2024

⁹ News24, 18 Jan 2024

surge in illegal mining is concerning as it often fuels other criminality in the areas in which mines are located. This includes increased burglaries, assaults, rapes, gun violence, and drug trafficking.

Currently, South African law enforcement is under pressure to address this challenge but combatting illegal mining will require significant economic and policy interventions as well. Notably, illegal mining has not been formally criminalised which limits the punitive actions that law enforcement can take. At present, illegal miners are charged with criminal trespassing, visa violations, or other less severe crimes. South Africa also needs to take steps to revitalise its formal mining sector to reabsorb the number of trained unemployed miners in the country.

South African soldiers killed in combat in eastern DRC

At least 13 **South African National Defence Force (SANDF)** soldiers were killed, and 15 others were injured in combat in the eastern **Democratic Republic of Congo (DRC)** between 23 and 28 January.¹⁰ The soldiers died while fighting off an assault by the **M23** rebel group in **Goma**, located in the DRC's **North Kivu Province**. The SANDF forces are in the DRC as part of the **Southern African Development Community (SADC) Mission in DRC (SAMIDRC)**. The deaths incurred in the battle in North Kivu means that it was the deadliest single battle for the SANDF ever since the **Battle of Bangui** in **Central African Republic (CAR)** in March 2013 when 13 SANDF paratroopers were killed.

The casualties have once again highlighted the SANDF's lack of sufficient equipment and air support in the DRC. The South African military is severely underfunded and resourced which has been considered a major factor in the numerous casualties it has incurred during its SAMIDRC deployment.¹¹ This has been especially evident given the well-armed M23 rebels which have been equipped with artillery and mortars. The M23 is widely accepted to be backed and equipped by **Rwanda**, and that the **Rwandan Defence Force (RDF)** is even fighting alongside the rebels.¹²

After the soldiers' deaths were announced the SANDF declared that it would send reinforcements to support the troops in the DRC.¹³ However, the status of the mission is facing increased uncertainty as the M23 claimed it had captured Goma on 26 January.

The SAMIDRC deployment has also elevated tensions between South Africa and Rwanda. On 26 January, South Africa demanded that Rwanda withdraw its support from M23 but Rwanda responded by accusing the DRC military and SAMIDRC of violating the previous ceasefire agreement.¹⁴

There is a strong possibility that Rwanda may be willing to become more involved in the conflict and even openly deploy troops to Goma. This would elevate the possibility of clashes between SANDF and RDF forces and risk drawing South Africa into a possible DRC-Rwanda war. Something the SANDF does not have the resources to fight.

Regardless, the apparent loss of Goma is a significant reputational blow to South Africa which has prided itself on being the economic hegemon and dominant security power in SADC. However, it is failing to push back the Rwanda-backed rebels in the DRC and has even had to accept the long-term presence of RDF forces in neighbouring **Mozambique** where they are helping Mozambique combat an Islamist insurgency.

Planner

Jun/Jul 2025 **Johannesburg (South Africa) African National Congress (ANC) National General Council (NGC)**

22-23 Nov 2025 **Johannesburg (South Africa) G20 Leaders' Summit**

¹⁰ EWN, 25 Jan 2025

¹¹ Defenceweb, 31 Oct 2024

¹² Le Monde, 27 Jan 2025

¹³ Daily Maverick, 26 Jan 2025

¹⁴ Business Day, 27 Jan 2025

Chronology

- 26 Jan 2025 **Pretoria (South Africa)** *News24*. The **Oshoek border** crossing on the South Africa-Eswatini border is closed after a major traffic accident at the port of entry;
- 24 Jan 2025 **Cape Town (South Africa)** *News24*. The police's **Western Cape Commercial Crimes Unit** raids the offices of two members of Cape Town's mayoral committee, namely, member of the mayoral committee (MMC) for Safety and Security **JP Smith** and MMC for Water and Sanitation **Xanthea Limberg**;
- 23 Jan 2025 **Johannesburg (South Africa)** *EWN*. The **uMkhonto weSizwe Party (MKP)** announces that it has established permanent provincial party structures in **Gauteng** and **Limpopo**, marking an important step in growing the largest opposition party;
- 21 Jan 2025 **Johannesburg (South Africa)** *Daily Maverick*. State-owned power utility, **Eskom**, announces that it surpassed 300 days without implementing the rolling blackouts known as loadshedding;
- 21 Jan 2025 **Davos (Switzerland)** *DIRCO*. President **Cyril Ramaphosa** addresses the **World Economic Forum (WEF)** at Davos touting South Africa's **G20** agenda;
- 20 Jan 2025 **Johannesburg (South Africa)** *News24*. The **Directorate for Priority Crime Investigation (the Hawks)** reveals that it has concluded an investigation into minister in the Presidency **Khumbudzo Ntshavheni** related to her previous tenure as the municipal manager of the **Ba-Phalaborwa Local Municipality in Limpopo Province**;
- 18 Jan 2025 **Boksburg (South Africa)** *News24*. The **African National Congress (ANC) National Executive Committee (NEC)** meets and votes to "reconfigure" the party's **Gauteng** and **KwaZulu-Natal (KZN)** provincial executive committees in response to the party's poor electoral performances in those provinces in the 29 May 2024 general election;
- 17 Jan 2025 **Pretoria (South Africa)** *Moneyweb*. Auditor-general **Tsakane Maluleke** issues a qualified audit for the **City of Tshwane** municipality, which includes Pretoria (**Gauteng Province**), for the 2023/2024 financial year highlighting the continued poor governance in the executive capital;
- 17 Jan 2025 **Johannesburg (South Africa)** *EWN*. The **Johannesburg City Council (Gauteng Province)** appoints **Tshepo Makola** as the municipality's new acting city manager;
- 17 Jan 2025 **Pretoria (South Africa)** *EWN*. The **Department of Cooperative Government and Traditional Affairs (Cogta)** postpones its planned retrenchments to the **Community Work Programme (CWP)** temporarily protecting the 67,000 jobs it planned on cutting;
- 15 Jan 2025 **Johannesburg (South Africa)** *M&G*. The **ActionSA** opposition party announces that it had merged with the smaller political party, **Forum 4 Service Delivery (F4SD)**;
- 11 Jan 2025 **Cape Town (South Africa)** *EWN*. The **African National Congress (ANC)** holds its 113th-anniversary commemorations at **Khayelitsha's Mandela Park Stadium (Western Cape Province)**;
- 9 Jan 2025 **Johannesburg (South Africa)** *EWN*. Former opposition **Economic Freedom Fighters (EFF)** spokesperson **Mbuyiseni Ndlozi** resigns as a member of parliament (MP), fuelling further speculation about his future in the party;
- 29 Dec 2024 **Pretoria (South Africa)** *News24*. President **Cyril Ramaphosa** dispatches his national security advisor **Sydney Mufamadi** as a special envoy to **Mozambique** to discuss the ongoing political crisis in that neighbouring country;
- 26 Dec 2024 **Johannesburg (South Africa)** *CNBC Africa*. South African petrochemical company **Sasol** announces that it has been forced to reduce gas production at its central

processing facility in **Temane (Mozambique)**, due to the ongoing unrest in that country raising concerns about South Africa's natural gas supplies;

20 Dec 2024 **Johannesburg (South Africa) News24**. State-owned ports and railway group, **Transnet**, publishes its Rail Network Statement laying the groundwork for increased private participation in South Africa's railway sector;

15 Dec 2024 **Johannesburg (South Africa) Business Day**. **Julius Malema** is re-elected unopposed as leader of the opposition **Economic Freedom Fighter's** national conference;

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