

# Navigating the policy environment in the 'post-truth era'

FERTASA Congress  
29 May 2025  
By Theo Boshoff



# Agbiz Members

**Finance**

**Mechanisation**

**Inputs**

**Agribusinesses / Co-ops**

**SUTHERLANDSE LANDBOUKOOP BPK**

**Commodities & Producers**

**Agro processing**

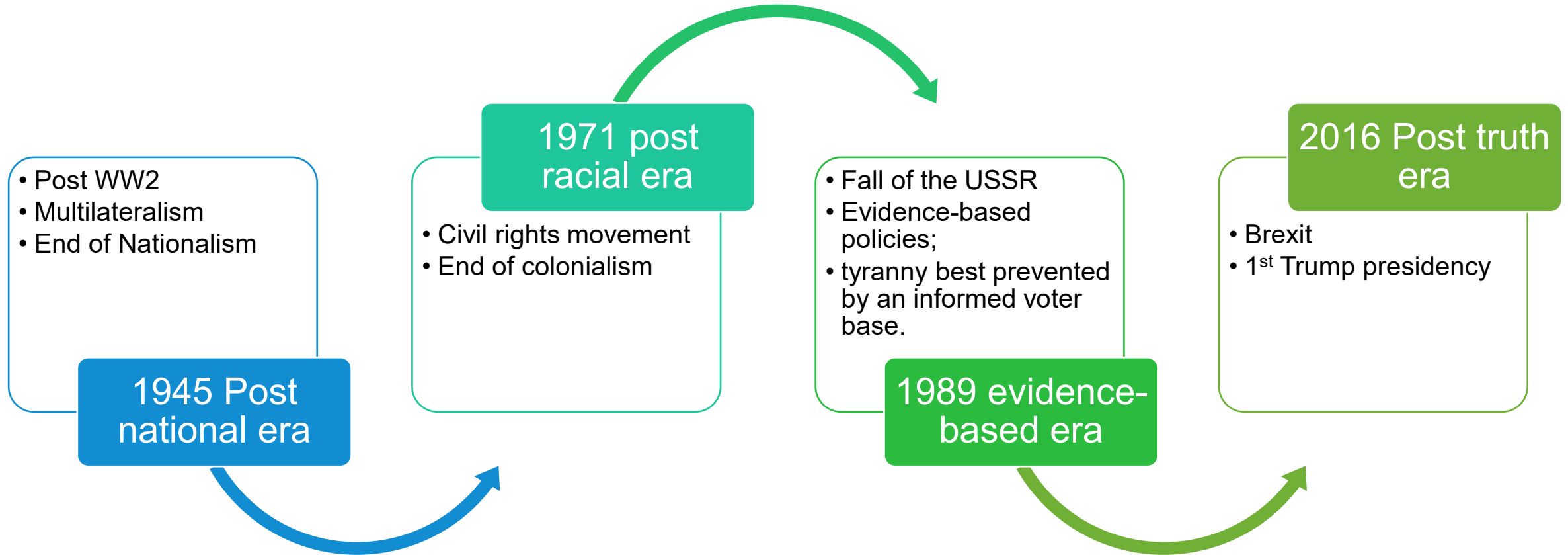
**Marketing**

**Service providers**

# For today

- *Introduction to the world of misinformation*
- *Expropriation Act – separating fact from fiction*
- *Trade matters*
- *Logistics*
- *Employment Equity*
- *Sectoral Emission Targets*

# Democratic eras



# Characteristics

## Evidence-based era

- Characterised by;
  - Freedom of expression;
  - Participatory democracy;
  - Belief in the “knowledge-economy”;
  - “Big data”;
  - Globalisation;
  - ‘evidence-based’ decision making etc.
- Rooted in the belief that informed citizens will keep leaders accountable to make better decisions;

## Post-truth era

Definition (Sharma): *citizens or audiences and politicians no longer respect truth but simply accept as true what they believe or feel;*

- Brought on by “ideological complacency” (Gottfried);

*“...replacement of politics understood as an ideological conflict with politics understood as a struggle against idiots unwilling to recognize liberalism’s monopoly on empirical reason.”*  
(Ressin);

- **If you can’t beat them?**

## ***Goolam Ballim comments at B20 launch:***

*In the age of X and AI, more information is available than ever before. Truth is the smallest subset of all available information because it is the one that takes the most effort to find.*

**The truth is not irrelevant! In fact, in the post-truth era it is a very, very valuable commodity.**

# Agbiz ethos

- We prioritise Intelligence over information;
- Best available data;
- Look for the facts, not the popular narrative.



## Farmworker testimonies push call for pesticide ban

The Portfolio Committee on Agriculture has renewed calls for action against harmful pesticides after alarming testimonies from farmworkers.

foodformzansi.co.za



Mening | Groot Landbou verraai boere met sy paai-beleid | Netwerk24

'n Sinistere rede skuil moontlik agter Groot Landbou se onverklaarbaar lamsakkige houding teenoor die Onteieningswet, skryf Hermann Pretorius.

netwerk24.com

Mening | Groot Landbou verraai boere met sy paai-beleid <https://www.netwerk24.com/netwerk24/stemme/menings/mening-groot-landbou-verraai-boere-met-sy-paai-beleid-20250524>

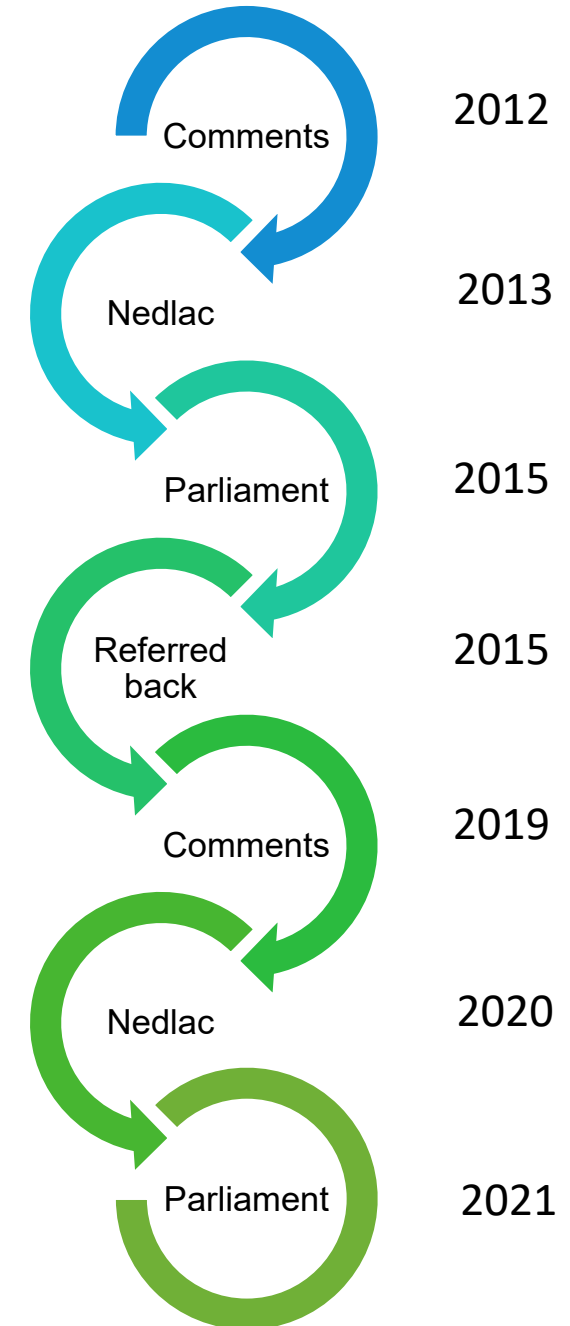
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# Expropriation Act

Separating facts from fiction

# Background

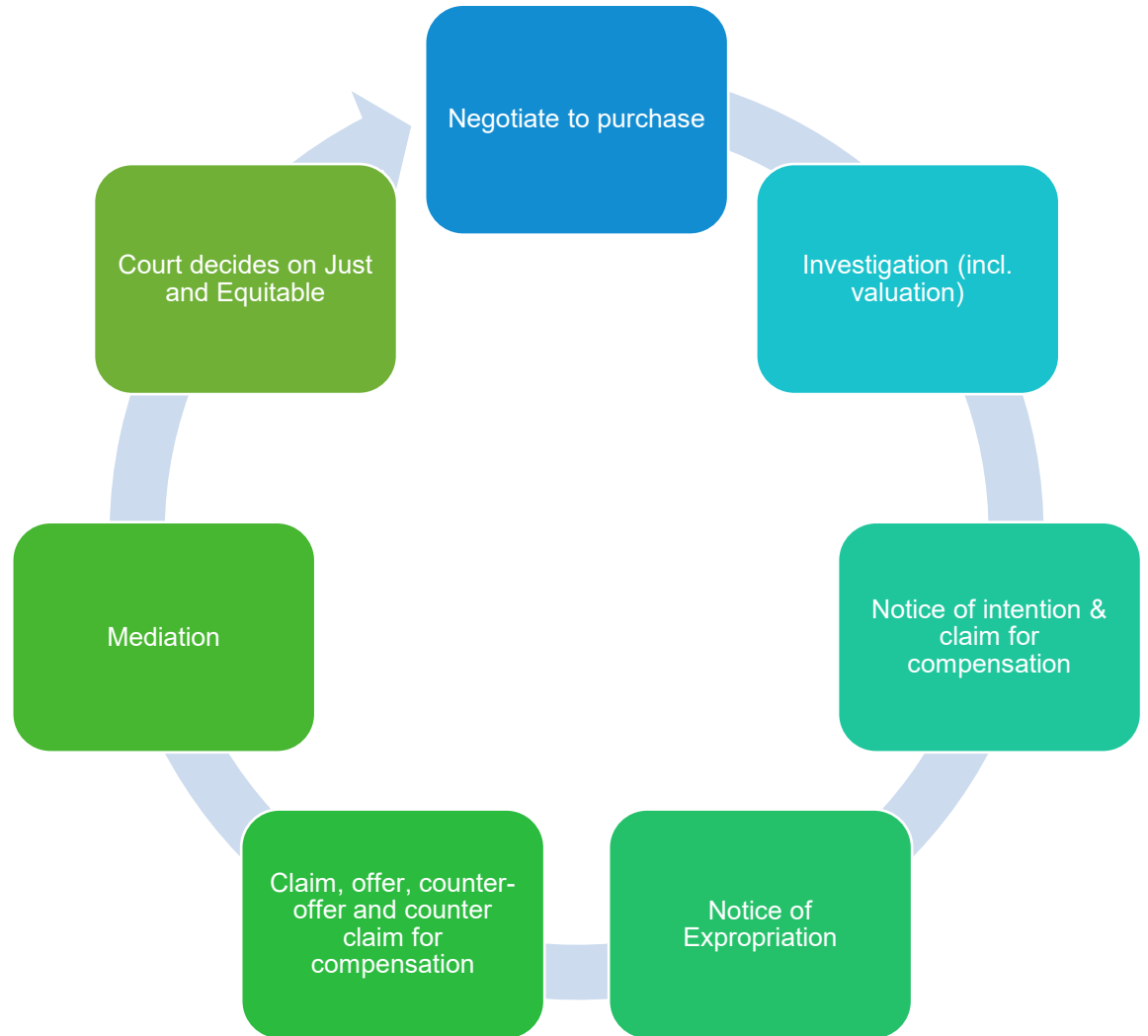
- Long, long history of consultation;
- Process muddled by thwarted attempt to amend section 25 of the Constitution;
- Act has become the proxy for debates on land reform without dealing rationally with the content of the Act;
- Is the Act the end of private property in SA?; or
- Will the Act lead to a radical new path with land reform?
- **Answer: neither**



# Purpose of the Act

- Provides a uniform procedure & calculation of compensation whenever expropriation takes place;
  - We had a 1975 Act but the procedures were outdated;
  - No provision made in 1975 for consultation on compensation to anyone other than the owner or bond holder (no unregistered rights);
  - Compensation also aimed at market value whereas s 25 of the Constitution provides for 'just & equitable' compensation;
- Procedures in the new Act comprehensive & largely supported – holds up well when compared to international examples.

*If all the processes follow timelines strictly then it will take roughly 18 months, but may be longer*



# Checks & balances

- S 2 (3) – expropriation can only take place after negotiations have failed to purchase the property on reasonable terms;
  - *De facto* entrenches willing-buyer, willing-seller;
- Expropriation is not a short-cut;
  - In most instances it will be harder and possibly more expensive for the state to expropriate vs buy;
  - Should only be used as a last resort;
- Disputes (not only on compensation) must be resolved by the courts – state cannot decide on compensation in the absence of an agreement;
- There must be an empowering provision in ordinary law that sets out when and why an organ of state can expropriate;
- *Public purpose / interest context vital!*

# Compensation

- Most countries' constitutions require compensation, whether;
  - **full compensation** (Denmark, Norway, Russia, Kenya, the Seychelles and Lesotho);
  - **fair compensation** where a balancing test applies (Egypt, France, Madagascar, Rwanda and Tanzania);
  - **equitable compensation** (the Central African Republic, the Congo, Japan, Mozambique, Namibia, Poland, Senegal and the USA); or
  - **adequate compensation** (Botswana, Malta, Uganda and Zambia).
- South Africa's Constitution makes provision for **just and equitable**, reflecting an **equitable balance between the public interest and the interests of those affected**, having due regard to **all relevant circumstances**;
- **NB! – this is the only measure of compensation.**
- 'Nil' compensation?
- Theoretical possibility but not practical or likely.

# Expropriation at 'nil' compensation

- 12 (3) “It *May* be just and equitable for *nil compensation* to be paid where *land* is expropriated in the public interest, *having regard to all relevant circumstances, including but not limited to* -
  - Successful labour tenant claims;
  - Speculation (no intention to use or develop);
  - Abandoned (fail to exercise control);
  - SOE’s land where not needed for other purposes;
  - Where value of past subsidies in acquisition and capital improvement of property exceed current market value;

**NB – this clause is still subject to s25 of the Constitution**

# Common misconceptions

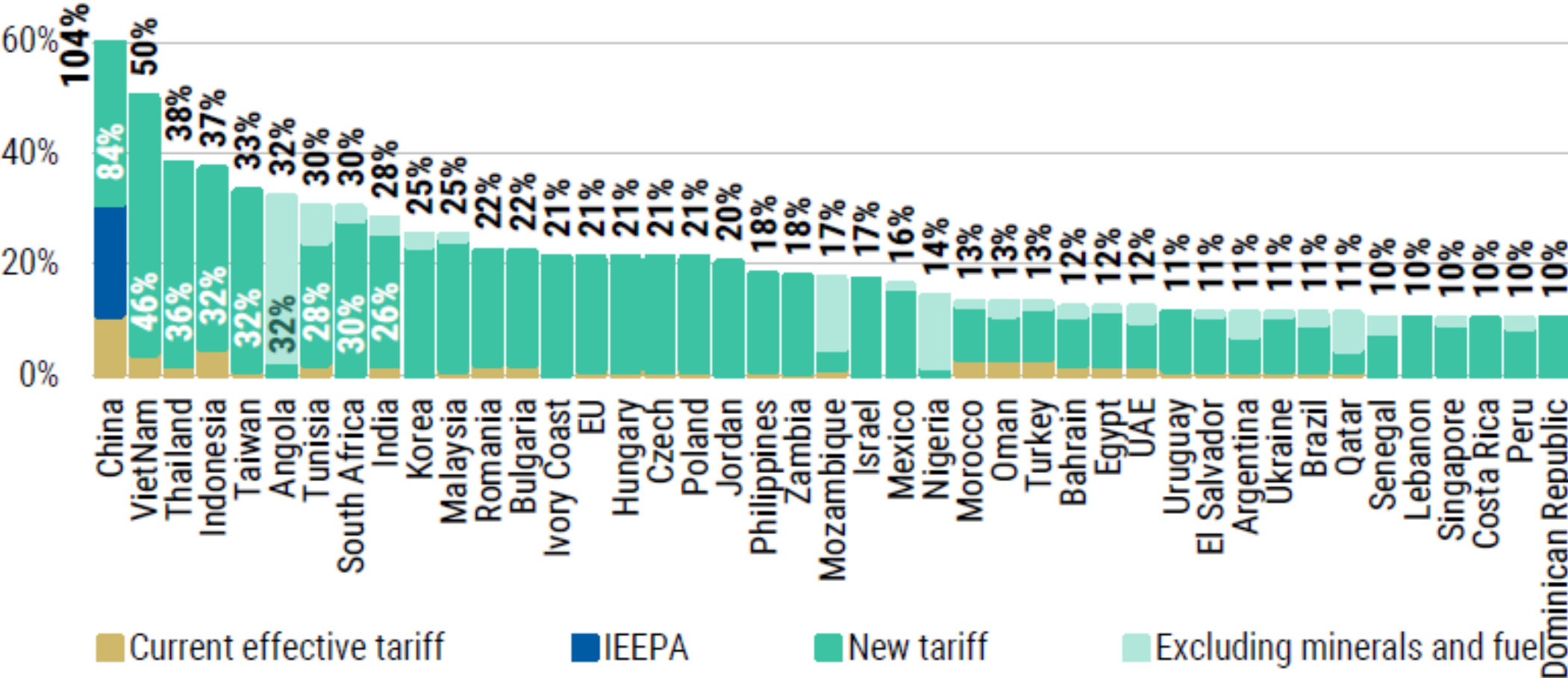
Perception	Explanation
1. Without the Act, the state can't expropriate.	The Constitution itself allows for expropriation. Bill merely puts a detailed procedure in place & regulates details relating to compensation.
2. If we stop the Act, we can stop expropriation.	There are 150 pieces of legislation that allows for expropriation (including 4 that allow for land reform expropriation). The challenge is they all provide for different procedures.
3. The Act is about land reform.	The Act regulates all expropriations, including for infrastructure. Hence it is 'sponsored' by DPW and not DLARRD.
4. 'Public Interest' will open the floodgates and allow the state, including municipalities, to decide when and why to expropriate.	There must be an empowering law setting out "the who, why, what & when".
5. The Act contains a list of properties where no compensation will be paid.	Not incorrect but more nuanced. R0 theoretically possible but only if it is just and equitable
6. Expropriation will replace willing-buyer, willing-seller for land reform	Can only invoke expropriation after negotiations to buy have failed.

## 2. Trade issues



# US tariff levels by economy, as announced, but pending finalization of tariff structures, exclusions and negotiations

Estimated US Tariff Level on Imports



Source: UN Comtrade, White House, US HTS, USITC, Morgan Stanley Research estimates

# Process to date



# US Tariff discussion

## Sticky issues

- Reducing trade imbalance;
- Trade in services;
- Investment environment for US companies (IP protection, ICASA, state-owned entity monopolies, Expropriation Act etc.)
- Trade barriers identified in the USTR report of March 2025;
  - Certifications of compliance on electrical products;
  - Phyto-sanitary measures for red meat, poultry, blueberries and pork;
  - Poultry TQR;
  - Private security industry regulation;

## Potential arguments for agri sector

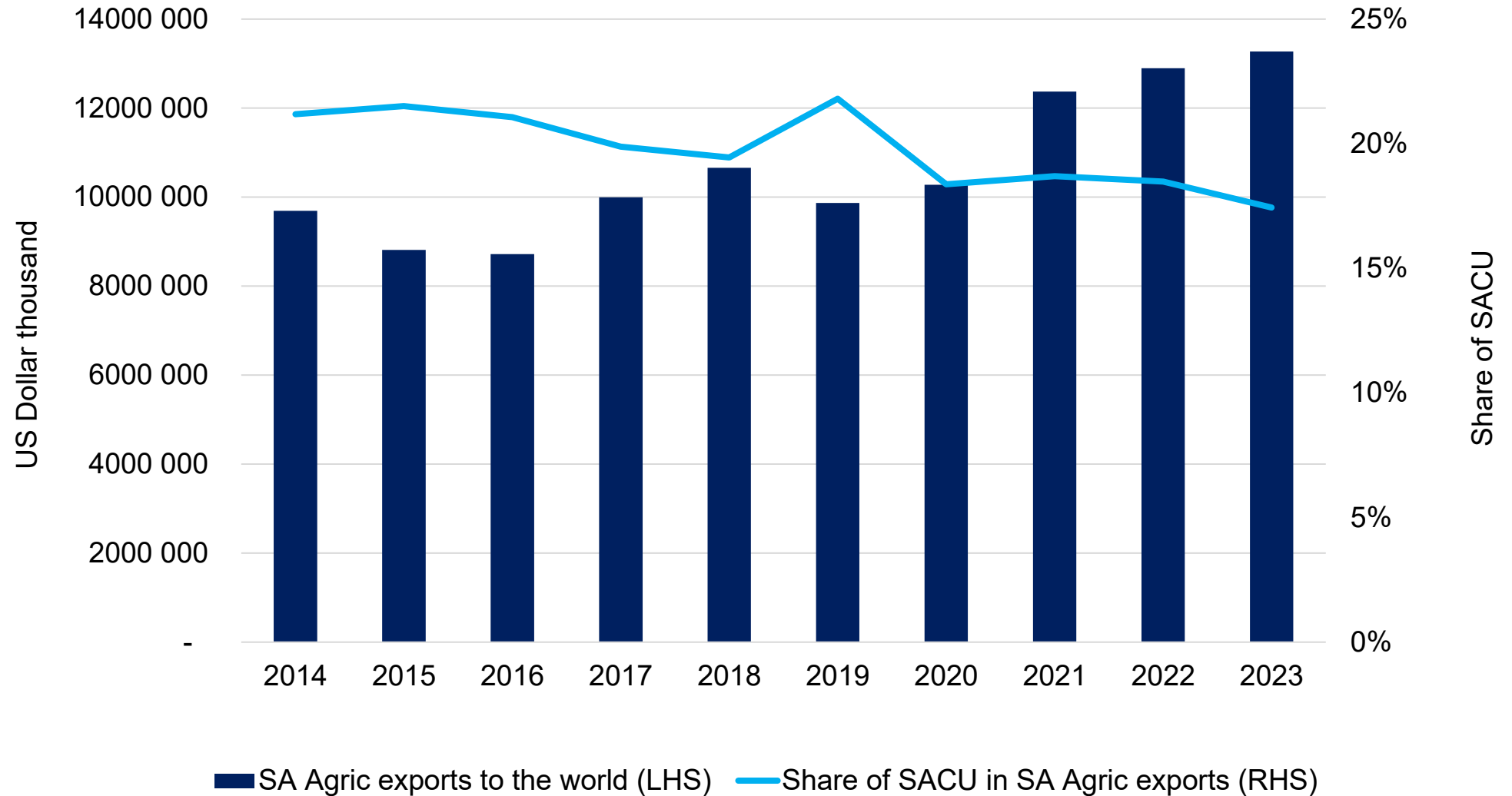
- NB! – no ‘silver bullet’ argument but open to all offers;
- Arguments:
  1. Seasonal quotas?;
  2. Quantitative quotas?;
  3. Different climatic conditions?;
  4. Lower tariff barriers to SA market, but cannot do so for US only (will apply to all MFN countries so care must be taken);
- SPS issues? DALRD working on it but must be driven by science.

**We are working closely with the SA Government but there are no guarantees!**

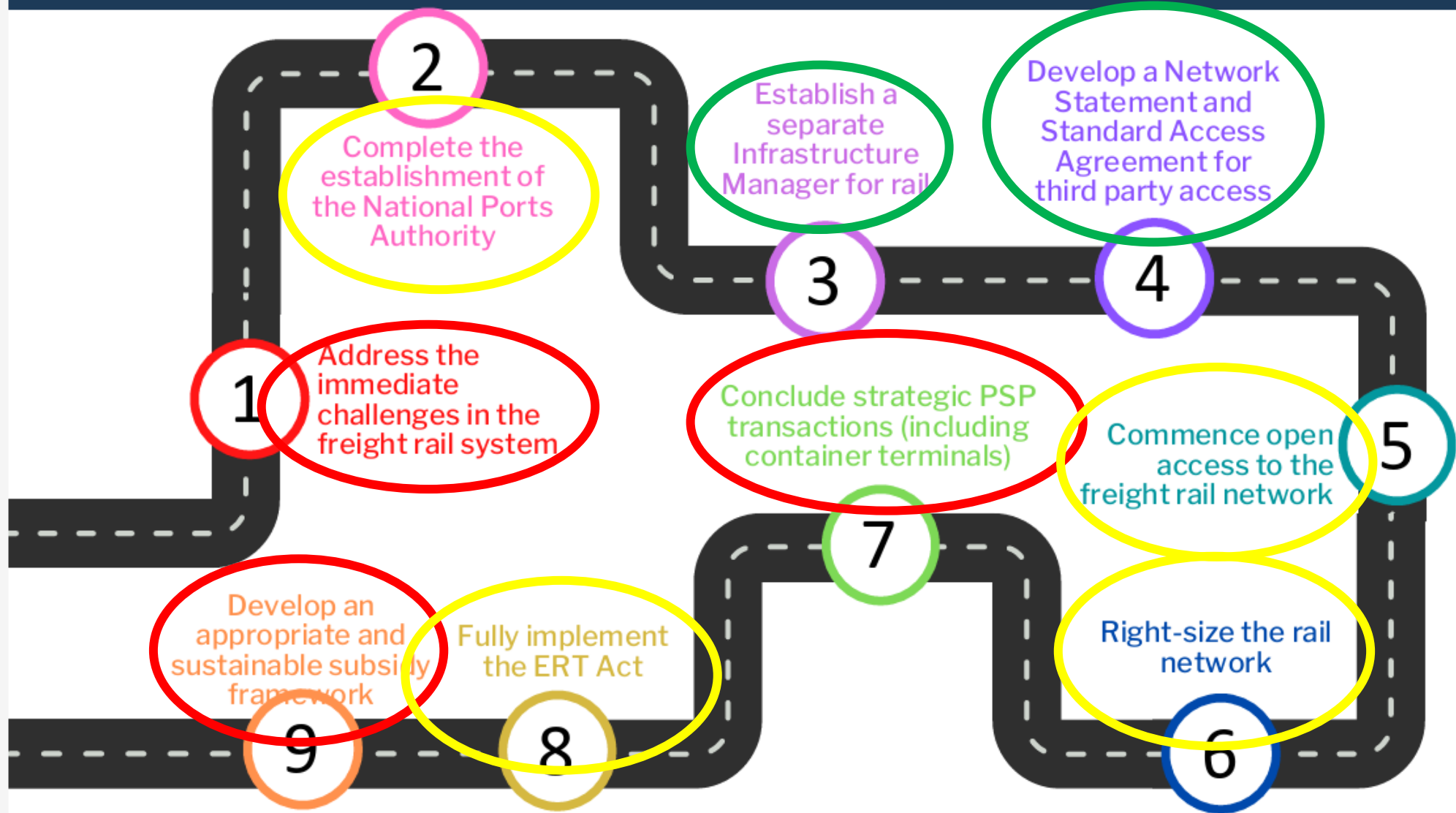
# Value of SACU

SACU remains very important but reform is needed;

1. Dispute resolution mechanism;
2. Revenue sharing;
3. Restrictions on unilateral alteration of common external tariff.



# Freight Logistics Roadmap



**Short-term goal:** Arrest the decline in performance and stabilise the freight logistics system

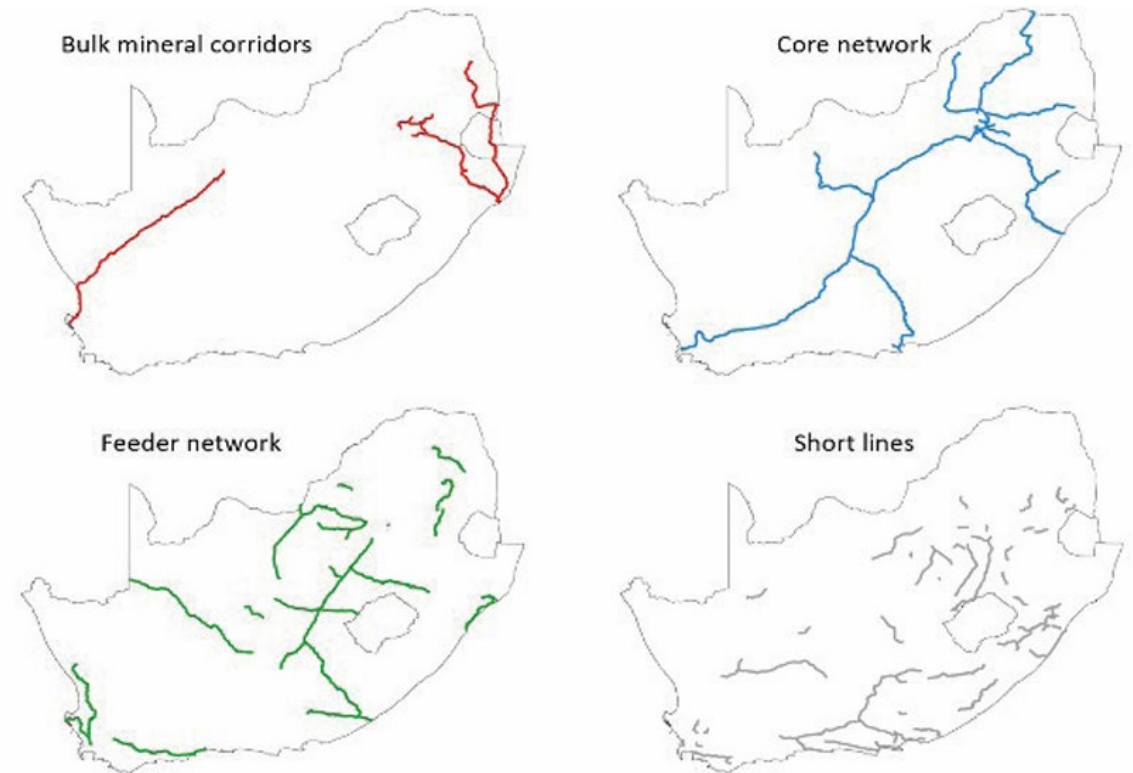
**Long-term goal:** Fundamentally restructure the logistics sector to achieve efficiency, competitiveness and developmental outcomes

# Information flow

1. Right-sizing' the rail network (Rail Master Plan);
2. Dot PPP unit – Request for information;
3. Ad-hoc projects with Transnet (e.g. Gensets)



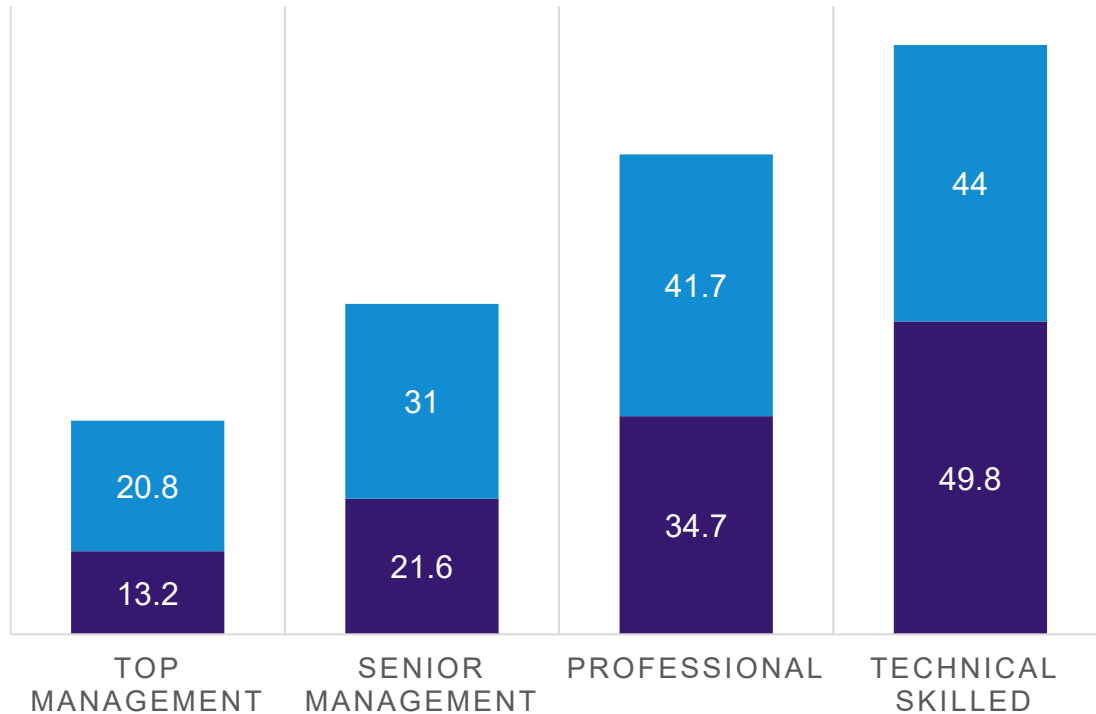
Figure 27: Deconstructed categories



# Employment equity targets

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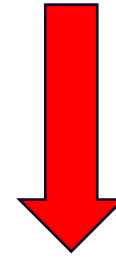
■ Male ■ Female



- Threshold: 50 employees, no longer turnover;
- 5-year targets;
- Maximum fines of 10% turnover; but
- Grounds of justification key;
- Peer-group learning platform;

# Sectoral Emission Targets

You are here!



UNFCCC

Nationally  
Determined  
Contributions

Climate  
Change Act

Sectoral  
Emission  
Targets

Policies &  
measures

# Thank you

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