Liberty Fighters Network

Est. 2016 - A voluntary association without gain (*Universitas*)

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Date: 20 March 2025

ATTENTION : MINDE SCHAPIRO AND SMITH INC.

Applicant's attorneys

Per: Elzanne Jonker/ks

Email(1): [redacted]

Email(2):

Email(3):

ATTENTION: MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE

First Respondent

c/o STATE ATTORNEY, CAPE TOWN

Reference: 6037/24/P32

Email(1): [redacted]

Email(2):

ATTENTION: PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

Second Respondent

c/o STATE ATTORNEY, PRETORIA

Email(1): [redacted]

Email(2):

Email(3):

Email(4):

Email(5):

ATTENTION: MPHOKANE ATTORNEYS

Attorneys for the Third to Seventh, Eleventh, and Thirteenth Respondents

CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES (Third Respondent)

SPEAKER OF THE NATIONAL ASSEMBLY (Fourth Respondent)

SPEAKER OF THE LIMPOPO PROVINCIAL LEGISLATURE (Fifth Respondent)

SPEAKER OF THE MPUMALANGA PROVINCIAL LEGISLATURE (Sixth Respondent)

SPEAKER OF THE GAUTENG PROVINCIAL LEGISLATURE (Seventh Respondent)

SPEAKER OF THE EASTERN CAPE PROVINCIAL LEGISLATURE (Eleventh Respondent)

SPEAKER OF THE NORTHERN CAPE PROVINCIAL LEGISLATURE (Thirteenth Respondent)

Reference: B MPHOKANE/GPL/DAL001/2025

Correspondent: DIALE MOGASHOA INC. ATTORNEYS

Email(1):

Email(2):

Email(3):

Email(4):

ATTENTION: SPEAKER OF THE NORTH WEST PROVINCIAL LEGISLATURE

Eighth Respondent

c/o STATE ATTORNEY, MAFIKENG

Email(1): [redacted]

Email(2):

Email(3):

ATTENTION: SPEAKER OF THE KWAZULU NATAL PROVINCIAL LEGISLATURE

Ninth Respondent

c/o STATE ATTORNEY, KWAZULU NATAL

Email(1): [redacted]

Email(2):

Email(3):

Email(4):

ATTENTION: SPEAKER OF THE FREE STATE PROVINCIAL LEGISLATURE

Tenth Respondent

c/o STATE ATTORNEY, BLOEMFONTEIN

Reference: 401/000112/2025/03/P2D/tem

Email(1): [redacted]

Email(2):

Email(3):

ATTENTION: SPEAKER OF THE WESTERN CAPE PROVINCIAL LEGISLATURE

Twelfth Respondent

c/o STATE ATTORNEY, CAPE TOWN

Email(1): [redacted]

Email(2):

Email(3):

Dear Ladies and Gentlemen,

ADMITTANCE AS *AMICUS CURIAE*: DEMOCRATIC ALLIANCE v MINISTER OF PUBLIC WORKS AND INFRASTRUCTURE & OTHERS (HCWCDC CASE NO. 2025-016193)

Contents

INTRODUCTION

1. Liberty Fighters Network (LFN) is a well-known voluntary association, referred to as a common law *Universitas*, specialising in advancing social justice on the grassroots level, operating as a non-governmental organisation with perpetual succession and without an eye on gain, existence separate from its members and ability to own property in its own name with a common cause amongst its members clearly identified in its Constitution and

both LFN and I have been credited in local, national and international media *via* newspapers, radio and television.

2. With this letter, LFN formally seeks the permission of all the parties to be admitted as *amicus curiae* in the above-mentioned matter in terms of Rule 16A of the Uniform Rules of Court.

3. For the record, and as a matter of material relevance, I, akin to a significant portion of LFN's members and supporters, am a white, Afrikaans-speaking individual who proudly identifies as a member of the Boer tribe in South Africa. Furthermore, I hold steadfast to my Protestant Christian faith and unwavering patriotism towards our country.

4. Furthermore, I possess extensive practical knowledge and experience spanning 31 years in matters pertaining, *inter alia*, to land, housing, and occupational concerns. Additionally, I have obtained my professional STSM-qualification as a Property Portfolio Manager through the University of Cape Town, as well as the CEA.

5. Thus, as shall be identified *infra*, it is imperative that LFN be admitted as *amicus curiae* to ensure a more balanced approach to the ongoing "expropriation" discourse presently confronting our country. This necessity is particularly underscored by the fact that both I, in my personal capacity, and LFN, as a representative organisation, also advocate for citizens belonging to the white, Afrikaans-speaking community — who are purportedly being targeted as victims, or potential victims, of a large-scale expropriation without compensation initiative. This initiative is allegedly the underlying rationale for the enactment of the new Expropriation Act, 2024 (Act No. 13 of 2024) ("new Expropriation Act").

6. In particular, LFN has been involved in several court cases of public interest over the years of which the most famous ones were matters in relation to our ongoing challenge of the

COVID-19 National State of Disaster[1], our ongoing representation of former President Jacob Zuma before the African Commission on Human and Peoples' Rights (ACHPR)[2], as well as matters involving human rights abuses before the ACHPR specifically involving alleged judicial misconduct against the Constitutional Court.[3]

7. Notably, LFN has assisted its members in several significant court cases. This includes the ground-breaking *Kenmere*[4] case, where Modiba J allowed us to represent and argue on behalf of our members in a land occupational dispute — a precedent later confirmed by the Constitutional Court in *Ndebele*[5]. Additionally, in the *Offerman*[6] case, the Court permitted me to assist our elderly member, Mrs. Swanepoel, in her occupational land dispute as well. More recently, in the full court appeal of *Reineke*[7] in the Gauteng Division, our member, Mr. Reineke, successfully represented himself against the formidable legal challenge posed by FirstRand Bank Ltd, with our support. Lately, LFN has also provided assistance in cases which caught media attention involving two of our members — our

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[1] De Beer and Others v Minister of Cooperative Governance and Traditional Affairs (21542/2020) [2020] ZAGPPHC 184 (2 June 2020) ('*De Beer 1*'); Minister of Cooperative Governance and Traditional Affairs v De Beer and Others (21542/2020) [2020] ZAGPPHC 280 (30 June 2020) ('*De Beer 2*'); De Beer N.O. and Others v Minister of Cooperative Governance and Traditional Affairs (21542/2020) [2020] ZAGPPHC 676 (23 October 2020) ('*De Beer 3*'); De Beer N.O and Others v Minister of Cooperative Governance and Traditional Affairs (21542/2020) [2021] ZAGPPHC 67 (19 February 2021) ('*De Beer 4*'); Minister of Cooperative Governance and Traditional Affairs v De Beer and Another (Case no 538/2020) [2021] ZASCA 95 (1 July 2021) ('*De Beer 5*')

[2] De Beer v Electoral Commission of South Africa and Others (0028/24EC) [2024] ZAEC 29 (6 November 2024)

[3] ACHPR, 56th and 57th Combined Activity Reports (10 March 2025) available at https://achpr.au.int/en/documents/2025-03-10/56th-and-57th-combined-activity-reports, last accessed 20 March 2025. See Section VI, *para*. 39 in respect of Communication 779/22: Jacob Gedleyihlekisa Zuma v. Republic of South Africa & Communication 747/21: Van Heerden and two others v. Republic of South Africa

[4] 10 & 10a Kenmere CC v Ndebele and Others (2018/31110) [2019] ZAGPJHC 199 (19 June 2019) ('*Kenmere*')

[5] Ndebele and Others v 10 & 10A Kenmere CC and Others (CCT 38/20) [2020] ZACC (19 August 2020) (Unreported) ('*Ndebele*')

[6] Offerman and Another v Swanepoel and Another (6477/18P) [2022] ZAKZPHC 4 (10 February 2022) *para*. 38

[7] Firstrand Bank Limited v Reineke and Another (A103/2024) [2025] ZAGPPHC 42 (21 January 2025)

acting secretary, Ms. Patience Mavuso, in her matter also against FNB[8], and Ms. Valerie Naidoo, in her case against SA Home Loans.[9]

8. We are presently involved in a High Court matter before the Eastern Cape Division, Gqeberha, where none other than the Standard Bank of South Africa Ltd. is aggressively attempting to illegally obtain the land of the Strydoms, a 4th generation fruit farming family in Haarlem. The circumstances suggest a concerted attempt to unlawfully dispossess our members of their land — an act that, within the current national discourse, may well be perceived as an effort to expropriate land without compensation. Notably, this matter involves a particular group of white and Afrikaans-speaking individuals, which raises further concerns regarding the underlying motives of those actually orchestrating "expropriation" actions.

9. From the facts set out *supra*, it is evident that LFN has a genuine and established record as human rights activists, consistently acting in the interests of our members and the broader public by relying on constitutional concerns.

10. Having perused the application lodged by the Democratic Alliance (DA) and the subsequent inconsistent responses by the various Respondents, all being organs of state, either to oppose or abide by the court's decision — albeit predominantly the former — LFN is particularly concerned that certain state organs have, to date, failed to file either response.

11. Subsequently, I set out the most significant and unique arguments that we intend to advance in this matter.

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[8] Ciaran Ryan, 'FNB home repossession goes horribly wrong', MoneyWeb (12 November 2024), https://www.moneyweb.co.za/news/companies-and-deals/fnb-home-repossession-goes-horribly-wrong/, (Accessed 20 March 2025)

[9] Ciaran Ryan, 'Durban woman reclaims home after bank illegally sold it at auction', MoneyWeb (28 August 2024), https://www.moneyweb.co.za/news/south-africa/durban-woman-reclaims-home-after-bank-illegally-sold-it-at-auction/, (Accessed 20 March 2025)

OPPOSE v ABIDE

12. LFN has noted that the First Respondent, the Minister of Public Works and Infrastructure, Mr. Dean Macpherson, responsible for the administration of the new Expropriation Act, has merely filed a notice to abide but simultaneously intends to submit an explanatory affidavit at a later stage and adduce oral argument in court in relation to this application.

13. The Tenth Respondent, the Speaker of the Free State Provincial Legislature, has also rightfully filed a notice to abide but has not indicated any intention for the Legislature to participate in the application in the manner the Minister has proposed. This is likely due to the fact that the DA has not contested the final decision of this Legislature, as evident in paragraph 28 of the Founding Affidavit, thereby rendering its participation in the application unnecessary.

14. Further, for reasons unknown, the Second Respondent, the President of the Republic of South Africa, has, to my knowledge, neither filed any notice of intention to oppose nor a notice to abide. Consequently, the President's stance towards the DA's case remains unclear, which is concerning, as the President is the State's executive responsible for enacting the new Expropriation Act and, therefore, had a constitutional obligation to ensure that all relevant prescribed processes were duly followed, including those raised in complaint by the DA, and could not have merely "rubber-stamped" the Act.

15. Due to the lack of proper scrutiny during the enactment process by the President, the Court is frequently burdened with the task of evaluating the constitutionality of such legislation, while the potentially unconstitutional legislation is either already in operation or, as in this instance, ready to be implemented at any given moment. This creates a constitutional dilemma, wherein invalid legislation is enforced until it is ultimately declared invalid by the Constitutional Court, a process which could take years.

16. In fact, LFN respectfully submits that the President had a constitutional obligation either to return the original Bill to the National Assembly for reconsideration in terms of Sections 79(1) and 84(2)(b) of the Constitution, or to refer the new Expropriation Act directly to the Constitutional Court for scrutiny in terms of Sections 79(4)(b) and 84(2)(c) of the Constitution, given the circumstances reported by the DA. The President's current unknown position, however, forces the parties to address its constitutionality through the protracted process of exhausting the superior courts before ultimately reaching our *apex* court, thus wasting valuable time and incurring unnecessary legal costs at taxpayers' expense.

17. In the event that the Court rules in favour of the DA in relation to its complaint, LFN asserts that the President must be held accountable for what would then be a clear dereliction of his constitutional duties. The President's failure to appropriately exercise the powers conferred upon him by the Constitution, specifically in ensuring that all relevant processes were properly followed before enacting the new Expropriation Act, should not go unaddressed. Accordingly, LFN submits that the President ought to be subjected to a thorough and appropriate investigation into this matter, with a view to determining whether such inaction constitutes a breach of his constitutional obligations and, if so, the necessary legal and constitutional consequences should follow.

18. In relation to opposition and abidance, LFN expresses a significant concern regarding an apparent unwritten practice among the legal teams of State organs, where the established rules and practices of our courts are disregarded, with the expectation that the Court will ultimately invoke its self-regulating authority under Section 173 of the Constitution to rectify the situation. This practice often leads to a scenario where those parties who adhere strictly to the rules and practices are pressured into accepting the bending of those very rules to accommodate the State. In the present matter, the Minister appears to be requesting the Court to amend the rules and practices to suit his preferences, rather than applying for the

necessary indulgence to be granted to him in accordance with established legal procedures.

19. One is either pregnant or not; there is no “in-between” state of pregnancy. Similarly, a respondent must either oppose the relief sought or abide by the decision of the Court. The rules and practices of the Court do not provide for the accommodation of an undecided party, and the right of audience for a respondent at the hearing is determined by its actual opposition to an application, in accordance with the Uniform Rules of Court. LFN firmly submits that the Minister has no right of audience where he merely files a notice to abide. To “abide” by the decision of the Court means that only those matters which are lawfully before the Court may be relied upon by the Court in its determination of the matter.

20. As the application is not brought in terms of Rule 53, where no record of decision is required — despite one having been filed by the Seventh Respondent, the Speaker of the Gauteng Provincial Legislature — but rather as a straightforward Rule 6 application, Rule 6(5)(e) explicitly provides that only the Court may, in its discretion, permit the filing of further affidavits.

21. In this instance, the Minister’s anticipated self-styled “explanatory” affidavit based on an unopposed basis does not form part of the Rule 6 proceedings. Therefore, if such an affidavit is filed in the absence of a properly lodged application seeking the Court’s permission to file it, the Minister’s future “explanatory” affidavit should not be permitted before the Court in this application.

22. Only by formally opposing the application would the Minister have the opportunity to file his answering affidavit (not the self-styled explanatory affidavit). If necessary, in his counter-application, the Minister may request specific relief for the Court’s consideration. There is no obligation on the State, through the Minister, to advance arguments in direct “opposition” to those of the DA when formally opposing the application. By opposing the

application, the Minister is afforded the opportunity to be heard and to participate in the proceedings.

23. It is essential to recognise that the Minister, as a representative of government, and also all other respondents for that matter, has a constitutional obligation under Section 7(1) of the Constitution to respect, protect, promote, and fulfil the rights enshrined in the Bill of Rights, as well as under Section 41 of the Constitution to ensure effective, transparent, accountable, and coherent governance for the Republic as a whole. The DA may raise valid points to challenge the new Expropriation Act, while the Minister, along with all other Respondents, may either agree with or dissent from those points, thereby demonstrating the independence and impartiality expected of them.

24. Opposing an application does not imply that the government has lost the matter should the DA's application be successful. On the contrary, the government would ultimately succeed if it acted independently and impartially, fully participating in the process by providing the Court with all relevant details and arguments to the best of its ability. The Court's decision would then be based on the ultimate goal of fulfilling and protecting the citizenry of the country as a whole, which is the primary purpose of government.

25. This application, like others challenging the constitutionality of legislation, is not an opportunity for parties to bolster their egos or to appear favourable in the eyes of voters. Rather, it serves to ensure that the legislation enacted for the citizens is constitutionally aligned and suited to the needs of the People, not to be manipulated by political parties or others to retaliate against individuals based on their political views.

26. The issue LFN observes with the Minister's awkward "abiding" is not that he intends to leave the Court to adjudicate the matter based on the lawful papers before it, but rather that he appears to be attempting to influence the Court into granting the DA's relief. This is particularly concerning given that the Minister is affiliated with the DA, and LFN views

this as a tactical manoeuvre aimed at advancing the DA's position in the public eye, rather than genuinely addressing the constitutionality of the new Expropriation Act.

PROCESS IRREGULARITIES

27. The DA, in fact, has opened a can of worms, in that it suggests that serious irregularities have taken place during the decision-making processes by the various levels of government with regards to the new Expropriation Act.

28. Be it as it may, but our concern is that the DA has not indicated anywhere in its papers that such irregularities were limited to only the approval of the new Expropriation Act, but that the DA leaves the door wide open to actually suggest that these alleged irregularities extent to other legislation as well with its knowledge.

29. LFN finds it implausible that the DA has suddenly discovered this one instance where the correct legislative processes were allegedly not followed, especially when similar processes, employing the same rules and practices, were used in the enactment of other legislation without any prior objection. In this regard, the DA is either being dishonest with both the public and the Court by having allowed what were likely unconstitutional procedures to be enacted in relation to other legislation, yet for some inexplicable reason, not in this particular case, or the DA is suggesting that various levels of government have conspired to "rig" only the legislative process concerning the new Expropriation Act.

30. In this regard, LFN finds it highly improbable that various levels of government would have conspired to specifically target the new Expropriation Act. Given that the DA is in the minority in eight out of nine provincial legislatures, the likelihood remains almost certain that, had those eight provinces granted their mandates to their representatives in the

National Council of Provinces in the correct manner — barring any consideration of the constitutionality of the legislation — the outcome would have been the same.

31. Notwithstanding that LFN acknowledges the DA for highlighting this potential flaw within the legislative process, LFN views the DA's sudden approach to the Court as disingenuous. The DA's apparent "Damascus journey" in challenging the processes followed with the new Expropriation Act, spurred by the international attention it has garnered, raises concerns. If the DA had been content with similar procedural shortcomings in the past and did not raise any challenges at those times, its motives are rightfully questioned. The DA owes the People a clear explanation for its actions.

32. In particular, there is no record in the Founding Affidavit indicating that the DA actively addressed the reported irregularities in the mandates. LFN submits that the DA had more than a year since March 2024, when most of the mandates were supposed to have been issued, but chose to adopt a wait-and-see approach instead of challenging the matter. The DA had ample opportunity to halt the enactment if it had truly wished to do so. By postponing for an entire year and failing to report the alleged "rigging" to the media and the public, it becomes evident that the DA appears to be exploiting the current situation for its own benefit.

33. These arguments are specifically highlighted for the purposes of addressing the issue of costs when LFN makes its submissions in that regard.

34. If the Court does find in favour of the DA in that the undelaying decision-making processes were "rigged" and that others pertaining to other legislation would also apply, then LFN will advance arguments to court that the court is obliged to uphold the Constitution and the law by referring such concern for investigation by an appropriate constitutional institution for investigation.

35. In fact, seeing that the President is a party to these proceedings, and in line with available precedents as authority, LFN would propose that the President is ordered to appoint a commission of inquiry to investigate the extent of this complaint by the DA on various other legislation as well.

EXPROPRIATION

36. LFN expresses concern that the focus has predominantly been placed on the new Expropriation Act, while little to no attention is being given to the constitutionality, or rather unconstitutionality, of the existing Expropriation Act, 1975 (Act No. 63 of 1975) ('current Expropriation Act'). The continued application of the current Expropriation Act, despite its apparent misalignment with constitutional principles, remains a critical issue that has yet to be adequately addressed.

37. It is notably ironic that, as I have personally witnessed, when the DA secured the majority in the City of Johannesburg (COJ) in 2016 and Mr. Herman Mashaba was elected as the Executive Mayor, the COJ, through its Forensic Investigation Unit, engaged certain legal firms, such as Vermaak Marshall Wellbeloved Inc. (then operating as Greg Vermaak Attorneys), to institute expropriation proceedings against what were termed "hijacked" buildings. This demonstrates a clear historical precedent of the application of expropriation laws in a manner that may not have been widely scrutinised at the time, yet now forms part of a broader legal and constitutional debate.

38. As the current Expropriation Act remains in force, LFN holds the view that it is significantly less constitutionally aligned than the new Expropriation Act. Accordingly, if the DA were genuinely committed to its present legal challenge, it ought not to have limited its challenge to the validity of the new Expropriation Act but should have also sought to impugn the constitutionality of the current Expropriation Act. The failure to do so raises concerns

regarding the true extent of the DA's commitment to ensuring a constitutionally compliant expropriation framework.

39. From the record provided by the Seventh Respondent, it is abundantly clear that the DA Members of the Provincial Legislature (MPLs) specifically raised concerns regarding the current Expropriation Act. However, despite these concerns, they failed to challenge the Act over the past 31 years of democracy. It is only now, amid growing international attention, that the DA has seemingly positioned itself as the saviour of the day, purporting to challenge the narrative of "expropriation of land without compensation" as it marketed this very application for public support.

40. Strangely, however, the DA's constitutional challenge is narrowly focused solely on Section 19 of the new Expropriation Act, raising objections to the "unreasonable" 180-day period allowed to lodge a court application to review an expropriation decision, rather than addressing the broader, more fundamental constitutional concerns related to expropriation itself. This selective focus raises questions about the DA's true motivations in the matter.

41. The DA's argument falters significantly when one considers the comparison between the time periods stipulated in Section 10(5) of the current Expropriation Act and the 180 days provided in the new Expropriation Act. The 180-day period in the new Expropriation Act is far more reasonable. Moreover, the new Expropriation Act introduces three stages in which property owners may object and seek recourse before any competent court or tribunal having jurisdiction. These stages allow for challenges at the planning, intention, or actual expropriation stages. In stark contrast, the current Expropriation Act offers only a single opportunity to challenge, and that is solely at the point when a decision to expropriate has been made. This difference underscores the more comprehensive and reasonable framework introduced in the new Expropriation Act.

42. LFN submits that there is a significant deceit campaign currently underway, orchestrated by the DA and other purported organisations representing my white Boer community, with the intention of causing harm to our country and inciting racial divisions, as we have witnessed in recent months. Despite the fact that LFN frequently critiques the African National Congress (ANC) as the ruling political party for the past 31 years, we contend that, had the ANC truly intended to expropriate the property of white individuals, as some entities suggest, the processes prescribed by the current Expropriation Act would have been far simpler and more expedient.

43. Instead, the ANC's pursuit of the more constitutionally aligned new Expropriation Act suggests that the government has not sought to unjustly target any racial group, but rather to ensure that the expropriation process complies with constitutional principles.

44. In LFN's view, the DA, once the hunter, has now become the hunted. The fact that the DA has suddenly chosen to challenge the new Expropriation Act raises significant concerns. To the reasonable person, particularly those with adequate knowledge of expropriation laws, the DA's actions appear suspicious, as it seems the party is intent on preserving the current Expropriation Act, rather than embracing the more constitutionally aligned new Expropriation Act. Given that the Minister responsible is from the DA, LFN is left wondering whether there is an intention behind this strategy to utilise the current Expropriation Act extensively to initiate aggressive expropriation actions. The potential objective could be to portray these actions as part of the ANC's alleged efforts to confiscate white Afrikaans-owned properties, thus shifting the narrative in favour of the DA.

45. Under the current Expropriation Act, the Minister has the power to arbitrarily decide to expropriate property and issue a one-time notice of expropriation, without the obligation to make any offer for compensation. This leaves the property owner with only one opportunity to challenge the decision and the offer, or lack thereof, of compensation. In practice,

expropriation has often occurred without compensation, to the extent that compensation was set off against fees and expenses levied against the property, as evidenced in the expropriation cases handled under the DA in COJ.

46. In contrast, the new Expropriation Act introduces a more structured process, starting with an investigation stage, followed by a notice of intention to expropriate, and concluding with the formal notice to expropriate. These initial stages are notably absent in the current Expropriation Act, which the DA never challenged previously.

47. I am also personally aware that during the 1980s, the previous regime expropriated my family's farm, Klipput, located in the Naboomspruit area, in the old Northern Transvaal (now Limpopo), for the construction of the N1 highway. At the time, my cousin, who inherited the property, received minimal compensation from the government. The reality is that expropriation by the State has always been a part of South Africa's history, and it is not a new phenomenon. Expropriation, much like death and taxes, is an inevitable part of life, and as citizens, we are often powerless to change this long-standing practice, having to accept it as part of our collective reality.

48. Yes, even in the United States, there are laws that govern the process of expropriation, often referred to as *eminent domain*. Under the US Constitution, specifically the Fifth Amendment, the government has the power to take private property for public use too.

49. The Constitution does not specifically prohibit expropriation without compensation. Had it done so, any provision in the new Expropriation Act allowing for expropriation without compensation under certain conditions would have been automatically invalid. However, this is not the case. In instances where zero compensation is proposed, the property owner has had two previous opportunities to challenge such a decision, with the court remaining the ultimate arbiter based on the circumstances of each case. Predicting that zero

compensation will occur at this stage is premature and effectively implies that the court would not be truly independent and impartial.

50. This narrative of zero compensation fails to recognise that, even if the new Expropriation Act did not explicitly provide for such circumstances, the Constitution would still allow an offer of R1 as long as the offer was based on principles of justice and equity. This would involve an equitable balance between the public interest and the interests of those affected, with due consideration of all relevant circumstances. LFN humbly submits that in certain instances, zero compensation could indeed be deemed constitutional.

51. Overall, despite some potential implementation concerns, particularly the possibility of overreach due to the widespread and incorrect assumption that the new Expropriation Act was designed to indiscriminately seize white-owned properties, in principle, LFN views the new Expropriation Act as being far superior and more constitutionally aligned than the current Expropriation Act. It is the current Expropriation Act that should have been the focus of the DA's challenge if their intentions were genuine.

COSTS

52. The DA has premised its challenge on constitutional grounds, triggering the Biowatch principle in the event it is unsuccessful. However, in light of the revelations that the DA most probably was an accomplice to the chaos itself reported, the Court should not only refuse costs to the DA, but in fact order that the DA pays punitive costs of the Respondents as well.

53. Notwithstanding that the DA had the right to challenge the constitutionality of the new Expropriation Act, the awkward way in which it went about to do so reasonably appears to be frivolous and vexatious, instead of genuinely wanting to challenge it.

54. No where did the DA in its application mention anything about the current Expropriation Act and how itself openly knew that it was not constitutionally aligned. By having omitted the comparisons between the current and new Acts, it shows that the DA intended to continue exploiting the international propaganda levelled against the Republic surrounding the narrative that the ANC is pushing an agenda to widely expropriate white-owned property without compensation. If the DA was ever sincere in its mission, it should have instead publicly corrected the disinformation campaign but did not do so.

55. The court is not there to assist political parties with the promotion of it based on intentional propaganda initiatives it is part of. Resultantly, LFN will advance arguments in support of the court establishing guidelines in respect of costs where parties like the DA are participating in destabilising the country when they claim to advance constitutional democracy.

56. To this end, LFN acknowledges that the ANC and all other political parties in government are not innocent in engaging in similar political tactics for the purpose to struggle for popularity, however, in this matter the DA is involved and LFN intends to argue before court to bring an end to this destructive practice in the interest of justice.

CLOSING

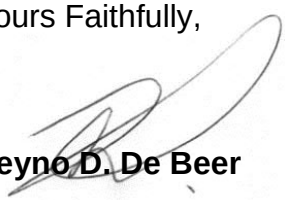
57. LFN's position in relation to this application is not exhaustive, and it reserves the right to amend it as the proceedings continue.

58. All parties are required to notify us of their decisions to either allow or disallow our admittance as *amicus curiae* by no later than Thursday, 27 March 2025.

59. Our rights are fully reserved.

60. Your cooperation in this regard will be greatly appreciated.

Yours Faithfully,



Reyno D. De Beer

President: Liberty Fighters Network

On behalf of our members / Public Interest