



FREE SA

FOUNDATION FOR RIGHTS OF
EXPRESSION AND EQUALITY

05 February 2025

His Excellency the President of the Republic of South Africa

Tuynhuys

Private Bag X1000,

Cape Town

8000

Email: president@presidency.gov.za presidentrsa@presidency.gov.za, president@po.gov.za

VincentM@presidency.gov.za malebo@presidency.gov.za

Your Excellency,

RE: FREE SA Expectations for the 2025 State of the Nation Address

We write on behalf of Free SA, an organisation dedicated to upholding true democratic principles and empowering South African citizens to meaningfully participate in decisions that shape their futures. Free SA is a registered non-profit company (registration number: 2024/631561/08).

As the nation eagerly anticipates the 2025 State of the Nation Address, we write to highlight key concerns and expectations that we believe are critical for South Africa's social, economic, and diplomatic stability, and that should therefore be addressed in your forthcoming address with regard to the state of our nation. The following issues require urgent attention and decisive action from your administration:

1. Your stance on BELA and the implementation of our Proposals on BELA

Following your assenting the Basic Education Laws Amendment (BELA) Bill, Free SA wrote to the Minister of Basic Education proposing the adoption of regulations, as the Minister is empowered to do it terms of the South African Schools Act, which would simultaneously achieve the goals of the BELA Bill while protecting the integrity of school governing bodies and ensuring the spirit of cooperation as required by the Constitution. We urge you to accept and implement the proposals we have submitted regarding the BELA Bill. The proposed changes outlined in our submission made in January of this year ([available here](#)) are essential to ensuring that the education system remains fair, decentralised, and responsive to the needs of communities. Our approach streamlines decision making, and improves the delivery of education to the next generation. We call upon your office to engage with stakeholders constructively and adopt this policy framework that respects the rights of parents, school governing bodies, and learners.

2. Repeal of the Expropriation Act

We strongly urge the immediate repeal of the newly signed Expropriation Act, which has demonstrably led to economic hardship. Our most recent report ([accessible here](#)) provides clear

evidence of the detrimental effects of expropriation without compensation, including capital flight, declining investor confidence, and stagnating economic growth. We implore your administration to reconsider this legislation in the interest of national prosperity and economic stability.

It is a misrepresentation to claim that the Expropriation Act aligns with international best practices. While expropriation powers exist in virtually all jurisdictions, economically successful nations consistently provide fair compensation when exercising these powers. The assertion that the Act is in line with global standards ignores the crucial fact that countries with robust property rights protections enjoy higher levels of economic stability, investment, and human development. Free SA's analysis has found a clear correlation between weak property rights and economic stagnation, political instability, and declining human development. Countries with the lowest rankings on the International Property Rights Index (IPRI) routinely experience slow growth, reduced investor confidence, and deteriorating social conditions. South Africa cannot afford to follow this path, particularly in an era of rising economic uncertainty.

Additionally, we are deeply concerned by the open-ended nature of section 12(3) of the Act, which permits "nil compensation" in circumstances that are not clearly defined. The phrase "including but not limited to" creates significant legal uncertainty, as it leaves room for arbitrary and unpredictable applications of expropriation without compensation. This ambiguity undermines confidence in South Africa's property rights framework, discouraging both domestic and foreign investment. Investors require clarity and legal certainty to commit capital to long-term projects, and any legislation that introduces unnecessary risks will have serious consequences for economic growth, job creation, and fiscal stability.

Mr. President, this is not a partisan issue—it is a matter of economic survival in the 21st century. South Africa is already grappling with weak growth, high unemployment, and a declining tax base. The Expropriation Act, in its current form, exacerbates these challenges by introducing avoidable risks that will deter local and international investment, hinder economic recovery, and deepen social instability. We therefore call on your administration to repeal this legislation and pursue policies that strengthen, rather than undermine, property rights.

3. Clarity on the Relationship with key trading partners, especially the United States of America

The United States remains one of South Africa's most vital trading partners, and recent developments in diplomatic relations have raised concerns about potential economic consequences. We seek clarity on your administration's strategy regarding South Africa's ties with the U.S., particularly in light of statements and policy shifts reported in the international press, as you are well aware of. Strengthening this partnership is critical for trade, investment, and job creation, and we urge you to provide reassurance and a clear path forward.

We seek clarity on your administration's strategy regarding South Africa's ties with the U.S., particularly in light of statements and policy shifts reported in the international press. It is crucial that South Africa reassures global partners of its commitment to balanced diplomacy that prioritises economic growth and job creation.

Moreover, as the Government of National Unity (GNU), it is imperative that foreign policy reflects the collective interests of all partners in the coalition. A stable, pragmatic approach to international relations—one that prioritises economic prosperity over ideological posturing—is necessary to maintain investor confidence and sustain key trade relationships. We urge your administration to

provide a clear and unified position on South Africa's relationship with the U.S. and other major economic allies, ensuring that diplomatic decisions align with the country's long-term economic well-being.

4. Recommitment to the Constitutional Principle of Non-Racialism

We call on you to reaffirm your commitment to the constitutional principle of non-racialism as enshrined in the 1996 Constitution. South Africa belongs to all who live in it, regardless of race, and our democracy is built on the foundation of unity, not division. Section 1(b) of the Constitution of the Republic of South Africa, 1996 clearly states that our democratic state is founded on:

"Non-racialism and non-sexism."

Furthermore, Section 9(3) affirms that: "The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth."

We urge you to reinforce the constitutional understanding of non-racialism, rather than embracing an ideological or revolutionary interpretation that risks dividing the nation further. The unity of South Africa depends on adherence to the fundamental principles upon which our democracy was built.

In this regard, we are concerned by recent regulatory and legislative developments that appear to entrench race-based policies rather than move towards a non-racial future. The Preferential Procurement Policy Framework Act (PPPFA) regulations, currently being tabled, risk perpetuating exclusionary practices that prioritise race over efficiency and economic growth. Similarly, the newly implemented Broad-Based Black Economic Empowerment (B-BBEE) Legal Sector Code places further race-based compliance burdens on legal practitioners, potentially restricting opportunities based on immutable characteristics rather than merit. Additionally, the Employment Equity Amendment Act, which came into effect on 1 January 2025, expands state intervention in workplace demographics in a manner that could undermine fairness, job creation, and business growth.

A sustainable and prosperous South Africa requires policies that empower all citizens, not those that divide them. We therefore urge you to ensure that all government policies, including those related to procurement, employment, and economic transformation, align with the constitutional imperative of non-racialism rather than deepen racial divisions under the guise of redress.

In Closing

Your Excellency, these matters are of national importance and require firm leadership. We trust that you will address and engage with them meaningfully in your forthcoming address and take the necessary steps to safeguard South Africa's future, and to secure prosperity for all.

Yours sincerely,

Paul Maritz

Executive Director