

FAQ: WHY IS THIS EXPROPRIATION?

Common Questions Answered

Q: But the City said "willing buyer willing seller" - how is that expropriation?

A: Because they're not waiting for willing sellers. They're creating conditions that force sales:

1. Label your productive land "underutilized"
2. Create planning blight by via the announcement effect of the LSDF.
3. Zone it for high-density development (property value crashes instantly)
4. Place 5,000+ people in TRAs next door
5. Infrastructure collapses, businesses fail, life becomes impossible
6. You "voluntarily" sell because you have no other choice

When government manufactures the "willingness," it's not voluntary. It's coerced.

Q: The City changed from expropriation to acquisition - doesn't that mean it's different?

A: The City's own words tell you why they changed:

"acquisition through an expropriation process was revised, not least due to acquisition process limitations"

Translation:

- Expropriation has legal protections
- Expropriation requires fair compensation
- Expropriation can be constitutionally challenged
- So they switched to planning powers to bypass these protections

Same goal (take our land), different method (avoid legal requirements).

Q: If you don't want to sell, just don't sell. Problem solved?

A: That's not how it works. The City's plan requires ALL properties for "contiguous development". Here's what happens if you refuse:

Step 1: Announce intention by the city to buy properties and place TRAs/4 storey buildings/blanket rezone from rural. Immediate blight- owners cannot sell privately.

Step 2: TRAs built on acquired properties next door

Step 3: 5,000+ people suddenly living in high-density next to your property

Step 4: Infrastructure collapses (sewage, water, traffic)

Step 5: Your business can't operate

Step 6: Your property becomes worthless

Step 7: Only buyer? The City, at crashed prices

You technically can refuse to sell. But you can't continue living or working there. Many of us operate our business here. Our business can't operate next to 1350 shacks.

That's not choice. That's force. "Voluntary" sale becomes "Mandatory".

Q: How can you call it expropriation if the government isn't taking anything by force?

A: There are two types of expropriation:

1. **Direct expropriation:** Government says "we're taking your land" and does it formally
2. **Constructive expropriation:** Government uses its powers to make property ownership impossible, forcing "voluntary" sale

Both are expropriation. The second is just sneakier.

Think of it this way: If someone points a gun at you and says "give me your wallet," that's robbery. If they don't point the gun but create circumstances where you have no choice but to hand over your wallet, it's still robbery. The lack of a visible gun doesn't make it voluntary.

Q: The City needs the land for housing - isn't that public interest?

A: Two problems with that:

Problem 1: There are **100s of hectares of vacant government land** available that:

- Requires no acquisition
- Has no opposition
- Can start development immediately
- Costs nothing to acquire

- According to the city's own report, 2,637 ha of vacant city own land outside of biodiversity networks exists in the City of Cape Town.

Why target productive private land when alternatives exist?

Problem 2: The City's own documents prove this isn't about housing need:

City explicitly stated in 2018: *"The basis of this proposal was the paucity of available land in close vicinity to Masiphumelele for expansion of Masiphumelele."*

Translation: They want land close to Masi. For the expansion of Masi. Our land happens to be close. That's convenience, not necessity.

Q: But you're only 50 property owners and a few hundred residents. What about 5,000+ people who need housing?

A: We support dignified housing for Masiphumelele residents. That's not what this is about.

The real questions:

1. How to create dignified work for residents so that they can afford dignified housing.
2. How to create economic opportunities.
3. How to prevent shack farming, which results in sprawl, additional residents in undignified and unsafe living conditions.
4. TRAs are not dignified housing. They are dense shacks (see Masi sports field).
5. Is it better to develop vacant government land with meaningful, sustainable housing and economic solutions? OR
6. Destroying 389+ jobs, eliminating millions in economic activity, and displacing 50+ property owners, and create a precedent of expropriation by stealth.

One option builds housing. The other destroys an existing community to build housing.

More people doesn't mean better planning.

Note: Most of the shacks in the wetland are rentals (shack farming). Does the TRA go to the landlord of the shack? The resident? The longest tenured resident? It's a lot more complicated than people needing housing.

Q: The City says they need 70% of LSH - that's not everything, right?

A: Math trick. Watch:

- **Total LSH area:** 28 hectares
- **Less institutions** (Masi High School, Desmond Tutu HIV foundation, Chasmay Rd, Erf 5016-re and 5017-re): 8 hectares
- **Private land available:** 20 hectares
- **City wants:** 20 hectares

20 ÷ 20 = 100% of private property

20 ÷ 28 = 71% of "total area"

And City planner Nigel Titus admitted at the Open House to one of our resident that the City wants "ALL" of LSH.

The "70%" is deliberate misdirection.

Q: What's wrong with "temporary" relocation areas?

A: The City admits in the LSDF these "temporary" structures "may become permanent."

Translation: Place 5,000+ people "temporarily," then they stay forever.

This isn't temporary relief. It's permanent settlement that:

- Destroys LSH's agricultural character
 - Makes remaining properties unlivable
 - Forces owners to sell
 - Achieves what direct expropriation couldn't
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Q: So what IS expropriation, exactly?

A: The legal definition:

Expropriation = Government using its powers to acquire private property against the owner's will

Three elements required:

1. **Government action** ✓ (City's planning powers)
2. **Property transfer** ✓ (We sell to the City)
3. **Against owner's will** ✓ (We rejected this in 2018, 2021, and 2025)

But wait - we're selling "voluntarily"?

Only after the City:

- Labels productive land "underutilized"
- Zones it for destruction
- Places TRAs next door
- Crashes property values
- Makes operations impossible

When government creates the "voluntariness," it's not voluntary. It's coercion.

That's constructive expropriation.

Q: If the City really wanted to steal your land, why go through all this planning process?

A: Because direct expropriation is:

- Legally difficult
- Politically unpopular
- Expensive (fair market compensation required)
- Challengeable in court

Planning powers are:

- Easier (just adopt LSDF)
- Less visible ("spatial planning")
- Cheaper (buy at crashed prices after planning blight)
- Harder to challenge (legitimate planning powers)

**It's not about whether they want our land (they admitted that in 2018).
It's about the easiest way to get it.**

Q: What's the alternative? Just let people stay in wetlands?

A: False choice. The alternatives are:

1. **Develop vacant government land:** 750+ hectares available in Far South (according to Ndifuna Ukwazi). According to the AECOM report, the city has **10,795 ha** of public land, **2,637 ha** outside of biodiversity networks.
2. **Relocation vouchers:** Let residents choose dignified housing
3. **Approach developer owned vacant lands:** It's interesting that suitable land is rejected in the LSDF because "developers have approved plans". A single developer seems to carry more weight than 50 property owners. But land swap agreements have been done in the past.

4. **Twenty other alternatives** detailed in our submission

The City hasn't explained why NONE of these work.

They just keep insisting LSH is the "preferred option."

Q: Bottom line - is this or is this not expropriation?

A:

What the City calls it: Acquisition on a willing buyer willing seller basis

What it actually is:

- Government wants land owners don't want to sell ✓
- Government uses planning powers to force transfer ✓
- Owners "choose" to sell only because alternatives are impossible ✓
- Property transfers from private to government control ✓
- Original owners displaced against their will ✓

Call it acquisition. Call it planning. Call it development.

When government takes property against owner's will using its powers - whether through formal process or by making ownership impossible - that's expropriation.

The destination is the same. Only the route is different.

And that route was chosen specifically to avoid legal protections.

The Test

If we had vacant government land available, and the City chose to target productive private property that owners don't want to sell, using planning powers to force sales through impossible conditions...

...would you call that good planning?

Or would you call it what it is: Expropriation by stealth?

When you need force to make a sale "voluntary," it was never voluntary.