



Land and Development Centre of Excellence

Policy Outlook 2026

Facilitated by

AgriSA

Land and Development Centre of Excellence

ACTION TYPE	PRIORITY AREA	FOCUS
Legal	<i>Expropriation Act of 2024</i>	Constitutional litigation support; shaping regulations to secure “just and equitable compensation”, valuation standards, and appeal mechanisms.
Legal	<i>Equitable Access to Land Bill</i>	Parliamentary engagement on ownership ceilings, funding models, training, infrastructure, and post-settlement support.
Policy	<i>Blended Finance Frameworks</i>	Advocate expanded uptake, better coordination between Land Bank, development finance, and private capital.



Land and Development

Policy Context

Land reform remains one of the most politically sensitive and economically consequential policy areas. AgriSA's position on the South African Land Reform Programmes is guided by its Holistic Land Plan. This plan outlines guiding principles, including the safeguarding of private property rights, market-driven reform, and economic viability.

Despite extensive legislation and funding commitments, outcomes continue to fall short due to fragmented governance, weak post-settlement support, and misalignment between land acquisition and productive use. In the previous administration, the Department of Rural Development and Land Reform and the Department of Agriculture were merged into one department. With the advent of the Government of National Unity, the two departments have again been separated. This continues to pose policy uncertainty and misalignment over implementation between land reform, rural development and agricultural development.

Additionally, the fact that about **2,2 million hectares that have been acquired by the state, has not been transferred to new farmers** further demonstrates the **ongoing underperformance of state departments** in the implementation of land reform and agricultural development.

The National Agricultural Marketing Act of 1996 requires statutory industry organisations to spend 20% of their levy income on development. In 2023/4, this amounted to R216 million. This demonstrates the ongoing effort by the private sector to bring about an inclusive agricultural industry. In many cases, these organisations manage elaborate development programmes with significant success.

In recent years, the blended finance policy has been advocated by a range of stakeholders, including agriculture. The objective of accessing discounted finance was a critical policy milestone. According to the Land Bank's Integrated Report of 2025, blended finance debt disbursements amounted to R585.5m. This remains marginal compared to the commercial agricultural loan book that amounted to R257 billion in 2025. Finance remains a critical component of post-settlement.

Key Challenges

- Slow and inconsistent implementation of land reform programmes
- Weak tenure security undermining investment and finance
- Limited coordination between land reform, water licensing, infrastructure, and agricultural development
- Under-utilisation of blended finance and private sector co-investment



Legal priorities include:

Expropriation Act of 2024

The Expropriation Act is a key instrument in South Africa's land reform agenda, setting out the procedures and conditions under which property may be expropriated for public purposes or in the public interest. Its provisions, particularly those relating to compensation, have sparked debate within the agricultural sector, where concerns about valuation and investment confidence remain strong.

From a legislative perspective, the Act has already completed the parliamentary process, having been passed by both Houses of Parliament and signed into law by the President. Its implementation date is still to be announced and will depend on accompanying regulations and administrative practice, which will determine how principles such as "just and equitable compensation" are applied in practice.

The Expropriation Act has come under significant legal scrutiny, with both the Democratic Alliance (DA) and AfriForum mounting formal challenges against its constitutionality. Both organisations are seeking to have the Act declared invalid on both substantive and procedural grounds, arguing that it violates Section 25 of the Constitution and echoes the arbitrary property seizures of the apartheid era. Litigation also focusses on the issue that nil compensation undermines the principle of "just and equitable" expropriation. Government's stance on the Expropriation Act shifted after litigation exposed constitutional flaws. President Ramaphosa publicly acknowledged that certain provisions were invalid, signalling a retreat from the initial hard-line approach and a willingness to amend the law to align with constitutional safeguards.

Other test cases challenging the limits of Section 25 of the Constitution are also expected to be heard during the course of 2026.

AgriSA is fully committed to protecting farmers against arbitrary expropriation. While it is **prepared to approach the courts on material flaws contained in the Expropriation Act if necessary**, its **long-term strategy** must also **focus on influencing the regulatory framework accompanying the Expropriation Act** ensuring **clarity on "just and equitable compensation."** AgriSA will continue to **engage government** to secure transparent processes, fair valuation standards, and accessible appeal mechanisms.

EXPROPRIATION ACT

ONE YEAR ON

View the timeline of highlights below with information and embedded links on AgriSA's involvement in the Expropriation Act.

What is AgriSA's position

AgriSA remains opposed to the Expropriation Act, and we will employ all necessary resources to defend property rights and uphold the principles that support our farmers and the agricultural community at large.

AgriSA has engaged with government on the topic of expropriation since 2008. AgriSA has retained specialist senior legal counsel from the very beginning to advise us on the legality and constitutionality of the Bill giving rise to the current Expropriation Act.

2026

11 November '25

National Assembly Oral Reply

Deputy President Paul Mashatile responded to questions in the National Assembly, confirming that President Ramaphosa signed the Expropriation Act into law on 23 January 2025 paving the way for a new framework for expropriation subject to just and equitable compensation when the Act commences in the future.

AgriSA follows a multi-pronged approach which includes legal remedies, lobbying national government as well as interest parties and actively advocating for private property rights alongside its members

- The DA and AfriForum court challenges are active in 2026, with the outcome likely to determine whether the Act stands as written, is struck down in whole or in part, or is referred back to Parliament for amendment.
- Practical implementation remains watched closely by stakeholders: including property owners, investors and agricultural groups.
- AgriSA continue to act in accordance with the advice by Senior council to safeguard private property.

AgriSA Recommended actions

- Depending on the outcome of the applications by the Democratic Alliance, AfriForum and the Vaderland Foundation, engage with parliamentary committees to propose amendments or clarifications to section 19 (if and when called for in the future).
- Continue to coordinate with legal counsel to prepare strategic responses in case of future notices regarding the Expropriation Act.
- Remind members of their rights and the implications of the Expropriation Act, including the implications of the president's affidavit.
- Monitor court proceedings for further developments and rulings that may affect agricultural landowners and be ready to intervene, if necessary.

29 August '25

Presidential concessions in responding affidavit - Expropriation Act, 13 of 2024 (Section 19)

- Section 19 requires amendment:** The Presidency concedes that Section 19 may be constitutionally flawed and has asked the High Court to either correct the provision or declare it invalid.
- No expropriation before compensation:** Expropriation may only proceed once compensation is agreed, ordered by a court, or settled through mediation.
- Courts remain in charge: Expropriation without compensation must be subject to full judicial oversight.
- Stakeholder concerns acknowledged:** The Presidency recognises input from agriculture and civil society and signals openness to further consultation.

13 February '25

Jaco Minnaar, AgriSA President *video message* to members affirming his commitment to private property rights

21 May '25

AfriForum Court Challenge: Expropriation Act

AfriForum filed a court application in the North Gauteng High Court in Pretoria on 21 May 2025. AgriSA on the advice of our Senior Legal Counsel, does not join the AfriForum application.



What AfriForum is asking the court to rule

- Declare the entire Act unconstitutional.
- Declare key sections invalid for being inconsistent with the Constitution.
- Strike down Section 19(8), which allows expropriation to continue while an appeal is pending, as procedurally unfair.



7 February '25

DA Launch Legal Action

DA brings an application in the Western Cape High Court on procedural and substantive grounds.

Court date not yet allocated.

Basis of court case

Procedural irregularity

The DA argues that the National Council of Provinces (NCOP) final mandates should be declared inconsistent with the Constitution and invalid, reviewed, and set aside.

Substantive inconsistency

The DA argues that Sections 19(2), (3), and (4) of the Expropriation Act should be declared as inconsistent with the Constitution and invalid to the extent that it requires parties to approach a Court "within 180 days of the date of the notice of expropriation".

30 January

AgriSA *guideline* on how to deal with illegal land occupiers

29 January

AgriSA communicates to its members *5 key questions - expropriation act signed, what now?*



2024

September

National Assembly passed the Expropriation Bill

April

AgriSA urged the President to use his constitutional powers to either refer the Expropriation Bill back to the National Assembly or consult the Constitutional Court on its constitutionality before signing

2025

23 January

The Bill is Gazetted and President Cyril Ramaphosa announced the signing of the Expropriation Act on 20 December 2024 (commencement date to be determined in the future)

23 January

AgriSA *media release* - Private property is the cornerstone of agricultural stability and food security
Jaco Minnaar, AgriSA President *voice note and letter* to members on the non acceptance of the expropriation bill



2022

February

Jakkeldans court case - AgriSA welcomes ruling on "just and equitable" compensation for land

December

ANC Constitutional amendment of section 25 fails to secure 2/3 majority

October

AgriSA adopts the organisation's revised framework for holistic land reform at its congress

2021

March

AgriSA becomes involved in an Appellate Court case as a friend of the court, where it concerned the interpretation of "fair and equitable compensation" in expropriation in terms of section 25 (Jakkeldans)

AgriSA commissioned an independent study on the economic impact of expropriation without compensation, by Dr Roelf Botha and Ise Botha



2018 - 2021

AgriSA made various submissions to the Constitutional Review Committee and Parliamentary Portfolio Committee, members participated in public hearings

2016

May

Version 2 of Expropriation Bill passed by National Assembly

2017

Version 2 of Expropriation Bill referred back to legislature



2018

AgriSA, Landbouweekblad and Agri Development Solutions conducted an independent land audit

2018

March

ANC moves to amend section 25 of the Constitution to allow for land expropriation without compensation

2019

August

Version 2 of Expropriation Bill withdrawn

November

A workshop was held in Parliament on the amendment of section 25, where AgriSA made a submission to the ad hoc committee in which it clearly articulated its objections to the amendment of the Constitution

2015

March

Version 2 of Expropriation Bill introduced

2014

October

AgriSA adopts the organisation's framework for holistic land reform at its congress stipulating the importance of private property rights and an orderly land reform process



2014

August

Bill is withdrawn from the parliamentary process after Parliamentary advisors conclude it was unconstitutional

2014

May to June

AgriSA members participate in public hearings on Expropriation Bill



2008

May

Version 1 of Expropriation Bill introduced

Equitable Access to Land Bill

The Equitable Access to Land Bill seeks to broaden opportunities for historically disadvantaged South Africans to gain access to land, aligning with constitutional imperatives of redress and equity. While the Bill introduces mechanisms for redistribution and support, questions remain about its practical implementation (most notably ownership ceilings), funding, and institutional capacity.

In terms of the legislative process, the Bill is currently before Parliament, undergoing committee deliberations and public participation. This stage is critical, as stakeholders, including AgriSA, have the opportunity to make submissions and influence the final text. Once adopted by the National Assembly, the Bill will proceed to the National Council of Provinces before being signed into law.

AgriSA's **policy outlook** is to **engage constructively** throughout this process, **advocating for complementary measures** such as **training, infrastructure, and market access** to ensure that redistribution translates into **sustainable agricultural livelihoods**.

Proposed Constitution 22nd Amendment Bill

The Bill was introduced as a private member's Bill by Mr Mzwanele Manyi, MP in July 2025 and published for public comment. It proposes significant changes, including affirming state custodianship of land and natural resources and enabling expropriation without compensation.

While the Constitution 22nd Amendment Bill has entered the legislative process, the high voting thresholds for amending Chapter 2 of the Constitution and lack of consensus make its advancement improbable.

AgriSA repeated its position with respect to previous attempts by the (then) ruling party to amend the Constitution and is of the view that current proposed amendment should be treated as a political signal rather than an imminent legal change.

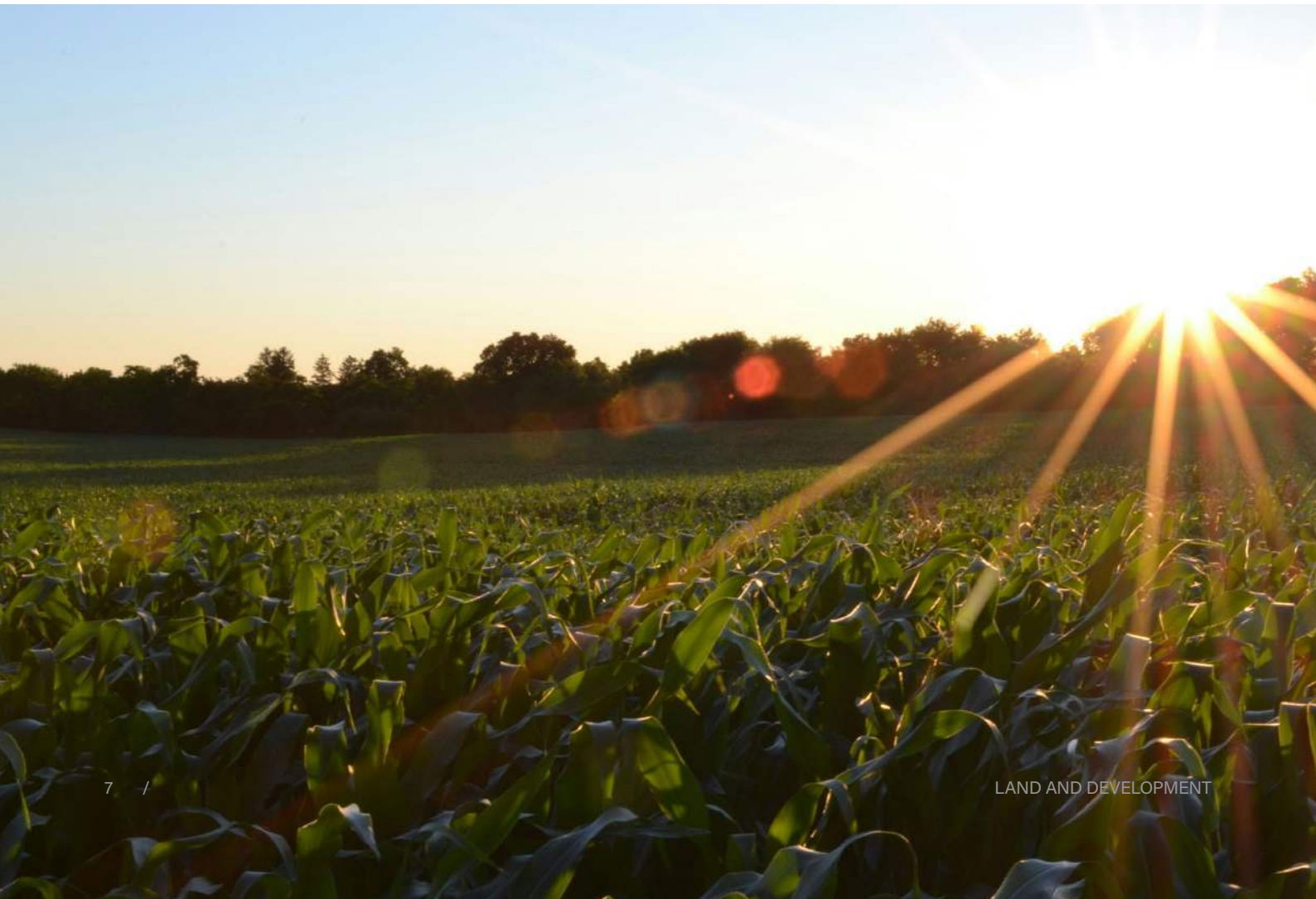
AgriSA's **strategy** is to **remain engaged in parliamentary processes**, ensuring **farmer interests are represented** and emphasising the **risks to food security** and **investment stability**.

Preservation and Development of Agricultural Land Act, 39 of 2024

The Act was assented to on 20 December 2024 and published in the Government Gazette on 29 January 2025. However, it has not yet commenced. The Department of Agriculture is currently drafting regulations, including:

- Norms and Standards for determining the classification of agro-ecosystems;
- Norms and Standards informing agro-ecosystem authorisation requirements for listed activities involving land use change;
- Regulations on the contents of provincial agricultural sector plans;
- Norms and Standards informing authorisation requirements for listed activities involving subdivision;
- Commodity standards and calculation tables.

The commencement date of the Act will depend on the finalisation of these regulations. Importantly, the draft regulations will still need to be published for public comment, which means the process will take additional time before implementation.



Conclusion: A Call for Pragmatic Partnership

AgriSA's 2026 policy outlook calls for a renewed social compact grounded in **economic realism, institutional functionality, and shared responsibility**. Agriculture is uniquely positioned to contribute to growth, employment, and food security—but only if policy enables, rather than constrains, productive investment.

AgriSA reaffirms its unwavering commitment to the rule of law as the cornerstone of South Africa's constitutional democracy. We believe that the Constitution provides essential safeguards to protect the rights, dignity, and freedoms of all citizens, including the farming community. In advancing agricultural interests, AgriSA emphasises that policy and regulatory processes must be evidence-based, transparent, lawful, and consistent with constitutional principles of equality, fairness, and accountability. Upholding these values is not only vital to ensuring legal certainty and investor confidence, but also to safeguarding the livelihoods of farmers and rural communities who depend on a stable and just framework for sustainable development.

AgriSA stands **ready to engage constructively with government, labour, finance, and civil society** to ensure **a sustainable and competitive agricultural sector** for 2026 and beyond.



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