



Land that works for all

DA Land Reform
Policy Summary
2026



A PARTY OF *National Government.*
RESCUING SOUTH AFRICA.



Vision

Establishing a South Africa which belongs to all who live in it by ensuring more South Africans own the land they live on while simultaneously fighting to protect and expand individual property rights for all.

Objectives

- 1. Redistribution:** The DA will tackle the economic exclusions suffered by millions of South Africans who were victims of discriminatory laws denying the majority access to land and its many economic, social, cultural and other benefits.
- 2. Restitution:** The DA will establish a restitution system which establishes greater accountability for government officials, efficient administrative structures, and systems, and create policies which empower those with a right to historically dispossessed land.
- 3. Security of Tenure:** The DA will ensure that security of tenure is established alongside increased access to land.

Principles

National Narrative	DA Narrative
Apartheid has resulted in unequal land redistribution, which remains a contemporary challenge.	Apartheid has resulted in unequal land redistribution. Corruption, mismanagement and incoherent legislation have slowed down the process of redress.
Policy Binary	
Holding onto colonial and apartheid-era customary land ownership, which was a provision under the Native Land Act of 1913, using IPILRA's temporary protections without giving citizens full communal land rights/ownership.	Recognises the importance of property rights, whereby people in communal land have the right to choose title deeds, tenure rights or the land ownership of their own choice instead of the state being the custodian of the land.
Expropriation without compensation: To provide for certain instances where expropriation with nil compensation may be appropriate.	Protection of private property rights: No South African should arbitrarily be dispossessed of their land. Fair compensation should be provided for land earmarked for land reform purposes.

Challenges and Recommendations

Numerous challenges stand in the way of achieving the above objectives; resolving these challenges is crucial to meeting these objectives and achieving the overall vision.

1. Redistribution

Challenges: Elite enrichment and poor identification of beneficiaries.

Recommendations:

- Establish a clear, transparent beneficiary selection process for land redistribution processes. Disadvantage will be used as the principal guiding criterion, using several indicators to identify disadvantage.

Challenges: The Department of Agriculture, Land Reform and Rural Development (DALRRD) is under-capacitated, staffed with many political appointees, suffers from a lack of consequence management and experiences high levels of corruption. There is also limited market access for farmers to sell their produce.

Recommendations:

- Conduct a full audit of capacity and skills shortage in the DALRRD.
- Develop contract farming models, where buyers and farmers enter into agreements in advance in anticipation of the seasonal produce.
- Establish increased devolution of powers through granting more redistribution functions and funding to well-functioning provincial governments.

Challenges: There is a need for more data to be collected to measure the quality of the land and its economic value.

Recommendations:

- Complete a further comprehensive national audit of public and private land ownership to develop a detailed picture of land ownership in the country.
- Ensure the Deeds Office includes demographic data of land transfers and ownership in its records, as well as changes to land usage and subdivisions.

Challenges: Poor Identification of the real demand for land. A failure to identify that the need for land is not limited to, nor primarily linked to, agricultural use.

Recommendations:

- Recognise the various requirements for land, including demand for access to residential land across towns and cities.
- Expand the indicators and targets to measure success in land reform programs.

Challenges: A lack of commercial agricultural support, land beneficiaries who do not wish to be farmers, poor access to market information, the capital-intensive and low-margin nature of commercial farming, the negative impacts of poor service delivery and infrastructure, a decreasing supply of farmers, rural violence and crime.

Recommendations:

- Commercially viable farms shall not be targeted for expropriation or redistribution unless there is a strong case for doing so.
- Agricultural land redistribution must only occur once it is determined that the land is suited for this purpose.
- Increase the supply of skilled farmers through increased investment in training and education for agriculture.
- Increase capital through finance in the form of grants, loans, and equity-backed capital for purchasing land, equipment or working capital.
- Provide improved water, road, communications and transport infrastructure.

Challenges: A lack of sufficient post-settlement support.

Recommendations:

- Strengthen the institutional capacity of provincial structures responsible for post-settlement support.
- Establish specialised units within provincial departments that are solely mandated with providing pre- and post-settlement support.
- Ensure that the provincial governments offer legal services during the contractual process.

The DA's Plan for Successful Acquisition and Redistribution of Land

- Focus primarily on the use of government-owned land.
- With regard to private land, suitable land should be obtained with the consent of the owners.
- Utilise purchase grants for land acquisition.
- Effective use of municipal commonages.
- Implement a mixed-use model when acquiring land for redistribution purposes.

2. Restitution

Challenges: The Land Claims bureaucracy was not designed to handle the sheer number of claims filed before 1998. The Commission struggles with poor institutional capacity, ranging from a lack of internal legal and historical skills to poor information management and a high staff turnover.

Recommendations:

- Strengthen the Land Claims Court by appointing permanent Land Claims Court judges.
- Create a clear, accessible hard and soft copy information record for the restitution processes for access by all stakeholders.

Challenges: Dysfunctional systems relating to land restitution.

Recommendations:

- Amending the Restitution Act to allow for decisive and effective interventions in dysfunctional Trusts and CPAs.
- Create extensive support for existing CPAs and Trusts and establish more robust CPA institutions.

Challenges: Limited provision of post-settlement support.

Recommendations:

- The Commission should be fully relieved of post-settlement duties.
- A comprehensive pre-settlement plan must be established, and all recipients of commercial agricultural land should receive training specifically for the type of commodities produced on the farm.
- Post-settlement support programmes should provide private mentorship from the outset of the projects.

Challenges: Opposition to the subdivision of farms, resulting in inappropriate farm sizes.

Recommendations:

- The use of alternative models based on low material inputs, high labour inputs, and smaller units or even household-based production will be considered. Where beneficiaries choose to farm rather than accept compensation, beneficiaries should be provided with appropriately sized farms within the framework of restitution claims.

Challenges: Corruption, nepotism, and abuse of power were identified as increasingly widespread in the restitution process at multiple levels, often defeating or hijacking the processes and envisaged outcomes.

Recommendations:

- Reform dysfunctional administrative settlement and CPA processes that may be facilitating corruption.
- Attach more stringent conditions and oversight of land policy and related implementation. The proposed Land Court will assist with achieving this goal.
- Ensure that integrity management and anti-corruption mechanisms are adhered to and that consequences for non-compliance are correctly managed across the government, business, and civil society sectors.

Challenges: Legislative and Policy Uncertainty, particularly relating to the proposed amendment of Clause 25 of the Constitution and revising the 1913 cut-off date.

Recommendations:

- Limit the use of expropriation to restitution initiatives and use expropriation only as a last resort. Such expropriation must be compensated.
- Recommending that the 1913 cut-off date remains in place.

3. Security of Tenure

Challenges: Insecure Tenure in Communal Areas.

Recommendations:

- A formal register which recognises a continuum of land rights.
- Establish an opt-in/out mechanism in the instance that individuals would want title to a specific portion of communal land and not own this land as part of the bigger group.
- Promote strong and clearly delineated individual and family-based rights in order to use land and hold leaders to account.
- Rights holders must be consulted before using, selling, and developing the land they occupy and use.

- Remove the requirement for the annual renewal of IPILRA.
- Deprivation of informal rights to land should require consent, either that of the individual or the group where land is shared. Before a consent decision is made, there should be a requirement to appoint a facilitator.
- IPILRA should state explicitly that the holders of informal rights are deemed to be the owners of the land in question for the purposes of any revenue from the land or any compensation for the use of the land.
- Beneficial occupiers should qualify under IPILRA after three years of beneficial occupation, considering that a person would need to have occupied for 25 years to qualify.

Challenges: Insecure Tenure for farm dwellers, farm workers, and labour tenants.

Recommendations:

- Ensure that there is a designated land rights consultant for every farm in South Africa who will be responsible for running regular workshops for farm workers, farm dwellers and labour tenants to attend.
- Amend the ESTA to preclude the settlement of claims outside of court.
- Make amendments to ESTA for provisions of the Act to also apply to state-owned land.

Challenges: The Labour Tenants Act (LTA) has resulted in unintended consequences in the procedure, relating to landowners responding with denials to section 17 notices but subsequently acknowledging that the applicant is a labour tenant for the purposes of an out-of-court agreement. There is an additional definitional deficiency regarding who a labour tenant in terms of the Act is.

Recommendations:

- An amendment is needed to make provision for compulsory mediation before the matter is heard in court. Furthermore, no notice must be issued requiring the landowners to deny or confirm tenancy. The notice should only inform the owner of the application and require them to attend mediation.
- Recommend that provisions on farm workers be removed. The focus should be on the way the land is being used and whether or not stronger rights are justified.

Challenges: The Settlement Land Acquisition Grant is insufficient to purchase the land or alternative land.

Recommendations:

- Establish a growing economy, which enables job growth and allows for an increased tax base.

Challenges: There is a conflict at times which occurs with restitution claims. This happens in the first instance where former evicted labour tenants have lodged restitution claims to the land they had used, while current labour tenants have applied for the same land through the LTA. The second conflict occurs when labour tenants may have lodged restitution claims to the land they occupy and use as labour tenants and then, because of the length of the process, claim this land again through the LTA process. There are also significant institutional constraints which have hampered the implementation of the LTA.

Recommendations:

- LTA Regulations should be amended to include protection for labour tenants when a restitution claim is lodged on land where labour tenants reside.
- Establish a database with updated information to track missing claims.
- Ensure that restitution claims are not prioritised over labour tenant claims through an amendment to the LTA.

- Develop a comprehensive, properly costed, and resourced implementation plan for the LTA.

Challenges: There are significant delays in land transfers for legal entities.

Recommendations:

- Review processes for joint ownership. This review must identify the gaps to be addressed to build a system for joint ownership which will streamline processes to reduce delays.

Challenges: A variety of other challenges relating to tenure security for farm dwellers, farm workers, and labour tenants outside of ESTA and the LTA require the following solutions:

Recommendations:

- Ensure that the housing development programmes prioritise farm workers, farm dwellers, and labour tenants.
- Establish a database where all labour tenants, farm workers and dwellers and their entitlements will be found and where each entitlement is listed and “ticked off” when such entitlement has been granted.
- Abandon the 50/50 policy and focus on improving existing systems.
- Ensure there are mechanisms to address the competing rights of farm owners and farm workers in all relevant legislation.

Challenges: There is insufficient housing for the poor.

Recommendations:

- The DA’s approach to housing uses a variety of options, which include self-builds, rolling out of serviced sites, in situ upgrading where viable, and massive, small and medium-density developments in existing urban neighbourhoods.
- The DA approach must emphasise private initiative being at the core of delivering increased housing stock.
- Evaluate the feasibility of government rental arrangements for state-owned land as a temporary measure while formal housing options are being developed.

Challenges: Difficulty in obtaining title deeds.

Recommendations:

- Smart, electronic title deeds and easily accessible, transparent, and online title deed registration systems are required.
- Simplify the process for small estates and increase the monetary threshold to allow these estates to be finalised more speedily and at lower to no costs.
- Attend to the crisis at the Office of the Master of the High Court and ensure that the system runs effectively and efficiently.

Challenges: The challenge of informal settlements and unlawful occupancy.

Recommendations:

- Recognising that addressing the problem of inadequate housing for the poor also addresses the problems associated with informal settlements.
- Private property rights must be adequately protected.

Challenges: A credibility crisis for formal tenure institutions in urban areas. This arises from informal tenure allocators, who are legitimate in the community but not recognised through formal means.

Recommendations:

- Decentralise the title management systems, allowing for greater involvement of local role players to enable recognition of both formal and informal forms of tenure.
- Establish alternative forms of tenure, including recognising informal forms of tenure through legislative or any other avenues that may be available for the short term.

4. Ingonyama Trust and Security of Tenure

Challenges: The Ingonyama Trust lacks sufficient duties to consult or to obtain community consent when dealing with the land. The terms of lease agreements issued by the Ingonyama Trust are typically highly favourable to the Trust as opposed to the lessee.

- The DA's position on property rights is that secure tenure rights or real rights must be guaranteed for all citizens in the Republic of South Africa. However, the DA also believes that the role of traditional leadership in the provinces affected must be considered.
- The Democratic Alliance will consult with Amakhosi, Isilo, and the Ingonyama Trust Board (ITB) in KwaZulu-Natal regarding land issues which fall under the ITB. This process aims to determine how to effectively secure tenure rights for the people of KZN while simultaneously acknowledging the important role that traditional leadership plays in the province.

Recommendations:

- Identify corrective actions to be taken to improve oversight and accountability over the ITB regarding land held under the Ingonyama Trust.
- Develop a strategy towards effectively securing tenure rights for the people of KZN in partnership with the traditional leadership in the province.

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