

# Land, Water and Agricultural Remedies: Regulatory Changes in The Pipeline

Agbiz Media Day

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# Topics for discussion

- Expropriation
- Focus on agro-chemicals
- Water Act

# Expropriation

- Proposal to amend section 25 of the Constitution to provide for expropriation without any compensation and scrap section 25 altogether after certain steps have been taken and bring in state custodianship over land. Private member's Bill.
- The municipality of Ekhululeni has expropriated a property without compensation with the intention to test the limits of the Constitution.
- The landowner is contesting the compensation – matter to be heard in February 2026.
- Government has acknowledged that section 19 of the Expropriation Act is likely unconstitutional.
- Equitable Access to Land Bill.



# Focus on agro-chemicals

- There are many misconceptions about agricultural remedies, these include:
  - That we can farm without using pesticides and herbicides.
  - That there is insufficient regulation of the registration and use of these remedies.
  - That there will be no impact on food security if these remedies are discontinued.
  - That our situation and conditions are similar to e.g. those in Europe.



# Focus on agro-chemicals

- NGO's have been campaigning hard for the banning of all highly hazardous pesticides.
- Protest action, presentations in Parliament, lobbied SAHRC.
- Colloquium organized by DoA on 21 and 22 August in Stellenbosch.
- Draft report of Colloquium compiled and circulated for comment.
- One of the recommendations: Banned substances elsewhere would be banned in South Africa, and safer alternatives would be promoted
- Agbiz recently presented to portfolio committee on agriculture on responsible use of agricultural remedies.



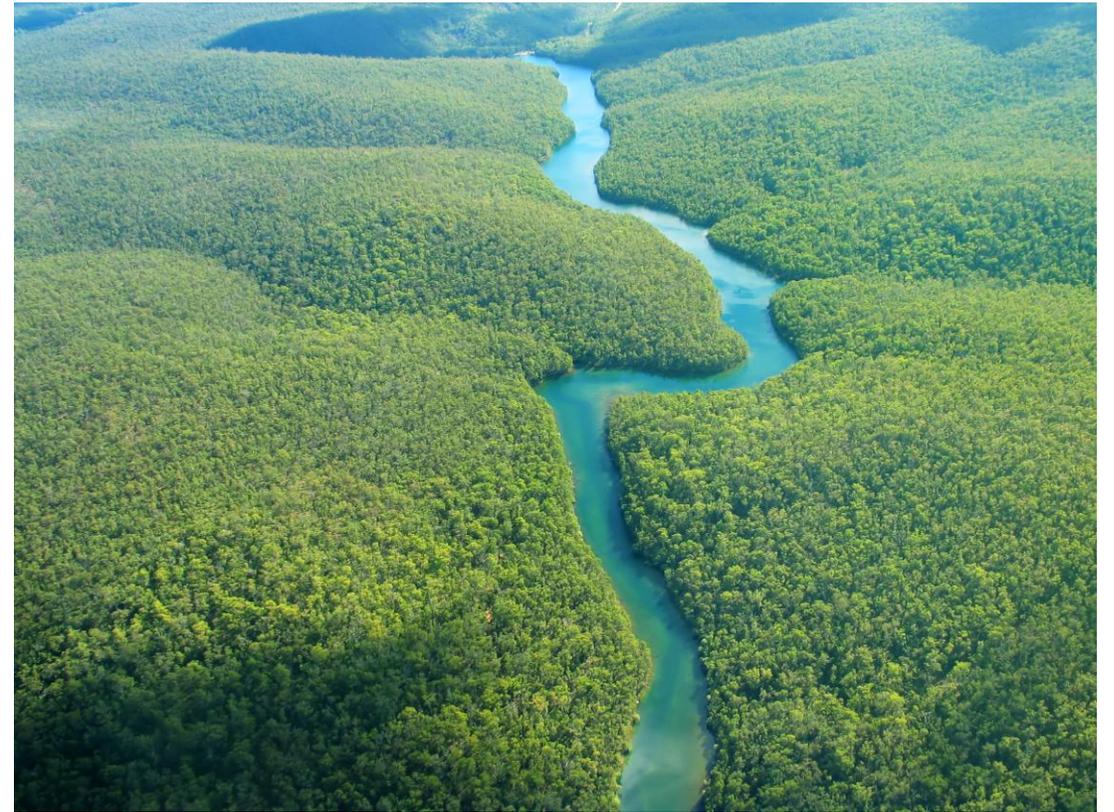
# Focus on agro-chemicals

- Final report with recommendations will go to Minister.
- New legislative framework likely.
- Important to come up with a realistic, science based framework crafted for the South African climatic conditions and pests.



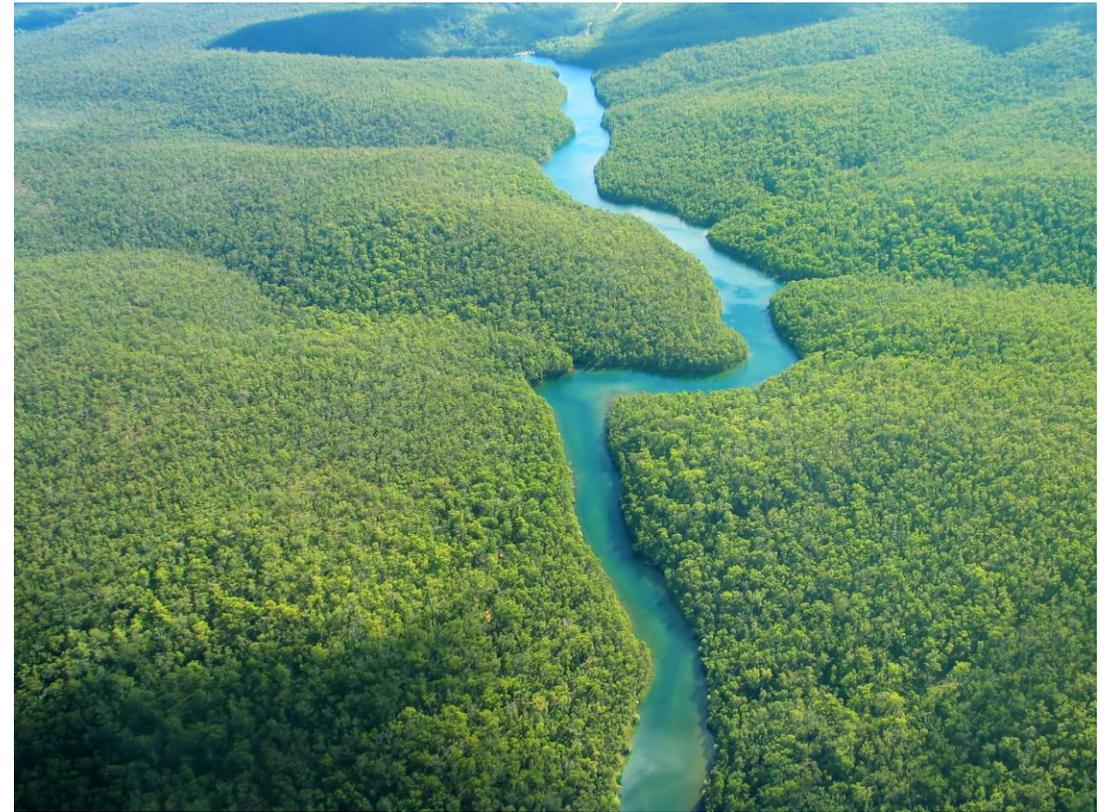
# Amendments to National Water Act

- Cabinet approved the draft Bill on 6 August 2025.
- A notice of the intended tabling of the Bill was published on 10 October 2025.
- Some of the proposed changes in the latest version of the Bill include:
  - A 30 meter setback from the source in water source areas,
  - The prohibition of water trading or transfer of a water use entitlement from one person to another;
  - Water reallocation by the Minister between sectors, provinces and catchments. This will codify the DWS' 'use-it or lose-it' principle. Any authorised water use not utilised for a specific period can be reallocated by the Minister.



# Amendments to National Water Act

- The prioritisation of the redress of past racial and gender discrimination when issuing a licence or general authorisation.
- Membership of Water User Associations: The Amendment Bill requires the constitution of water user associations to contain a detailed strategy to achieve transformation concerning racial and gender representation in all components of the relevant association. The NWA requires the constitution to be approved by the Minister prior to the establishment of the water user association.



# Amendments to National Water Act

- What are the implications for the sector?
- In terms of a 2018 Water Research Commission report : “Irrigation supports 25 to 30% of our national agricultural production.
- It is estimated that irrigation is responsible for up to 90% of the production of high-value crops (including potatoes, vegetables and fruit) and 25-40% of the production of industrial crops (including sugarcane and cotton).
- About 90% of our fruit and wine is produced under irrigation.
- Uncertainty about access to irrigation water is likely to have a impact on investment in the sector, farm values and agricultural production of commodities produced under irrigation.



## QUESTIONS AND COMMENTS

# Thank you!

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