



MINISTRY
HUMAN SETTLEMENTS
REPUBLIC OF SOUTH AFRICA

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ADDRESS

BY

THE MINISTER OF HUMAN SETTLEMENTS

THEMBI SIMELANE

**DURING THE OCCASION OF THE LAW REFORM ROUNDTABLE ON
THE DRAFT PREVENTION OF ILLEGAL EVICTION FROM AND
UNLAWFUL OCCUPATION OF LAND AMENDMENT BILL, 2026
HOSTED BY THE UNIVERISTY OF STELLENBOSCH**

ON VIRTUAL PLATFORM

04 AUGUST 2026

Programme Director;

Professor Thuli Madonsela;

Leadership and members of the Stellenbosch University community;

Representatives of civil society, the legal profession and the human
settlements sector;

Distinguished guests;

Ladies and gentlemen.

Good evening,

Thank you for the invitation to participate in this important engagement on the Prevention of Illegal Eviction from and Unlawful Occupation of Land Amendment Bill.

It is a privilege to engage at Stellenbosch University, and particularly in dialogue with Professor Thuli Madonsela, whose contribution to constitutionalism, social justice and accountable governance continues to enrich our national conversation.

The subject before us lies at the intersection of constitutional rights to human dignity, property, and access to adequate housing, as well as the imperative of spatial justice and the practical responsibilities of the State. It therefore demands a conversation that is legally rigorous, socially conscious and grounded in the lived realities of our communities.

THE CONSTITUTIONAL STARTING POINT

Our point of departure must be the Constitution. Section 26 affirms the right of everyone to have access to adequate housing. It requires the State, within its available resources, to take reasonable legislative and other measures towards the progressive realisation of that right. At the same time, it provides that no one may be evicted from their home, or have their home demolished, without an order of court made after all relevant circumstances have been considered.

This is a carefully constructed constitutional balance. It rejects arbitrary eviction and requires judicial oversight. It recognises the hardship and vulnerability that may accompany homelessness. It also recognises that land must be governed lawfully and that ownership, public planning,

infrastructure development and the rights of communities cannot be rendered meaningless.

The existing PIE Act, which came into operation in June 1998, gave legislative effect to this constitutional protection. Nearly three decades later, experience in the courts, municipalities and communities has shown areas in which the framework requires greater clarity and stronger implementation tools.

The Amendment Bill is therefore not a departure from the constitutional project. It is an effort to refine the law so that constitutional protection can operate more fairly, consistently, and effectively in present-day conditions.

THE REALITY THE BILL MUST ADDRESS

We must speak honestly about the realities that have emerged. South Africa continues to face deep housing needs, entrenched spatial inequality and increasing pressure on well-located land. Many people living in informal or unlawful occupation do so because they have few viable alternatives. Their circumstances must be approached with dignity, care, and proper assessment.

However, poverty and vulnerability are not the whole story. We are also confronting organised land invasions, the hijacking of buildings, the unlawful sale or allocation of sites, and the collection of fees from desperate households by people who have no lawful authority to do so. These challenges are further compounded by those who incite others to unlawfully occupy land or buildings for political gain.

These practices exploit vulnerable people. They may place families in unsafe buildings or hazardous conditions. They disrupt the orderly provision of housing and essential infrastructure. They also delay projects intended to benefit entire communities and impose significant financial, planning and legal burdens on municipalities and lawful landowners.

We must therefore avoid a false choice between protecting vulnerable occupiers and upholding the rule of law. A just framework must do both. It must distinguish genuine housing needs from organised profiteering or political opportunism, and it must ensure that responses are proportionate, evidence-based and subject to the supervision of the courts.

WHAT THE AMENDMENT BILL SEEKS TO ACHIEVE

The central purpose of the Bill is to bring greater clarity and balance to the rights and responsibilities of unlawful occupiers, landowners, municipalities, and other organs of State. Among its key proposals, the Bill seeks to:

- clarify and strengthen key definitions, including the meaning of land, so that buildings and structures, particularly unlawfully occupied high-rise buildings, are properly addressed;
- define alternative accommodation as temporary accommodation intended, where justified by the circumstances, to prevent vulnerable people facing eviction from being rendered homeless;
- expand the definition of a person in charge to include a person with legal authority to administer or control the land in question. This will

enable a municipality to initiate eviction proceedings even where it does own the unlawfully occupied.

- broaden the offence provisions to reach persons who incite or organise unlawful occupation, whether or not they personally receive money or another benefit;
- provide for a maximum fine of R2 million as a deterrent against conduct that exploits people and undermines lawful land administration.
- remove the distinction based on whether unlawful occupation has continued for more or less than six months, thereby ensuring consistent protection and enabling courts to remain focused on whether an eviction is just and equitable.
- expand the powers of courts to issue orders concerning the retention, demolition or removal of improvements or structures on the land; the retention, tending or harvesting of any standing crop; and the payment of compensation for any improvement, structure, materials or standing crop obtained by one party from the other;
- require courts, in urgent proceedings, to consider the pace, scale and frequency of an unlawful occupation;
- require the joinder of the relevant municipality, provincial human settlements department or other interested organ of State, so that the institutions with duties or information are before the court;

- introduce mandatory mediation where a municipality or organ of State is the owner or person in charge of the land; and
- enable courts to specify the period for which temporary alternative accommodation must be provided, bringing greater certainty to all parties.

PROTECTING VULNERABILITY WITHOUT INSTITUTIONALISING TEMPORARINESS

The treatment of alternative accommodation is one of the most important parts of this discussion. Our courts have made clear that the State's housing obligations include reasonable responses for people in crisis or emergency circumstances. The Bill recognises this principle and preserves the court's power to protect vulnerable evictees from homelessness.

At the same time, emergency or alternative accommodation cannot become an indefinite arrangement by default. Municipalities need clarity to plan, budget and manage limited resources. Occupiers also need certainty about the nature and duration of the arrangement. Enabling a court to stipulate an appropriate period allows the order to respond to the facts of each case while making responsibilities clearer.

This discretion must remain rooted in an assessment of all relevant circumstances. Vulnerability cannot be reduced to a label. Courts and public authorities must consider the actual circumstances of households, including the presence and needs of children, older persons, persons with

disabilities and households that cannot reasonably secure accommodation for themselves.

The Bill should therefore be understood as seeking disciplined, fact-specific decision-making, not an automatic denial of alternative accommodation, and not an automatic obligation detached from need, reasonableness, and available resources.

MEDIATION, COOPERATIVE GOVERNANCE AND ACCOUNTABILITY

The proposed emphasis on mediation is equally significant. Eviction proceedings are often prolonged, adversarial, and costly. Where public land is involved, mediation can create a structured opportunity to clarify facts, identify genuine vulnerability, explore lawful alternatives, and reduce avoidable litigation.

Mediation must, however, be meaningful. It should not become a procedural formality or a mechanism for delaying the resolution of unsafe or unlawful conditions. It requires capable mediators, good-faith participation and public institutions that arrive with verified information and a clear understanding of their mandates.

The mandatory joinder of relevant municipalities, provincial departments and other interested organs of State supports cooperative governance. Too often, a court is asked to decide a complex matter while the public institutions responsible for housing, land, safety, or services are absent, or while responsibility is passed from one sphere to another. The Bill seeks to bring the relevant parties into the proceedings so that responsibilities can be identified, and orders can be informed by practical realities.

This must be matched by stronger intergovernmental planning. Legislation alone cannot compensate for weak land management, delayed development, fragmented beneficiary information or inadequate emergency-housing readiness.

THE BILL IS PART OF A BROADER HUMAN SETTLEMENTS RESPONSE

The Amendment Bill is not presented as a substitute for housing delivery. The long-term answer to unlawful occupation is not eviction alone. It is the accelerated provision of sustainable human settlements, well-located serviced land, affordable housing options and credible pathways through which households can access support.

The human settlements sector continues to strengthen proactive measures, including the acquisition and preparation of land for future development, the release and allocation of serviced sites, the use of innovative building technologies, the upgrading of informal settlements, and the continuous review of policy and implementation instruments.

These measures are essential because the law must operate alongside a development programme. If the State responds only after occupation has occurred, it remains trapped in crisis management. We must become more anticipatory: protecting strategic land, improving development pipelines, detecting organised invasions early, coordinating enforcement lawfully and ensuring that communities have reliable information about legitimate housing opportunities.

This is also a question of public trust. People must be able to believe that housing programmes are administered fairly, that beneficiary systems are

credible, that unlawful profiteers will not be rewarded, and that vulnerability will not be ignored.

A CALL FOR CONSTRUCTIVE PUBLIC PARTICIPATION

This engagement forms part of a necessary public conversation. The Department welcomes rigorous scrutiny of the Bill, particularly on its constitutional implications, the definition and duration of alternative accommodation, the protection of vulnerable groups, the scope of judicial discretion, the operation of mandatory mediation and the capacity of municipalities to fulfil their responsibilities.

We should test whether the Bill's language is sufficiently clear; whether it can be implemented consistently; whether it avoids unintended consequences; and whether it equips the courts and public authorities to reach outcomes that are truly just and equitable.

Universities, legal scholars, civil society organisations, property owners, traditional authorities, municipalities and affected communities all bring important perspectives. Public participation should not be approached as a procedural hurdle. It is an opportunity to improve the legislation and deepen its legitimacy.

We must be especially careful that our response to organised unlawful activity does not stigmatise people experiencing poverty or housing insecurity. Enforcement must focus on unlawful conduct and exploitation, while the State's developmental and constitutional obligations continue to guide our response to genuine need.

CONCLUSION

The enduring test of this legislation will not be whether one interest prevails over every other. The test will be whether it enables our constitutional democracy to protect dignity, uphold the rule of law and allocate responsibility fairly.

For unlawful occupiers, the framework must continue to provide protection against arbitrary eviction and meaningful consideration of vulnerability. For landowners and communities, it must provide a credible and timely legal process. For municipalities, it must clarify obligations and support planning that is reasonable and financially sustainable. For the courts, it must provide clear tools while preserving the judicial assessment of what is just and equitable in each case.

The balance is difficult, but difficulty cannot be a reason for inaction. It is precisely in these contested spaces that constitutional governance must be at its strongest.

I look forward to the insights of Professor Madonsela and to the discussion this evening. I trust that the engagement will help us refine the Bill and advance a framework that protects vulnerable people, confronts exploitation, and supports the orderly development of sustainable human settlements.

I thank you.