

AgriSA Guidelines

What to do if faced with illegal land occupiers



Considering the recent signing of the Expropriation Bill, AgriSA has compiled the below guidelines to assist its members should you be faced with an illegal land grab situation.

This guideline has been compiled with assistance from Agri Western Cape and under the guidance of AgriSA Rural Safety Chair, Uys van der Westhuijzen.

1. PROACTIVE PLANNING

1.1 Risk assessment and analysis

- Identify vulnerable areas on your farm, including:
 - Access roads and alternative routes.
 - Critical infrastructure such as water sources, electricity supply, and communication towers.
 - Potential targets for occupiers (vacant land and unoccupied buildings).
- Work with farmers association to develop a rural safety plan for your area.
- Appoint a proxy to act on your behalf if you are away from your property for extended periods.

1.2 Coordination with stakeholders

- Establish a network of key contacts, including:
 - SAPS, local reservists, Community Policing Forums (CPF), and your local farmers' association and farm watch structures.
 - Private security companies and response units.
 - Municipal and district authorities (traffic, fire department and ambulance services).
 - Disaster management services.
 - AgriSA through your provincial agri office.

1.3 Legal preparation

- Understand landowners' rights and obligations under the *Prevention of Illegal Eviction from and Unlawful Occupation of Land Act (PIE Act)*.
- Seek legal advice and prepare for quick legal action if an occupation occurs.
- Keep documentation ready to formally report the incident to SAPS.

2. REACTIVE ACTION PLAN

2.1 Immediate actions to take

Assess the situation

- Observe the number of intruders, their actions, and whether they are armed or aggressive.
- If threatened, retreat to a safe location and avoid direct confrontation.
- Capture video or photographic evidence from a safe distance.
- Notify farm workers and family members to stay in secure areas.
- Keep a detailed **action log** of everything that transpires and share this with your Agri structures.

Contact Law Enforcement & Authorities

Immediately report the incident to the following authorities:

- Local police
- Municipal law enforcement
- Farmers association rural safety representative
- Farm watch security response unit
- Your attorney/legal representative
- Local municipality/government authorities

Notify medical and emergency services (if needed)

- Ambulance/medical emergency services
- Fire brigade

2.2 Know your rights as a landowner

Property rights

- As a legal landowner, you are protected under property rights laws and can take legal action against unlawful occupation.
- Eviction laws apply, and unauthorized land grabs are illegal without due process.

Right to protect property

- **Non-violent deterrence** (fencing, warning signs and farm security).
- **Use of force:** You may defend your life and property within the limits of the law but must avoid excessive force that could lead to legal consequences.

Legal procedures

- Obtain a court interdict against trespassers.
- File a police case for trespassing, intimidation, or destruction of property.
- Engage legal counsel for immediate legal recourse.

AgriSA Guidelines

What to do if faced with illegal land occupiers



3. SECURITY AND PREVENTATIVE MEASURES

3.1 Install security infrastructure

- **Perimeter fencing and signage:** Clearly mark property boundaries.
- **CCTV cameras and surveillance:** Place cameras at strategic locations.
- **Alarm systems:** Link to local security response teams.

3.2 Community and Farm Watch coordination

- **Join local farm watch groups:** Coordinate with farmers and neighbours.
- **Maintain updated contact lists** of emergency responders.
- **Train farm workers** on security protocols.

3.3 Emergency response drills

- Conduct regular farm security drills with staff.
- Ensure access to emergency escape routes.
- Keep a secure communications plan (radio and WhatsApp groups).

5. ESCALATION MANAGEMENT

If occupiers refuse to leave

- Seek legal advice and initiate a formal eviction process.
- Work with SAPS and authorities to enforce legal eviction.
- Request assistance from your provincial Agri office

If violence occurs

- Do not intervene yourself – allow law enforcement to handle the situation.
- You may only assist the SAPS with law enforcement if instructed to do so by the SAPS in accordance with Section 42 and 49 of the Criminal Procedure Act.
- Document everything with photos, videos, and GPS Coordinates for legal action.

4. LEGAL AND TACTICAL RESPONSE PLAN

1. **Report immediately** to SAPS and legal representatives.
2. **Do not engage physically** unless in self-defense.
3. **Document everything** (photos, videos, statements and GPS Coordinates).
4. **Secure legal intervention** through a court order.
5. **Coordinate** with farm watch and rural safety networks.
6. **Maintain ongoing communication** with relevant stakeholders.
7. **Report everything** to your provincial Agri structure to share with AgriSA.

6. POST-INCIDENT REVIEW AND PREVENTION

- Conduct a **debriefing** with all involved stakeholders to identify lessons learned and improve strategies.
- Implement **proactive security measures**, such as:
 - Regular patrols.
 - Improved fencing and access control.
 - Community engagement to raise awareness.

Final note from AgriSA

AgriSA urges all farmers and members to stay calm when faced with these situations but to act quickly and decisively to avoid escalation. It is important to prioritise your personal safety and the safety of your family and employees.

We encourage all farmers to work closely with law enforcement and the organised agriculture structures that you are affiliated to. It is important to ensure that all actions are conducted legally and to ensure continuous farm security training and preparedness.

Finally, all incidences should be reported through your provincial offices to AgriSA to ensure a comprehensive and detailed action log is available should the need arise to escalate occurrences to National role players.