

COSATU Submission:

Land Court Bill

23 July 2021



COSATU

Submitted to:

**Portfolio Committee:
Justice and Correctional Services**

**National Assembly
Parliament**

Republic of South Africa

1. Introduction

COSATU welcomes the tabling of the Land Court Bill. This is a progressive and long over initiative. COSATU supports the progressive provisions of the Bill and urges its speedy passage.

The Federation urges Parliament to consider further clarifying the jurisdiction and scope of the Court with regards the Extension of Tenure Security Act and evictions from farms of farm workers and their families.

Whilst COSATU supports the Bill, we are worried about government's ability to adequately resource it.

2. COSATU Support for the Land Court Bill

COSATU welcomes and supports the Bill. The Federation urges its speedy passage through Parliament, assenting by the President and implementation by government.

It is a progressive bill that will assist in addressing the perennial and seemingly neverending delays in resolving thousands and thousands of land restitution cases.

It will establish and formalise the necessary judicial expertise in land cases.

It provides the necessary administrative flexibility for the state to ensure that cases can be held in areas close to communities.

It ensures that judges will be remunerated at the same levels of their peers to ensure that the necessary seniority, expertise and stability in judges are achieved.

3. COSATU's Proposals to Clarify the Scope of the Courts

COSATU welcomes the proposed scope of the Bill to cover matters provided for in various land reform legislation, e.g. the Restitution of Land Rights, Land Reform, Upgrading of Land Tenure Rights, the Extension of Security of Tenure Acts amongst others.

The Federation is concerned that this scope is not explicitly stated in the Act itself but rather only mentioned in passing its Schedule.

This may lead to unnecessary confusion by not only plaintiffs, defendants but also amongst the magistrate's courts. The wording in the Bill gives an impression that the Land Courts will focus on land restitution cases. It is vague and ambiguous with regards to its role cases involving the eviction of farm workers and labour tenants and their families from land they reside on and occupy.

COSATU Proposal

- That clarity be provided for in the Bill itself citing these Acts and the nature of the types of cases that may be brought for it, in particular those falling under

the Extension of Security of Tenure Act, e.g. the eviction of farm workers and labour tenants and families from land they occupy or reside on.

4. COSATU Concerns with Regards to Adequately Resourcing the Land Courts

Whilst COSATU supports the proposed establishment of the Land Courts, we are deeply concerned with regards to government's ability to adequately resource them so that they are able to fully fulfil their legal mandate.

Workers have painful experiencing with the under resourcing of Labour Courts and as a consequence, workers can wait up to 2 years for their cases to be heard and concluded.

Workers have seen government slash the funding of the CCMA by R300 million over the current Medium-Term Expenditure Framework resulting in it having to reduce services, retrench Commissioners and cases taking 3 months and no longer 1 month to be heard. This has occurred during the height of the deepest economic recession and an unprecedented global pandemic when millions of workers have been forced to work in dangerous conditions without adequate protections, have lost wages and pensions, and been retrenched.

5. Conclusion

COSATU supports and urges the speedy passage of the Land Court Bill. It will provide an additional boost in support of land reform and help to ensure properly capacitated dedicated courts to hear land cases.

COSATU urges Parliament to insert an additional provision in the Bill to ensure that its scope is clear to all and that it includes dealing with the evictions of farm workers, labour tenants and their families.

Lastly the Federation urges Parliament to ensure that these Land Courts will be sufficiently resourced to fulfil their legal mandates.

Thank you.



Matthew Parks
Parliamentary Coordinator



6th Floor, Constitution House,
124 Adderley Street
(corner of Church Street)
Cape Town 8000, South Africa

