



NKUZI

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**DEVELOPMENT
ASSOCIATION NPC**

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22 August 2017

The Chairperson of the NCOP
Parliament of South Africa

SUBMISSION ON THE TRADITIONAL LEADERSHIP AND GOVERNANCE FRAMEWORK ACT AND AMENDMENT BILL OF 2017

Nkuzi Development Association is a land rights support organisation which is based in Limpopo Province. Nkuzi works in 5 districts of Limpopo and interacts with people in communal areas, mining affected communities, land claimants, farm dwellers, farm workers and small scale farmers who accessed land through the government's land reform programme. The groups we work with, especially small scale farmers and the land claimants who aspire to access land through the restitution of land rights component are seriously affected by the proposed amendments.

It is worth noting the following concerns on the BILL:

1. The proposal to take away the land ownership right from the CPA is depriving the black people their constitutional right as stated in Section 25(1) of the Constitution. This move is equivalent to the apartheid practice wherein black people were denied the right to own land on the basis of the colour of their skin.
2. The proposal to develop the general plan on behalf of the beneficiaries is taking us back to apartheid planning wherein black people did not have a say in land use and development schemes.
3. The BILL proposes for the establishment of the CPA office without clearly defining the functions of the office. Further, it proposes for the transfer of staff from the Department to work in the CPA office. This is a worst move altogether as departmental staff has proven to be incompetent to deal with issues at hand including supporting the CPAs.
4. The Department of Rural Development has from the beginning, set up the CPAs to fail as no support is being provided to the existing CPAs. Whenever

A LAND REFORM SUPPORT ORGANISATION

Directors: Joyce Letsoalo (Chairperson), Motlanalo Lebepe (Executive Director), Ben Maluleke, Siphso Molope, Patrick Mojapelo, Rebecca Mokgopo, David Nkoana, Skokie Makgoba, Dorcus Mogano and Lynkie Molewa

the CPAS calls for assistance, they are told to deal with the challenges on their own as private land owners and legal entities

5. Most of the existing CPA were not invited to participate in the public consultation held on the 10th and 11th August 2017. Those who attended knew about the hearing by a word of mouth, especially from people who are privileged to have been contacted by government officials.
6. The hearings were held in two districts, i.e., Nkowankowa Community Hall and Tayob Hall in Mokopane. Therefore, no consideration was made for the vastness of the province as well as the diversity of communities in terms of languages spoken.
7. The Bill was not available prior consultation to the participants and even those who managed to attend could not get copies of the Bill in other provincial languages other than English
8. Consultation session in Nkowankowa was rushed through and police were called to intimidate members of the public who were genuinely raising their concerns on the Bill and the consultation process.

We therefore recommend that:

1. The Bill include definitions which clearly have separation between beneficiaries and communities;
2. The clause to withdraw the land ownership rights by CPAs be deleted;
3. Funds be made available to capacitate CPAs and deployment of monitoring and evaluation by departmental staff
4. The Bill be subjected to further consultations wherein all CPAs and affected parties are invited properly.
5. Circulation of the BILL be made prior to consultations and be made in local languages.

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Motlanalo Lebepe
Executive Director

