Our Ref: Isiqakatha Community Claim

**Enquiries: Walter Silaule**

**CHAIRPERSON: PORTFOLIO COMMITTEE ON AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**

**SUBJECT: STATUS REPORT OF ISIQAKATHA COMMUNITY LAND CLAIM, SITUATED IN JOZINI LOCAL MUNICIPALITIY WITHIN UMKHANYAKUDE DISTRICT MUNICIPALITY IN KWAZULU-NATAL WITH REFERENCE NUMBER KRN6/2/2/E/43/0/0/26**

**1. PURPOSE**

1.1 To inform the Chairperson of the Portfolio Committee on Agriculture Land Reform and Rural Development of the status for Isiqakatha community claim.

**2. BACKGROUND**

2.1 The claim was lodged by Inkosi Titus Gumede on behalf of Isiqakatha community on the 15th December 1998. The claim was subsequently researched and gazetted under Gazette N**otice No. 1275 of 2002**.

2.2. Nineteen (19) properties were gazetted and they are as follows:

2.2.1 Portion 43 (of 1) of Makhathini Flats No. 16533;

2.2.2 Portion 42 (of 1) of Makhathini Flats No. 16533;

2.2.3 Portion 44 (of 1) of Makhathini Flats No. 16533;

2.2.4 Portion 45 (of 1) of Makhathini Flats No. 16533;

2.2.5 Portion 46 (of 1) of Makhathini Flats No. 16533;

2.2.6 Portion 5 (of 1) of Makhathini Flats no. 16533;

2.2.7 Portion 6 (of 1) of Makhathini Flats No. 16533;

2.2.8 Portion 7 (of 1) of Makhathini Flats No. 16533;

2.2.9 Portion 8 (of 1) of Makhathini Flats No. 16533;

2.2.10 Portion 9 (of 1) of Makhathini Flats No. 16533;

2.2.11 A portion of Portion 41 (of 1) of Makhathini Flats No. 16533;

2.2.12 Remainder of Portion 3 (of 1) of Makhathini Flats No. 16533;

2.2.13 Portion 48 (of 1) of Makhathini Flats No. 16533;

2.2.14 Portion 28 (of 1) of Makhathini Flats No. 16533;

2.2.15 Portion 4 (of 1) of Makhathini Flats No. 16533;

2.2.16 A portion of the Remainder of Makhathini Flats No. 16533 (Portion 47);

2.2.17 A portion of the Remainder of Portion 1 of Makhathini Flats No. 16533;

2.2.18 A portion of the Remainder of Portion 1 of Makhathini Flats No. 16533; and

2.2.19 A portion of Portion 23 (of 1) of Makhathini Flats No. 16533.

2.3. The Minister approved the settlement of this claim through the restoration of the above mentioned properties. In the approved S42D submission 597ha were found to be non-restorable and financial compensation to the value of R11 940 000 was approved in lieu of non-restorable land. Unfortunately, it is not clear in the submission or valuation which these properties are. A site inspection was conducted on the properties and a report prepared Mr. Gcinokwakhe Shabane Project manager: Property Management technical support assisted us in determining the restorability of the properties.

**3. CURRENT STATUS OF THE CLAIM**

3.1 The following properties have, on behalf of the claimant community, been transferred into the name of the Ntenga Trust namely:

3.1.1 Portion 4 (of 1) of the farm Makhathini no 16533;

3.1.2 Portion 42 (of 1) of Makhathini Flats No. 16533;

3.1.3 Portion 4 (of 1) of Makhathini Flats No. 16533;

3.1.4 Portion 43 (of 1) of Makhathini Flats No. 16533;

3.1.5 Portion 44 (of 1) of Makhathini Flats No. 16533;

3.1.6 Portion 45 (of 1) of Makhathini Flats No. 16533;

3.1.7 Portion 46 (of 1) of Makhathini Flats No. 16533;

3.1.8 Portion 5 (of 1) of Makhathini Flats no. 16533;

3.1.9 Portion 6 (of 1) of Makhathini Flats No. 16533;

3.1.10 Portion 7 (of 1) of Makhathini Flats No. 16533;

3.1.11 Portion 8 (of 1) of Makhathini Flats No. 16533; and

3.1.12 Portion 9 (of 1) of Makhathini Flats No. 16533.

The highlighted portions are being contested by the Property Management Unit of the Department and the Provincial Department of Agriculture and Rural Development and they argue that these properties should not have been transferred to the claimants as they have infrastructure which is of benefit to other members of the community. The Trust and the relevant government departments have not yet resolved this impasse as far as we are aware. It is worth noting that these properties were not transferred to one person, but were transferred to a Trust that was established for the claimant community.

3.2 Four (4) properties which include roads, canals and the research station will not be transferred into the name of the trust namely:

3.2.1 A portion of the Remainder of Makhathini Flats No. 16533 (Portion 47)

3.2.2 A portion of the Remainder of Portion 1 of Makhathini Flats No. 16533

3.2.3 A portion of the Remainder of Portion 1 of Makhathini Flats No. 16533

3.2.4 A portion of Portion 23 (of 1) of Makhathini Flats No. 16533

3.3. The following properties with state facilities like the Gin site and offices have also not been transferred to the claimants, and an agreement needs to be reached between the claimants and Department of Agriculture and Rural Development as to the way forward:

3.3.1 Portion 48 (of 1) of Makhathini Flats No. 16533;

3.3.2 Portion 28 (of 1) of Makhathini Flats No. 16533; and

3.3.3 Remainder of Portion 3 (of 1) of Makhathini Flats No. 16533.

3.4. There is one other property which still needs to be transferred to the name on the trust and that is **A Portion of** **Portion 41 (of 1) of the farm Makhathini no 16533**. This property is unsurveyed and as such a survey needs to be done so that it can be transferred to the Trust. However, this will be a very costly exercise as there is a general plan that exists on the property. Currently we are still negotiating the possibility of transferring the property with the general plan, instead of doing a survey.

3.5 Once agreement is reached with the Deeds office on the need not to survey the outstanding property, settlement agreements will be drafted to be signed by the Trust and the Regional Land Claims Commissioner so that a conveyancer could be appointed in order to transfer the property.

**4. RECOMMENDATIONS**

It is recommended that the Chairperson of the Portfolio Committee on Agriculture, Land Reform and Rural Development notes the status report of Isiqakatha community claim.

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| **SIGNED: 3 SEPTEMBER 2019** |
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| **ADV BHEKI MBILI**  **CHIEF DIRECTOR: LAND RESTITUTION SUPPORT (KZN)** |