**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 1150**

**INTERNAL QUESTION PAPER [No 12-2021 SIXTH PARLIAMENT]
DATE OF PUBLICATION: 07 MAY 2021**

**1150. Mrs A Steyn (DA) to ask the Minister of Agriculture, Land Reform and Rural Development:**

Whether her department is involved in any court cases against the Mthonjaneni Community Trust; if not, what is the position in this regard; if so, what (a) is the total number of cases that her department is involved in and (b) are the relevant details of the dispute in each case?                                                 **NW1339E**

**THE MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT:**

Yes.

1. One.
2. Pursuant to a claim by three communities in terms of the Restitution of Land Rights Act, 22 of 1994, a consent order was granted by the Land Claims Court that the state acquire 10 properties in the Mthonjaneni area pending the resolution of a dispute regarding the properties between the Mthonjaneni Community and the Toggkry Community. The properties were duly acquired by the department and are managed in terms of the State Land Lease and Disposal Policy. The South African Farmers Development Association (SAFDA) was appointed as caretaker of the properties, with the view to later appoint it as lessee pending the resolution of the above-mentioned dispute. The caretakership agreement with SAFDA was an interim measure to safeguard the properties and to ensure that farming operations continued on the properties. The Mthonjaneni Community Trust subsequently brought an application against the Minister of Agriculture, Land Reform and Rural Development & 2 others (Case No LCC201/2013) seeking the following orders:
* That the Minister and the Commission on Restitution of Land Rights (the Commission) (the second respondent) immediately cease to harvest all crops on the relevant properties;
* That a joint committee between the Mthonjaneni Community Trust and the department be established to determine various service providers to undertake the harvest of the timber;
* That the Minister and the Commission ensure that an interest-bearing account is ringfenced for all funds generated by the lease or the farming operations; and
* In the alternative, that the Minister and the Commission are directed to ensure that all funds that are generated from the farming operations as at date of transfer must be held in an interest-bearing account.

The department successfully defended the application in the Land Claims Court and the judge dismissed the application of the Mthonjaneni Community Trust with each party to pay their own costs. The transfer of the properties from the state to the beneficiaries is currently in progress and a further consent order with time frames are being negotiated with Cox and Partners Attorneys.