**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 1438**

**INTERNAL QUESTION PAPER [No 23-2019 SIXTH PARLIAMENT]
DATE OF PUBLICATION: 1 NOVEMBER 2019**

**1438. Mr M K Montwedi (EFF) to ask the Minister of Agriculture, Land Reform and Rural Development:**

What (a) number of communal property associations (CPAs) exist in the Republic, (b) number of the specified CPAs are considered to be dysfunctional, (c) are the (i) structural and (ii) functional problems facing the CPAs and (d) steps is her department taking to resolve the specified problems? **NW2654E**

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

1. 1612.
2. It has been observed in previous CPA discussions in the Legislature that the concept of dysfunctional CPAs has been interchangeably used with that of non-complying CPAs. The Department has been tracking non-compliance with the CPA Act and Regulations as opposed to utter dysfunction. The number of non-complying CPAs is 1 370.

(c)(i)

* A large proportion of CPA members are rooted in customary or indigenous ways of land management where decision making is a little bit centralised to some higher authority. The CPA regulatory framework encourages direct participatory democracy and therefore CPA founding documents tend to require direct participation by members. This creates contradictions in approaches by members and sometimes results in the emergence of or undesirable domination by rogue leadership elements.
* CPAs generally exist in areas that were systematically subjected to underdevelopment and poorly resourced education institutions. A substantial part of CPA members is either illiterate or have no more than primary level of education. At a very basic level, this has an impact on the ability of CPA members to understand and apply documented and yet unfamiliar land management rules
* CPAs comprise of diverse groups of people who are tied together by their parents’ or grandparents’ or great grandparent’s historical relationship with the claimed land. They generally tend to share nothing in common except the desire to regain ownership of the land.
* The land use at the time of restoration is generally substantially different from what it was at the time of dispossession. Land claimants therefore tend to receive sophisticated businesses which compel them to become forced business partners who had never consciously conceived of going into business together.

 (c)(ii)

* Some CPAs are so under-resourced that they simply don’t have physical space from which to run their affairs and keep their records. This creates access to information challenges for new CPA leaders, depending on how the previous committee has vacated office.
* Well performing CPA businesses do not yield positive outcomes in the livelihoods of CPA members due to the ratio between revenue and large numbers of CPA members. Whilst there may have been visible wealth amongst the owners of the property prior to the CPA taking control, the larger numbers of CPA members shrink any possible redistributable revenue to nothingness. This creates endless instability as members tend to suspect that revenue is misappropriated by the leaders or managers of CPA businesses.
* CPAs are generally established prior to all possible land restitution claimants in community claims being located and verified. Provisions in CPA constitutions are then created for the future inclusion of claimants that were not verified during the settlement of a claim. This is the major source of conflict within CPAs since membership is permanently contested.
* Some CPAs comprise of very large groups like 53 villages that never converge in a single place. This necessitates some form of representative democratic mechanisms for decision making and yet claimants desire to have direct participation.
* Some CPAs comprise of unrelated groups of claimants whose claims were consolidated purely on the basis of proximity, without the informed consent of claimants. A lot of such CPA members do not regard themselves as a single group and therefore do not desire to be in a single entity.
* The CPA as an institution is sometimes not the appropriate entity to run businesses that get conducted on its property hence they get stretched beyond their institutional capacity to manage.
* The creation of separate CPA business ventures and joint ventures also tends to create conflict because of general lack of understanding of institutional relationships that should exist, inability to manage such relationships and lack of clarity regarding the sharing of benefits.
* A lot of CPAs have got factions that work against each other from the date of election to the next election. Executive Committees therefore have got no fair space to commit and correct honest mistakes due to the permanence of factions.

(d)

* There’s collaboration being explored with institutions of higher learning to provide customised training to all willing members of CPAs, in a language they commonly understand.
* The focus of CPA capacity building programmes will become more inclusive to accommodate general membership in order to promote general awareness amongst CPA members that CPAs are indeed community entities where members have to directly hold their leadership accountable instead of passing that responsibility to Government.
* The language spoken by the majority of CPA members will be identified and CPA founding documents will be translated into that language as one of the ways of encouraging effective participation of members in the affairs of their entities.
* In instances where CPAs do not have the necessary infrastructure to keep records, the Department shall, in its District Offices, make available basic CPA documents like constitutions, membership lists, lists of CPA leadership, and financial records (where such financial records are available).
* Strict enforcement of existing legal mechanisms is now being undertaken to promote a culture of accountability within CPAs and discourage rogue CPA executives from operating in a manner that is inconsistent with the aspirations of the CPA membership.
* The Departmental CPA monitoring capacity will be improved in order to better understand the needs of CPAs and provide on time support.
* Internal capacity building needs are continuously being identified in order to improve departmental regulatory capability and discourage unlawful interventions on CPAs by departmental officials.
* The possibility of deconsolidating big CPAs that comprise of various communities who do not regard themselves as a single community, is being explored.
* The Departmental post settlement support mechanisms are being improved and will be made accessible to CPAs. Such mechanisms shall be set in motion as soon as land restoration is chosen by claimants for timeous enterprise planning, setting up of appropriate enterprise management structures, identification of capacity building needs and provision of training.