**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 1569**

**INTERNAL QUESTION PAPER [No 15-2021 SIXTH PARLIAMENT]
DATE OF PUBLICATION: 28 MAY 2021**

**1569. Mrs M O Clarke (DA) to ask the Minister of Agriculture, Land Reform and Rural Development:**

1. (a) Who was appointed by her department as the administrator to ensure that the Richtersveld community sets up a committee to deal with issues of being a legal stakeholder within Alexcor and having legal mining rights, and that the community benefits fairly in terms of the set legal requirements, (b) what are the terms of reference for the specified administrator, (c) for what period will the administrator be appointed and (d) at what cost;

(2) (a) what is the name of the trust account that has been set up for the community of Richtersveld, (b) what is the total amount of funding that is currently in the trust account, (c) who are the trustees of the trust account, (d) what is the total amount of funds that the trustees have withdrawn and (e) for what purpose(s) were the funds required?  **NW1774E**

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

(1)(a) Following the application to the Northern Cape High Court, in terms of case number 961/2019, by the Director General of the Department of Agriculture, Land Reform and Rural Development (DALRRD), and the order granted by the same court on 28 February 2020; Honey Attorneys were appointed as Judicial Administrator of the Richtersveld Communal Property Association (CPA). Mr Don Madjiet is a representative of Honey Attorneys and responsible for the day-to-day running of the CPA as per the Court Order.

(b) The terms of reference of the Judicial Administrator are as per the Court order of 28 February 2020 of case number 961/2019. The Administrator is required to exercise powers of the executive committee of the Richtersveld CPA and perform all functions assigned to him in terms of the said court order. The Judicial Administrator has developed a comprehensive workplan which has been approved. The details are specified in the court order. Please refer to **Annexure A**.

(c) The Judicial Administrator is appointed for a period of three (3) years from the date of the court order i.e. 28 February 2020 until 28 February 2023.

(d) The costs are determined as per the rates of the Land Rights Management Facility (LRMF). The rate of compensation depends on the experience of the appointed Administrator and the hours he spends doing activities relating to the work of the CPA. The minimum is R475.00 to a maximum of R750.00 per hour, and the minimum per day is R3 800.00 to a maximum of R6 000.00.

(2)(a) In 1998 the Richtersveld community lodged a claim against the Government for dispossession of land under the Restitution of Land Rights Acts 22 of 1994. Following protracted court proceedings, the Constitutional Court awarded the land and mineral rights to the community of the Richtersveld. The Department of Public Enterprises (DPE) and the then Department of Land Affairs represented the Government in the settlement negotiations. The Deed of Settlement (DoS) was signed on 22 April 2007. In order to protect the interests of the community, the DoS sought to create a very comprehensive structure of Trusts and Companies to house the interests of the Community. The DoS signed by the parties in 2007 directed that at least two (2) Trusts: Richtersveld Community Trust and Richtersveld Investment Trust) and eight (8) companies must be established to manage and operate the various business dealings of the Richtersveld Community Claim and one (1) Communal Property Association as a land-holding entity. DALRRD is responsible for the CPA as determined through Communal Property Association Act, 28 of 1996. The Department of Justice, as the custodian of the Trusts in terms of the Trust Property Control Act 57 of 1988, is responsible for the administration and management of Trusts.

(b) DALRRD does not have any figures relating to the total amount of funding that is currently in the Trust account. It should be noted that Trusts are independent legal entities. Trustees had to report to the CPA on its operation but such could not be obtained from the previous CPA committee. The administrators function is to facilitate that such reports are consolidated and made available when meetings are convened and reports tabled to the members of the CPA.

(c) The term of office of the trustees has expired and DALRRD will assist the community with the elections of all structures within Richtersveld, as instructed by the Administration court order of 28 February 2020.

(d) DALRRD does not have that information and will only be known once trustees have reported to CPA members and submitted a report to the Administrator.

(e) Unknown at this stage.