**NATIONAL ASSEMBLY**

**WITTEN REPLY**

**QUESTION 2376**

**INTERNAL QUESTION PAPER [No 28-2017 FIFTH PARLIAMENT]
DATE OF PUBLICATION: 18 AUGUST 2017**

**2376. Mr K P Robertson (DA) to ask the Minister of Rural Development and Land Reform:**

1. Whether any claims has or have been lodged on Unit 2 of farm Papkuilfontein No:469 JR (deed:T32900/1985) in the Thembisile Hani Local Municipality district in Mpumalanga; if so, what is the (a) origin and (b) progress of these claims;
2. (a) what is this property zoned as, (b) who is the owner of the property, (c) who is the current occupier of the property, (d) under what terms and/or conditions do they occupy the farm, (e) when did their lease agreement end and (f) will the family be allowed to extend the contract;

(3) is the family required to vacate or be evicted from the property; if so, (a) will the State find them adequate property to reside and (b) will they be compensated for additional assets added to the property while in their care? **NW2623E**

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

1. Yes.
2. Land Claims were lodged through Restitution of Land Rights Act of 1994 by both Makgasa CPA and Dalamuzi CPA.
3. The property has been transferred to Makgasa CPA and Dalamuzi CPA.
4. (a) Agriculture.
5. Makgasa CPA & Dalamuzi CPA.
6. Please refer to **Annexure A**.
7. Under the existing lease agreements.
8. Please refer to **Annexure A**.
9. Expired contracts will not be renewed until an amicable solution has been reached with concerned parties, namely the new owners (Communal Property Associations) and the occupiers.
10. No. Arbitrary evictions cannot be effected in the current constitutional dispensation.
11. The Department will conduct a land rights enquiry in the next two weeks to determine the rights that any affected party might have. A report on such should therefore be available for consideration on Monday 24th September 2017. Engagements with the aim of resolving the matter will be engaged in as soon as report on land rights is available, taking into consideration such rights and interests of parties affected. Solutions to be explored may include notarial servitude in favour of occupiers, suitable alternative land and or excising of affected portions. Guidance on how such matters should be dealt with has been provided in law namely by the Constitutional Court in the matter of *Occupiers of* *erven 87 & 88 of Berea v Christiaan Frederick De Wet N.O (2017) 18*, where the Court found that eviction that lead to homelessness are unlawful, even if agreed to by those who stand to be evicted. There is a duty therefore for the Department to act within the parameters set by law.
12. Investigation on developments effected whilst on the land will form part of the enquiry.

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| **UNIT NO** | **PROPERTY DESCRIPTION** | **PORTION** | **EXTENT IN HECTARES** | **CLAIMSNTS IN OWNERSHIP OF PROPERTIES** | **REGISTRATION DATE** | **(C) LESSEES** | **(e) Duration** | **CONTRACT START DATE** | **CONTRACT END DATE** |
| **Started** | **End** |
| **203** | Papkuilfontein 469 JR | 3 | 342.6128 H | Makgasa CPA | 26 July 2016 | Boitumelo Thabea Mokwena | 2012/01/10 | 31/09/2015 | **2012/01/10** | **31/09/2015** |
| **204** | Papkuilfontein 469 JR | Makgasa CPA | 26 July 2016 | Mdlakakhe Letta Mtsweni, | 2013/01/04 | 31/03/2018 | **2013/01/04** | **31/03/2018** |
| **206** | Papkuilfontein 469 JR | 0 | 605.6095 H | Dalamuzi CPA | 04 December 2015 | Makhahamola George Maluleka,  | 2010/01/04 | 31/03/2013 | 2010/01/04 | 31/03/2013 |
| **207** | Dalamuzi CPA | 04 December 2015 | Vumela Petrus Skosana,  | 2010/01/04 | 31/03/2013 | **2010/01/04** | **31/03/2013** |
| **208** | Dalamuzi CPA | 04 December 2015 | Buti January Ndluli | 2010/01/02 | 31/01/2013 | **2010/01/02** | **31/01/2013** |
| **208** | Papkuilfontein 469 JR | 4 | 187.6172 H | Makgasa CPA | 26 July 2016 | Buti January Ndluli | 2010/01/02 | 31/01/2013 | **2010/01/02** | **31/01/2013** |
| **206** | Makhahamola George Maluleka,  | 2010/01/04 | 31/03/2013 | 2010/01/04 | 31/03/2013 |
|  |  |  |  |  |  |
| **210** |
| **209** | Papkuilfontein 469 JR | 9 | 382.8403 H | Makgasa CPA | 26 July 2016 | Never leased | N/A | N/A | N/A | N/A |
| **210** | Makgasa CPA | 26 July 2016 | Never leased | N/A | N/A | N/A | N/A |
| **211** | Papkuilfontein 469 JR | 2 | 570.4574 H | Makgasa CPA | 26 July 2016 | Magale Joana Mahlangu | 2010/01/02 | 31/01/2013 | **2010/01/02** | **31/01/2013** |
| **212** | Papkuilfontein 469 JR | 1 | 570.4574 H | Makgasa CPA | 26 July 2016 | Babhalile Zelda Ntuli | 2012/01/04 | 31/03/2017 | **2012/01/04** | **31/03/2017** |
| **213** | Papkuilfontein 469 JR | 5 | 155.2186 H | Makgasa CPA | 26 July 2016 |  Boy Josias Mabena | 2013/01/04 | 31/03/2018 | **2013/01/04** | **31/03/2018** |
| 6 | 150.0794 H |
| 7 | 150.0794 H |
| 8 | 150.0794 H |
| **167** | Papkuilfontein 469 JR | 3 | 96.0000ha | Makgasa CPA | 26 July 2016 | Johannes Niniwe Skhosana | 2010/01/04 | 31/03/2013 |

**ANNEXURE A OF NA-QUESTION 2376 OF 2017**