**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 279**

**INTERNAL QUESTION PAPER [No 7-2020 SIXTH PARLIAMENT]
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**279. Mr A M Shaik Emam (NFP) to ask the Minister of Agriculture, Land Reform and Rural Development:**

(a) Why is (i) a moratorium on all evictions from farms not yet in place and (ii) her department not addressing the issue of communities that are still being evicted from farms, particularly by farm owners and (b) what steps does she intend to take to deal with the specified issues? **NW133E**

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

(a) (i) South Africa has a constitutional dispensation that recognises and protects the rights of those who lawfully occupy land that belong to others whilst simultaneously protecting the rights of those who own land. There’s currently no moratorium on eviction from farms since there’s no law authorising a moratorium and further, because any law seeking to provide for a moratorium is unlikely to survive constitutional scrutiny.

 (ii) It is not correct that the Department of Rural Development and Land Reform (DRDLR) does not address the issue of evictions from farms. It needs to be appreciated that whilst the Legislature has passed laws to provide statutory recognition of occupation rights to persons that lawfully occupy land, such laws do provide for situations where occupation rights may be lawfully terminated and therefore evictions may then follow. There are however balancing safeguards in that evictions are subjected to a judicial process and self-help measures by landowners are criminalised. The Department therefore addresses eviction matters within the provisions of existing land tenure laws.

In addition to the above during this time of national disaster, Regulation 36(1) issued in terms of section 27(2) of the Disaster Management Act, 2002 enables any competent court to grant an order for the eviction of any person from land in terms of the provisions of Extension of Security of Tenure Act 62 0f 1997,provided that any order of eviction shall be stayed and suspended until the last day Alert Level 3, unless a court decides that it is not just and equitable to stay and suspend the order until the last day of the Alert Level 3 period. All legal representatives appointed for farm dwellers have been made aware of these Regulations and courts are enforcing them.

1. The following measures will be put in place:
* Promote awareness regarding the existence of statutory tenure rights and mechanisms that are designed to support the observance or protection of such rights through local media, art and direct interaction with farm dwellers;
* improve access to justice for those with insecure land tenure through collaboration with Legal Aid South Africa and the Department of Justice and Constitutional Development; and targeted acquisition of land in areas that are prone to evictions as well as in areas that are in close proximity to, or are habited by farm dwellers.