**QUOTE**

**NATIONAL ASSEMBLY**

**QUESTION NO: 2991(NW3434E) AS PUBLISHED IN IQP NO.32-2015 OF 21 AUGUST 2015**

**ADV A DE W ALBERTS (FF PLUS) TO ASK THE MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION:**

1. If, given the fact that the protection of investment treaty between SA and Zimbabwe does not retroactively make provision for the protection of the property rights of SA citizens against confiscation and/or illegal occupation before the treaty entered into force, she has had any discussions with the Zimbabwean Government to discuss compensation for the group of South Africans whose property was taken from them unlawfully and which is not protected by the protection of investment treaty; if not, why not, seen against the background of the rights enshrined in the Constitution of the RSA, 1996, and applicable international law; if yes, what are the relevant details;
2. If she is considering taking steps to promote the rights of SA citizens who, before the coming into force of the treaty, were disadvantaged by the Zimbabwean authorities and/or illegal occupiers, and to claim compensation for their losses; if not, why not; seen against the background of the rights enshrined in the Constitution of the RSA, 1996, and applicable international law; if yes, what are the relevant details;
3. What steps will she take with regard to the current unlawful confiscation of the property rights of South African citizens in Zimbabwe by the Zimbabwean Government and/or illegal occupiers?

**REPLY:**

1. Since 2000, the South African government has been in discussion with the government of Zimbabwe with regard to the issue of land reform and how it affected South African farmers in Zimbabwe. However the discussions were constrained by the absence of an investment protection mechanism between the two countries. The Bilateral Investment Protection and Promotion Agreement (BIPPA) was signed in 2009 in Harare and came into force in 2010, but Article 11 thereof, does not provide for retrospective application. The South African government, none the less continues to engage the government of Zimbabwe to intercede on behalf of South African farmers within the provisions of the International conventions and applicable South African Legal Instruments.
2. The available steps for compensation include provision for the matter to be negotiated between the affected farmer and the relevant Zimbabwean Authorities. The applicable Zimbabwean law in this regard will be the Acquisition of Farm Equipment and Material Act of 2004, which stipulates that compensation is only paid for improvements on the land and equipment.
3. The steps that the Department takes upon receipt of information that South Africans’ rights have been infringed, is to engage diplomatically with the relevant Zimbabwean authorities, in accordance with the provisions of international conventions and applicable South African legal instruments

**UNQUOTE**