**QUOTE**

**NATIONAL ASSEMBLY**

**QUESTION NO: 3688(NW4356E) AS PUBLISHED IN IQP NO.39-2015 OF 25 SEPTEMBER 2015.**

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

1. Whether, with reference to the reply to question 103 of 27 March 2002, in which her predecessor stated in paragraph four that the South African Government would continue to ensure the safety and security of all its citizens, their property as well as South African-owned companies operating in foreign countries, the Government (a) still subscribes to the undertaking as contained in the said reply and (b) considers itself legally bound to it; if so,
2. Why was there a lack of assistance for farm owners in Zimbabwe during the extensive alienation campaign by the Zimbabwean government in the period prior to the signing of an investment protection agreement between South Africa and Zimbabwe in 2009;
3. What does the Government propose to do to add substance to the said undertaking in respect of farms, properties and businesses that had already been alienated in Zimbabwe before the commencement of the said investment protection agreement;
4. Whether the Government is considering the drafting of legislation to create an opportunity to institute claims against Zimbabwe, where the Zimbabwean government’s assets in South Africa can accordingly be claimed as compensation for South African citizens; if not, why not, seen against the background of the Constitution of the Republic of South Africa, 1996, and relevant international law; if so, what are the further relevant details?     NW4356E

**REPLY:**

1(a) Indeed, the South African government subscribes fully to the undertaking that was made in March 2002 to ensure the safety and security of all its citizens, their property as well as South African-owned companies operating in foreign countries.

 (b) It is our responsibility as Government, to protect South African citizens and their properties in foreign countries. And, we shall continue to carry out this responsibility.

2 We would not agree with the assertion that there was lack of assistance from Government on the matter of the South African farmers in Zimbabwe. Since 2000, the South African government has engaged the government of Zimbabwe regarding the issue of land reform as it affected South African farmers. Our engagements were constrained though by the absence of a legal instrument such as the investment protection agreement between the two countries. The South African government nevertheless continued to engage the government of Zimbabwe to intercede on behalf of South African farmers within the provisions of the International diplomatic conventions and applicable South African Legal Instruments.

3. The South African Government will continue to engage diplomatically with relevant Zimbabwean authorities, in accordance with the provisions of international conventions and applicable South African Legal instruments. Further, recourse for compensation is available under the applicable Zimbabwean law, the Acquisition of Farm Equipment and Material Act of 2004, which stipulates that compensation is only paid for improvements on the land and equipment. The matter of compensation remains open for discussion and negotiation between the affected farmer and relevant Zimbabwean authorities. As Government, we have highlighted this recourse to the South African farmers. Instrument between DTI and counterpart.

4. No, the South African Government is currently not considering drafting any additional legislation on this matter. We believe that the affected South African farmers can pursue the existing recourse.

**UNQUOTE**