**NATIONAL ASSEMBLY**

**WRITTEN REPLY**

**QUESTION 913**

**INTERNAL QUESTION PAPER [No 9-2021 SIXTH PARLIAMENT]
DATE OF PUBLICATION: 19 MARCH 2021**

**913. Mr M K Montwedi (EFF) to ask the Minister of Agriculture, Land Reform and Rural Development:**

What (a) total number of state farms have been leased to mining companies that have mining rights on the specified farms and (b) are the (i) names and (ii) locations of the families who reside on the farms?  **NW1080E**

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

1. Thirty-one (31) “state” farms, which are located in Limpopo, Mpumalanga and North West are currently leased to mining companies.
2. The context to the second part of the question is that:
	* The existing mining leases are generally a combination of old order mining rights that were known as Mineral Leases or Notarial Lease of Mineral Rights, and surface leases that have since April 1994 been concluded in terms of the State Land Disposal Act, 1961, read together with the Interim Protection of Informal Land Rights Act, 1996.
	* The Mineral Leases or Notarial Lease of Mineral Rights were concluded in circumstances where there was no statutory requirement for consultation of people who utilise the land in the event of such land being earmarked for mining. The details of the people who were utilising the land or were entitled to utilise the land were therefore never collected at the time of the conclusion of the leases.
	* On the post April 1994 surface leases, neither the State Land Disposal Act nor the Interim Protection of Informal Rights Act require that the names and locations of the people who reside on the farms that are leased to mining companies should be collected. The Interim Protection of Informal Land Rights Act requires the decision to make land available for mining or any other form of land development to be taken by the majority of the holders of rights who are present or represented in a meeting that has been convened to take a resolution on that matter. This requirement implies that the list of people who attended a land rights holders resolution meeting must at least be recorded. This is consequently the only list that generally gets recorded at the time the land rights holders resolve to make the land available for mining or any other land development purpose.
	* The leased land also tends to be a common asset of large numbers of people that are spread over many villages. The necessity for recording personal information of all the people who occupy some components of leased land has just never been considered hence such information has never been collected.