



**MINISTRY
RURAL DEVELOPMENT AND LAND REFORM
REPUBLIC OF SOUTH AFRICA**

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Reference: DG 2/5/1

Honourable M V Sisulu (MP)
Speaker of the National Assembly, Parliament of the Republic of South Africa
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Honourable Speaker

**RESPONSE TO THE REPORT AND RECOMMENDATIONS OF THE PORTFOLIO
COMMITTEE ON RURAL DEVELOPMENT AND LAND REFORM ON THE
PETITION ON COMPLAINTS ABOUT THE LAND CLAIMS PROCESS: WESTERN
CAPE**

The Report tabled by the Portfolio Committee on Rural Development and Land Reform (Annexure A), on the Petition on Complaints about the Land Claims Process: Western Cape, published in the Announcements, Tablings and Committee of 2 June 2011 refers. The Department of Rural Development and Land Reform hereby submits its response to the report and recommendations as follows:

Recommendation 6.1

With regards to concerns related to the date of 19 June 1913 as a baseline for restitution, the Portfolio Committee recommends that the Department of Rural Development and Land Reform and the Commission on Restitution of Land Rights should consider the following:

Recommendation 6.1.1.

Engaging in the process of consultations with IRASA, CONFLASA to ascertain whether the constituency represented by these groups has particular land needs as well as other concerns:

Response:

The Commission has engaged IRASA on two occasions, i.e. 15 September 2011 and 04 October 2011 about the submission of Raapkraal and Oude Molen claims which were found to be outside the Restitution framework. An agreement was reached to interact on other claims, including the Philippi Mission Station which they are keen to resolve.

Further information is awaited.

CONFLASA issues were addressed with Mr Habib Koopman in the initial response to the Petition during November 2010 . No further communication was received. The matter with CONFLASA thus falls away.

Recommendation 6.1.2.

Where there are land needs, the Department of Rural Development and Land Reform should consider purchasing land for interested individuals and groups through its land redistribution programs.

Response:

Based on the outcome of the engagements with IRASA and similar groups, agreements will be entered into with the Directorate: Land Reform to address their needs in line with S6.2.b of the Restitution of Land Rights Act, No 22 of 1994, as amended.

Recommendation 6.1.3.

To report to the National Assembly about the process of facilitation on the above issues and a programme of action to resolve the complaints within three months after the adoption of this report.

Response:

This is a mutual agreement that a program of action will follow an investigation into the standing of claims to be submitted by IRASA as per responses under 6.1.1. and 6.1.2.

Recommendation 6.2.

The Department of Rural Development and Land Reform together with the Commission should also:

Recommendation 6.2.1.

Submit to the National Assembly a program for providing progress report on all the land claims included in the petition by 30 July 2011. A report on the implementation of the program should further be submitted to the National Assembly within three months after the adoption of this report.

Program for providing progress reports

Objective of program

The National Assembly wishes to be updated on the progress of the claims mentioned in the petition. The signatories to the petition included members of claims in areas including: Stellenbosch, Klawer, Claremont/Newlands, Hout Bay (2nd Phase) Development and Financial Compensation, Goodwood, Winderemere, Kensington Community, Kirstenbosch: Protea Village 46 Former Tenants, Constantia and Raapkraal. The Commission is expected to process land claims lodged for the specific areas. Three hundred and twenty six families lodged claims for properties in these areas.

A framework was devised to address the request of the Committee which wishes to be provided with detailed information per area (Annexure B) and per claim (Annexure C).

Annexure B, includes the fact sheet on the land claimants; details of the claimed properties; as well as the status of the claim. Annexure C provides additional detail to each claim in the specific area, such as the business process, property descriptions, challenges and the milestones. It also addresses the outstanding tasks and timelines, on which the Commission will report.

This framework for Annexure C will also serve as the quarterly report to the Committee.

Implementation Committee

The Regional Land Claims Commission: WC will implement the agreements reached and compile quarterly reports in this regard.

Other partner/collaborating organizations and their role

Organisation	Role
DRDLR: National Office, Chief Land Claims Commissioner, DG, Ministry	Approval of S42D submissions, release of funds; Collaborate with DG's and relevant Ministries for political intervention
DRDLR: Provincial Shared Service Centre(PSSC)	Convenor of a Committee of Land Holding Entities (LHE's)
DRDLR: Branch Land Reform	Purchasing of land for redistribution purposes
Provincial Department of Public Works	Member of the Committee of Land Holding Entities
National Department of Public Works	Member of LHE; Release of land
Provincial Government: Western Cape	Member of LHE; Release of land
City of Cape Town	Member of LHE; Release of land
Department of Local Government and Housing	Member of LHE; Release of land
Western Cape District and Local Municipalities	Members of LHE; Release of land
Department of Justice and Constitutional Development: Office of the State Attorney	Processing of court cases and transfer of title deeds

Reporting period

The Department of Rural Development and Land Reform will, on a quarterly basis, report on progress to the National Assembly through the Portfolio Committee on Rural Development and Land Reform from the date of the adoption of this report.

The processing of claims is envisaged to be spread over two financial years, i.e. 2011/12 and 2012/13, being finalised by 31st December 2013. This date may change and/or be extended, pending the release of land, finalisation of the court case/s and allocation of budget.

Recommendation 6.2.2.

Convene a collective meeting of the DRDLR and all land holding departments in the Western Cape to develop a strategy for speedy release of state land for land reform purposes and the DRDLR, as a convener, should report to the National Assembly about commitments and program of action within three months after the adoption of this report.

Response:

A Provincial State Land Committee has been set up to address these matters. Reporting on the progress will be included in the quarterly progress report.

Recommendation 6.2.3.

Constantly update the 'land base' in order to ensure that when claimants lose information, database will serve as a back up. In addition, a complete database about land restored to communities should be updated on a regular basis.

Response:

Data contained in LANDBASE is fixed, based on the legal requirements of the submission of claims. Updating consists of recording of milestones in relation to each claim. The LANDBASE system is currently being migrated to UMHLABAWETHU, which contains a Dashboard monitoring system.

Recommendation 6.3.

To encourage petitioners to submit further details about allegations raised in the petition to the DRDLR, the South African Police Services, the Anti-corruption toll-free number or any other relevant avenues so that the alleged abuse of administrative responsibility and corruption could be rooted out.

Response:

Regional meetings with claimant representatives have been held at localities convenient to the claimants, where District representatives have been elected for optimal communication for claimants and the Commission. These fora allow claimants and their representatives to raise issues of concern on a regular basis and to hear reports from the Commission on how their issues and concerns are addressed. The information has been compiled for the benefit of the Portfolio Committee on Rural Development and Land Reform to be able to track progress on the said land claims and to hold the Department accountable for the commitments stated therein.

Yours sincerely



NKWINTI, GE (MP)

MINISTER

RURAL DEVELOPMENT AND LAND REFORM

DATE: 11/11/11