



NKUZI

DEVELOPMENT ASSOCIATION

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Date: 19/11/2018

To: Limpopo Legislature

Portfolio Committee on Agriculture and Rural Development

By email: mabijar@limpopoleg.co.za

CC: mabijarp@gmail.com

Attention: Mr R Mabija

Subject: Submission on Communal Property Associations Amendment Bill

Nkuzi Development Association is a non-governmental organisation based in Limpopo Province. Our work is mainly to support people living on farms (farm dwellers and workers), communal areas, small scale farmers and land claimants communities.

We would like to register concern that the public hearing in this respect that the process was in contravention with section 72 of the constitution of South Africa which provisions that parliament should involve the public in the legislative processes. The hearing of the 09th November 2018 was dominated by the traditional leaders instead of communal property associations. This means that CPAs who were invited were merely invited for rubberstamping the processes. We also picked that there was a prior learning or briefing with traditional leaders. In a space of three hours, the 3 bills (Communal Property Association, National Credit Bill and Marine Resource Bill) were presented. This was unrealistic.

Limpopo province has over 200 Communal Property Associations, which are directly affected by the possible amendment of the bill. It appears that the committee deliberately invited large proportion of traditional leaders to dominate the gathering contrast to the CPAs. This was evident when chairperson of the gathering recognised traditional leaders with their names.

The bill focuses largely on non-compliance and less on the support functions of the communal property associations to ensure productive land use. Furthermore, it appears that the bill accommodate the beneficiaries of land acquired through restitution of land rights act as it is explicitly outlined. The bill should be as explicit on the other forms of land acquisitions as with the restitution of land rights act because land reform has three components.

We do not support amendment of the bill based on the following reasons;

- We view the establishment of the register as a measure to over-regulate CPAs instead of providing necessary support to CPAs to improve their livelihoods and upgrade their enterprises. The CPA legislation should be linked to other support schemes (policies) within the government because most of the CPAs have been neglected for over 14 years.
- The bill intends to reduce CPAs to just managers and administrators of the land they supposed to own and vest too much power on the traditional leadership and the office of the CPA (Registrar). The traditional leadership in their current state are not in a position to take part in this context unless they are beneficiaries of CPA. The body that should have more power in terms of decision making is the collective of the CPA not outsiders.

- The CPAs should not be compelled to sell immovable properties to state. The communities should be allowed to sell property to the party of their choice.
- The bill refers to the Trespass Act (TA) of 1959 to apply during the ‘*proceedings for the eviction of any person from property owned, controlled or managed by association (CPA)*’. We therefore recommend that the bill use post-apartheid laws such as Extension Security of Tenure Act instead of TA.
- Clause 9 appears to promote associations to act unlawfully as it impede the latter to open bank accounts before the registrar approve in writing confirming the registration of the CPA. Given that government processes often takes forever, associations will practice money laundering.
- Clause 10: dispute resolution should be extended to dispute on overlapping boundaries, issues in relation to land invasion by neighbouring communities and interference by traditional leaders on CPA matters.
- Clause 11: The functions of the registrar need to include facilitation of access to capital support to the associations.

Recommendations/Conclusion

- We recommend further that if progressive changes are to be done on the CPA, the most affected being the CPAs must be fully involved. The CPAs must be capacitated on the bill prior to public participation.
- The bill must be made available in the language of participants rather than in English only.
- The principal act of the bill must be made available as well during the workshop.
- Sessions/ hearings must be held in respective districts rather than clubbing the CPAs together.

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Motlanalo Lebepe
Executive Director
Date: 19 November 2018

A LAND REFORM SUPPORT ORGANISATION

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