



Southern African Catholic Bishops' Conference
PARLIAMENTARY LIAISON OFFICE



**Submission to the Portfolio Committee on Rural
Development and Land Reform**

on the

**RESTITUTION OF LAND RIGHTS AMENDMENT
BILL [B35-2013]**

Introduction

1. The Southern African Catholic Bishops' Conference welcomes and supports the proposal to re-open the process of lodging claims for land restitution. The question of land in South Africa still remains one of the most unresolved issues from our sad past. In this centenary year of the introduction of the 1913 Land Act, it is important that as a country we realise the enormity of the injustice we are trying to resolve. We also encourage Parliament and the Department to pursue the matter of those dispossessed before 1913.

2. This process is not simply about placating individuals and groups with money and pieces of land that they allege was taken from them illegally. It is about healing a century of ethnic cleansing, systematic theft, impoverishment, and the oppression of a large section of the population simply for the benefit of one racial grouping. This process is about healing and restoring the dignity of many people who have been reduced to humiliating conditions of servitude on farms, and who are living in squatter camps and backyards. It is about bringing together families and relations scattered and broken when land was taken from them. This process is also not simply about justice, but about reconciliation by righting a wrong in a manner that does not create more victims; about creating a more just and equitable society, as it reduces the concentration of land in just a few hands. It is for these reasons that we believe this Bill should be supported.

3. Though broadly supporting the Bill, there are several issues we propose to make the Bill more effective.

Specific Comments

4. While we welcome giving South Africans another opportunity to lodge restitution claims, we have serious doubts that the procedures and mechanisms that have been put in place to deal with restitution cases will be able to cope with the expected number of new claims. There are also doubts whether the Department will have the financial resources to finalise claims. The

Department's own estimates put the figure of expected claims at 397 000, with an estimated cost of between R129 billion and R179 billion if the claims are finalised within 15 years¹.

We suggest that the Department strengthen its institutions, mechanisms and procedures to deal with restitution and to ensure that valid land claims are dealt with within the shortest timeframe.

5. We support the proposed amendment to Section 11 of the principal act.

However, we suggest that Section 11 be further amended. Section 11(7)(aA) states that 'no person may sell, exchange, donate, lease, subdivide, rezone or develop the land in question without having given the regional land-claims commissioner one month's written notice of his or her intention to do so, and, where such notice was not given in respect of –...'

We propose that the one month notice period be extended to three months to allow not just the commissioner, but also the claimants, enough time to respond to the proposed sale or alteration in conditions of ownership.

We further propose that the commissioner must inform the claimants of the proposed sale or alteration in conditions of ownership, as this will directly impact on their claim, especially if the matter were to go to litigation.

6. We support the intention of Clause 5 of the Bill. It is our view that it will help to simplify the appointment of judges to the Land Claim Court.

However, it is our view that the proposed repeal of Section 23 of the principal Act will weaken the effectiveness of the Land Claims Court. Section 23 (c) (ii) provided that judges of the Land Claims Court should by 'reason of his/her training and experience, has an expertise in the fields of law and land matters relevant to the application of this Act and the law of the Republic.'

We propose that Section 23(c)(ii) be retained.

CONCLUSION:

7. We again express our support for the proposed re-opening of the process to lodge claims for restitution, and we hope that this will begin the process of closing the chapter on the 1913 Land Act and its consequences, and serve the process of reconciliation.

We also wish to encourage the Department of Rural Development and Land Reform, the Commission on Restitution of Land Rights, and the Land Claims Court, to strengthen their structures and processes such that claims lodged are dealt with reasonably quickly, efficiently, justly, and wisely.

¹ Greg Niccolson (2013): *(Mis)understanding land reform: an issue ripe for political plucking*. The Daily Maverick, 31 October 2013.

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