



**DEPARTMENT: LAND AFFAIRS
REPUBLIC OF SOUTH AFRICA**

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**DRAFT MINUTES
OF THE
PROVINCIAL LAND AND AGRARIAN REFORM FORUM MEETING
HELD AT 10H00 ON 06 NOVEMBER 2007
AT EDWARD HOTEL, DURBAN**

PRESENT:

| | | |
|-----------------|-------------|---|
| Mr M Mthimkhulu | Chairperson | MEC: Agriculture and Environmental Affairs |
| Dr J Purchase | Member | Agri-business Chamber |
| Ms L Del Grande | Member | AFRA |
| R Liebenberg | Member | Banking Association of South Africa |
| Mr P Maluleke | Member | Banking Association of South Africa |
| Mr G Philpot | Member | Church Land Project |
| Mr B Mbatha | Member | Deeds Office |
| Mr S Nzuzo | Member | Deeds Office |
| Mr M Baloyi | Member | Department of Agriculture and Environmental Affairs |
| Mr D Chetty | Member | Department of Agriculture and Environmental Affairs |
| Mr G Dlamini | Member | Department of Agriculture and Environmental Affairs |
| Adv M Mannyana | Member | Department of Agriculture and Environmental Affairs |
| Mr V Mbhele | Member | Department of Agriculture and Environmental Affairs |
| Ms N Ndlovu | Member | Department of Agriculture and Environmental Affairs |
| Mr N Ngubane | Member | Department of Agriculture and Environmental Affairs |
| Ms B Nkosi | Member | Department of Agriculture and Environmental Affairs |
| Ms L Zwane | Member | Department of Agriculture and Environmental Affairs |
| Ms C Coetzee | Member | Department of Agriculture and Environmental Affairs |
| Ms Z Nyandu | Member | Department of Housing |
| Ms T Mbatha | Member | Inkezo |
| Mr D Thompson | Member | Inkezo |
| Dr S Dludla | Member | Ithala |
| Mr S Nyembezi | Member | Ithala |
| Mr K Sithole | Member | Ithala |
| Mr R Barnsley | Member | KWANALU |
| Ms S La Marque | Member | KWANALU |
| Mr M Kubheka | Member | Landless People's Movement |
| Ms T Radebe | Member | Landless People's Movement |
| Dr M Buthelezi | Member | NAFU |

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| Adv V Mngwengwe | Member | Department of Land Affairs, PLRO |
| Mr S Dlamini | Member | Department of Land Affairs, PLRO |
| Mr B Gunkel | Member | Department of Land Affairs, PLRO |
| Mr D Ince | Member | Department of Land Affairs, PLRO |
| Ms D Khan | Member | Department of Land Affairs, PLRO |
| Mr A Madhanpall | Member | Department of Land Affairs, PLRO |
| Ms T Ndlovu | Member | Department of Land Affairs, PLRO |
| Mr T Sokhela | Member | Department of Land Affairs, PLRO |
| Ms P Makhanya | Member | Department of Land Affairs, PLRO |
| Ms Z Molefe | Member | Department of Land Affairs, PLRO |
| Mr B Zulu | Member | Department of Land Affairs, PLRO |
| Mr K Nzimande | Member | Department of Land Affairs, PLRO |
| Mr R Dawjee | Member | Department of Land Affairs, PLRO |
| Mr S Dagane | Member | Department of Land Affairs, SPI |
| Mr R Hoole | Member | Department of Land Affairs, SPI |
| Mr B Boyce | Member | Department of Land Affairs, RLCC |
| Mr S Dladla | Member | Department of Land Affairs, RLCC |
| Mr M Silinda | Member | Department of Land Affairs, RLCC |
| Mr W Silaule | Member | Department of Land Affairs, RLCC |
| Mr B Galloway | Member | SA Canegrowers |
| Ms K Hurly | Member | SA Canegrowers |
| Mr D Wayne | Member | SA Canegrowers |
| Mr C Williams-Wynn | Member | Department of Land Affairs, SG |
| Mr N Coleman | Member | Trade and Investment KZN |
| Ms T Zimu | Member | WARD |

APOLOGIES:

| | | |
|---------------------|--------|--------------------------------------|
| Ms L Botha | Member | Agricultural Business Chamber |
| Ms N Sosibo | Member | Department of Land Affairs, RLCC |
| Mr J Van Der Merwe | Member | Land Bank |
| Mr Z Gwala | Member | Trade and Investment KZN |
| Mr R Godsmark | Member | Forestry Association of South Africa |
| Mr R Aston- Ramsden | Member | KZN Poultry Institute |

1. WELCOME AND INTRODUCTION

The MEC welcomed everyone present and declared the meeting open. He introduced the new Acting Chief Director for the PLRO, Ms Thembeke Ndlovu.

2. ATTENDANCE AND APOLOGIES

Refer to page 1.

3. CONFIRMATION OF PREVIOUS MINUTES: 02 OCTOBER 2007

With Adv Vela Mngwengwe and Mr Prince Maluleke proposing and seconding respectively, it was resolved that the minutes of the PLARFO meeting that was held on 02 October 2007, be confirmed, subject to the following amendments:

Page 2

Item 4
Delete "PLARFOR" insert "PLARFO"

Page 3

Item 5, second line
Delete "they would"

Page 4

Item 6.4, second column, third row on the table
Delete "AEA" insert "DAEA"

Item 8, signatory
Delete "Mthimkulu" insert "Mthimkhulu"

4. MATTERS ARISING FROM PREVIOUS MINUTES

4.1 ADOPTION OF REVISED TERMS OF REFERENCE

It was noted that the Terms of Reference had been amended as proposed in the meeting that was held on 02 October 2007. However, it was pointed out that the action in relation to the Banking Association was still outstanding.

RESOLUTION:

The Banking Association is to confirm in writing that they do not have a provincial character and thereafter will participate in the PLARFO as a national body. The said letter is to be sent to the secretariat.

4.2 SIGNING OF THE REVISED DECLARATION

The Chairperson felt that WARD should have been included as a signatory in the declaration as the admitted member of PLARFO. Mr Barnsley said that it did not mean that they are not members of PLARFO if they do not sign the declaration.

The declaration was then signed by all signatories. The Chairperson commended KZN for the establishment of PLARFO and the launch of LARP. He said that KZN was the only province that had moved that far.

4.3 ATTENDANCE OF PLARFO MEETINGS

Mr Galloway raised a concern about the absence of the Commissioner despite the fact that the Chairperson had impressed upon all members to attend.

The Chairperson reported that the Commissioner had sent her apology and promised to send other senior officials. The Commissioner had to attend another meeting in Pretoria. However, she had expressed that she takes PLARFO very seriously.

Adv Manny said that the absence of a person in a meeting did not imply that they do not take the forum seriously. He requested to report his situation upfront that he had a number of other structures that he report to. He therefore indicated that he may not be able to attend all PLARFO meetings due to this commitment.

Mr Barnsley concurred with Mr Galloway in that the key point was that the leadership should always be in attendance because there were critical issues that were being discussed. These issues required decisions to be made.

Ms Makhanya mentioned that the key issue was that the leadership should be represented by people who have powers to take decisions.

The Chairperson mentioned that in view of Adv Manny's explanation, it should be understood that the Commissioner's absence was not to undermine the structure. He thanked members for raising this matter and being vocal about their feelings on the subject.

Ms Ndlovu suggested that an action list that would emanate from this meeting should be circulated to all members (including those who were not in attendance) so that the decisions can be implemented.

Adv Manny mentioned that it was not the Commissioner only who was not in attendance, there were other members that were absent.

RESOLUTION:

For purposes of consistency, all PLARFO members who are regarded as key decision makers MUST attend all PLARFO meetings which will be held quarterly.

5. NEW MATTERS

5.1 PRESENTATION ON POST SETTLEMENT SUPPORT - DAEA

Adv Manny made a detailed presentation on post settlement support. He indicated that post settlement support arose in many contexts. The DAEA had looked at PGDS and PSEDS framework and mapped the country from the agricultural point of view. Amongst other things, the presentation dealt with agricultural support, challenges, planned interventions and support to the sugar industry.

Ms Del Grande asked what the purpose of presentations was. It was clarified that the meeting identified strategic issues from which presentations would be prepared. The PLARFO would then make a decision on how to deal with those issues.

Adv Manny said that responding to all concerns that members had would prolong the meeting. He said that he would want to respond in writing to issues that had been raised by the canegrowers.

Mr Maluleke indicated that there was a proposal that sub-committees / technical teams would be put in place to deal with these issues. However, presentations had to be prepared to clarify these issues and come up with a way forward.

Ms Del Grande raised a concern that the presentation was more on promoting the department. She said that they wanted to know about development in rural areas and agrarian reform.

Ms Makhanya said that in view of the presentation there was a problem with funding and skills. She recommended that these issues be dealt with.

Mr Kubheka raised a concern that labour tenants were often forgotten. There was more talk about claimants. He felt that labour tenants and claimants should have equal rights on the land

Adv Mngwengwe pointed out that there were 9 presentations to be made. He said that the meeting would not finish if each presentation would be interrogated. He suggested that issues should be interrogated by technical teams.

5.2 ATROCITIES ON FARMS – DAEA

Adv Manny made a brief presentation on atrocities on farms. The presentation dealt with the following issues:

- Land rights
- Labour
- Safety and security
- Socio-economic issues

It was mentioned that most of these issues were being dealt with by the cabinet.

Ms La Marque also made a presentation on the same subject. The presentation covered the following issues:

- KZN land rights infringements statistics
- KwaNALU statistics
- Solutions

5.3 ONE-STOP-SHOP- BANKING ASSOCIATION

Mr Maluleke made a presentation on one-stop-shop which covered the following headings:

- Financial sector charter
- Establishment of an agency
- One-stop-shop model
- Operational assistance

Adv Mannyca cautioned the forum that it should be careful in dealing with this opportunity. He suggested that the products that were expected to be achieved should be established. He mentioned that there had been problems with the banks in the past. He said that the roles and responsibilities of each stakeholder should be clearly defined.

Adv Mngwengwe said that it would be necessary to identify the focus areas for the group that would work on this model. He said that the group should investigate how emerging farmers can access funding from the banks. He mentioned that the problem with the SPV was not with the Bank Act only but also the agency that they intended to set it up with. He said that it should be established how this would be dealt with in KZN.

5.4 AREA BASED PLANS - PLRO

Mr Madhanpall made a detailed presentation on ABPs. The presentation covered the following headings:

- Development planning context
- Land reform context
- What is ABP
- Objectives of ABP
- Value-adding to Sector Departments
- Value-adding to Agri-sector
- Pre-planning phase: Detailed inception report
- Alignment to the IDPs
- Consultation / stakeholder mobilization
- Beyond ABP implementation
- Progress report in KZN
- Issues raised by stakeholders

Ms Del Grande asked why a parallel process to the IDP was being introduced. She asked about the possibility of incorporating the ABPs to the IDP. Mr Madhanpall explained that in the IDP there was little room for the department to engage on land reform related issues. Hence, the department had to come up with an appropriate tool.

Adv Mngwengwe indicated that there were District ABP Steering Committees that could deal with Afra's input in relation to the ABPs.

5.5 LAND AUDIT - PLRO

Mr Dagane made a brief presentation on land audit which dealt with maps, statistics and current initiatives.

Ms La Marque raised a concern as to what would measure the 30% of land to be redistributed by 2014. She said that this was raised at the PLOF workshop and it was felt that the business plan that was put together should be reviewed. However, there was a challenge regarding funding. She mentioned that there was a general concern as to who owns what land in KZN.

Adv Mngwengwe said that the first issue was the extent of the province. He indicated that there were different figures from different sources. There had been a proposal that the SPI, Cadastral Surveys and DAEA should come together and determine the size of the province, after which the 30% will be determined. Furthermore, he mentioned that it was impossible at this stage to tell how much land was in the black hands because the Deeds system did not provide for the racial classification.

Mr Galloway mentioned that the Government Departments do have the information, the problem was that it was not integrated. Furthermore, he raised a concern that there was no certainty around claimed land.

Mr Williams-Wynn said that it was possible to establish the width of the province but the problem was distinguishing between rural and urban land. The Chairperson asked which land was classified as rural land. Mr Williams-Wynn said that it was any land outside the TLC eg agricultural land. He also mentioned that they were working on identifying stateland.

Mr Dagane reported that the business plan that Ms La Marque referred to was in relation to Land Information System. There had been a discussion with the Chief Director: SPI and funding to review and implement the business plan had been made available. However, the information would have to be cleaned out after which it would be implemented.

5.6 SECURITY OF TENURE FOR FARM DWELLERS – PLRO

Adv Mngwengwe made a detailed presentation on security of tenure for farm dwellers. The presentation touched on the description of security of tenure, land summit resolutions on tenure security, post land summit initiatives and provincial approaches and challenges.

Mr Kubheka expressed his disappointment that the PLARFO was delegating discussions to working groups. He raised a concern that forums after forums were being established but no solutions were coming forth, while people were suffering on farms.

Ms Makhanya said that an urgent decision was required regarding the security of tenure. She mentioned that the matter was very serious such that some people had received death threats, including herself.

Ms Del Grande said that as AFRA, they felt that a political decision that would guide the government officials was required. Mr Galloway mentioned that everybody was frustrated that the government officials were unable to make decisions on issues.

The Chairperson said that the concerns and challenges that had been cited were the very reason why PLARFO was established. He advised members against pointing fingers and said that it was a collective responsibility to come up with solutions.

Ms Del Grande reported that there was a process that AFRA started, to provide legal aid to farm dwellers. She mentioned that DLA had not made any input in the process. She said that they had about 700 unresolved cases and the management had decided to hand them over to the Legal Aid Board.

Adv Mngwengwe reported that the department had set up a meeting to come up with an approach that would be implemented country-wide. On the issue of claimed land, he mentioned that the issue of overlapping claims was problematic in KZN. However, the RLCC required additional capacity to deal with these issues. He said that it was the reason why the PLRO decided to put capacity at the RLCC. He urged the Chairperson to deal with the issue of additional capacity to the RLCC in his capacity as the MEC.

The Chairperson said that he was convinced that the PLARFO would eventually find solutions to these challenges.

5.7 RESTITUTION BACKLOG – RLCC

Mr Boyce made a detailed presentation on restitution backlog. The presentation touched on the following issues:

- Statistics on lodged claims per district municipality
- Settled claims
- Financial compensation
- Settled claims per sectoral category
- Achievements in the past 12 months
- Delegations to the RLCC
- Rural outstanding claims per district municipality
- Status of outstanding rural claims
- Settlement targets per quarter
- Financial implications per quarter

The Chairperson advised that there should be no voting in the working groups. He said that the groups should deliberate on issues and come up with recommendations.

Ms Zimu raised a concern that the presentation did not show any challenges yet the community was not happy with the delays in the restitution processes and miscommunication. Mr Boyce clarified that it was a 9 months cycle to settle a claim, which had since been reduced to 6 months. However, this depended on the dynamics of each case. Mr Boyce said that the Commissioner was forced to publish a claim in the gazette notice notifying the land owner about it. Furthermore, the landowners were served gazette notices.

Adv Mngwengwe said that the question was about the handling of the research process prior to the gazetting. He raised a concern that there was a slide that talked to residual land yet the PLRO was unable to acquire claimed land. He mentioned that the land that was referred to as “residual” was the land that was occupied by labour tenants. He suggested that a decision should be made in this regard.

The Chairperson clarified that the comments were not aimed at attacking individuals but to tackle the issues that required intervention.

Ms Del Grande said that the problem was that restitution was being held as the only land reform programme and it was a cause for concern. She said that the conflict emerges once the department starts telling claimants that they have more land rights than labour tenants.

5.8 IMPLEMENTATION OF CLaRA – PLRO

Ms Ndlovu reported that on 02 November 2007, a team that drafted regulations presented them to the Deputy Minister and got his buy-in. However, subject to certain amendments. The regulations would then be presented to cabinet and parliament.

5.9 STOCK THEFT – KWANALU

Ms La Marque made a brief presentation on stock theft which dealt with the following issues:

- Challenges
- Statistics
- Solutions

Adv Mngwengwe reported that there was an Economic and Crime Prevention Cluster that had been established in the province to deal with issue like stock theft. He recommended that the

information that had just been presented by KwaNALU should find its way to the said cluster for a proper decision to be made and monitoring.

6. DECENTRALISATION OF PLARFO

The Chairperson reported that some people had expressed their anger about being left out of the PLARFO. He emphasized the importance of cascading the PLARFO down to districts.

Mr Madhanpall mentioned that there were structures that were already in place in Ugu and Sisonke that could be converted to District PLARFOs. Furthermore, he reported that there was a service provider that was currently analyzing certain information in districts. He said that there had been negotiations with the procurement section to extend the contract so that they can also set up the district structures.

The Chairperson asked whether the PLRO had guidelines on the formulation of the district structures. He warned against adopting a view that the Mayors would automatically be the chairperson of the District PLARFOs. He suggested that the PLARFO structures in districts should be established separately from what was already in existence.

Ms Del Grande asked what the functions of these structures would be. Furthermore, she asked how conflicting ideas would be dealt with in these structures.

Mr Madhanpall said that the reason of cascading PLARFOs to districts was to allow the local structures to have input in the PLARFO. Adv Mngwengwe added that there were structures in districts comprising of civil society and government departments that dealt with agricultural issues. However, these structures did not deal with farm dweller issues, which is why it would be necessary to establish PLARFO structures in districts.

The Chairperson emphasized that the PLARFO structures at district or local level should, at no stage be converted to political structures. Mr Zulu explained that there was an imbizo in Sisonke at which a decision was made that the economy of the district depended on agriculture and land reform. The District Municipality coordinating committee was subsequently converted to Land and Agrarian Reform Forum. However, no councilors were members of the structures, only the Mayor is the chairperson.

Adv Mngwengwe said that during the growth summit, it was resolved that DLA should establish Land Reform Committees to deal with land reform issues. This issue was also raised in Paulpietersburg.

The Chairperson said that he would have an interest on who chairs the PLARFO in districts because he held a political responsibility to oversee that. Adv Mngwengwe said that the process of setting up structure may have to proceed without the investigation because of time constraints. The Chairperson echoed Adv Mngwengwe's sentiments.

Mr Kubheka raised a concern that the PLARFO would be decentralized. He said that it was in a way splitting the movement and added that they were reporting to district about issues that were discussed at PLARFO.

The Chairperson advised the forum not to be entangled in the internal affairs of the organizations that were members of PLARFO. He mentioned that he was accused in Paulpieterburg for promoting LPM to a provincial structure.

RESOLUTIONS:

- 6.1 *Working groups were formed to deal with particular issues. Each work group is to be chaired by a particular department (indicated below) which will also provide the necessary secretariat services.*
- 6.2 *The first meeting of each work group MUST BE HELD BY NO LATER THAN 30th NOVEMBER 2007. The conveners of all work groups are to advise the PLARFO secretariat of their meeting dates by Friday, 9th November 2007.*
- 6.3 *All products arising from the work groups must be finalized by January 2008 and sent to the PLARFO secretariat in preparation for the next PLARFO meeting that is scheduled to take place on 5th February 2008.*
- 6.4 *Work Group No. 1 is to deal with issues relating to Agricultural Post Settlement Support and is to be chaired by the HOD of the Department of Agriculture and Environmental Affairs. This group is to comprise of representatives from KWANALU, NAFU, WARD, Canegrowers, the Banking Association of South Africa, Inkezo, Land Bank, the Regional Land Claims Commission, the Provincial Land Reform Office, LPM and the Agricultural Business Chamber.*
- 6.5 *Work Group No. 1 is to also deal with issues relating to the One-stop-shop. As indicated above, this group is to be chaired by the HOD of the Department of Agriculture and Environmental Affairs and is to comprise of representatives from KWANALU, NAFU, WARD, Canegrowers, the Banking Association of South Africa, Inkezo, the Land Bank, the Regional Land Claims Commission, the Provincial Land Reform Office, LPM and the Agricultural Business Chamber.*
- 6.6 *DAEA is to do preparatory work prior to the first meeting of the work group to confirm which legislation is applicable to the One-stop-shop.*
- 6.7 *In the event that Work Group No. 1 decides that another focus group is required to deal with this issue, such should be reported at the next PLARFO meeting.*
- 6.8 *Work Group No. 2 is to deal with issues relating to Atrocities on Farms and is to be chaired by the Acting Chief Director of the Provincial Land Reform Office. This group is to comprise of representatives from KWANALU, NAFU, DAEA, AFRA, LPM and WARD.*
- 6.9 *Work Group No. 2 is to also deal with issues relating to Security of Tenure for Farm Dwellers. As indicated above, this group is to be chaired by the Acting Chief Director of the Provincial Land Reform Office and is to comprise of representatives from KWANALU, NAFU, DAEA, AFRA, LPM and WARD.*
- 6.10 *Work Group No. 3 is to deal with issues relating to the land audit and the extent of white owned agricultural land in KZN and the mapping thereof. This group is to be chaired by the Surveyor General and is to comprise of representatives from the Deeds Office, DAEA, KWANALU, NAFU and SPI.*
- 6.11 *The business plan relating to the land audit is in the process of being cleaned up and is to thereafter be presented to the PLRO Management Committee for approval and the work group for comment.*
- 6.12 *Work Group No. 4 is to deal with issues relating to the restitution backlog and is to be chaired by the Regional Land Claims Commissioner. This group is to comprise of representatives from the PLRO, AFRA, Canegrowers, KWANALU, NAFU, WARD, LPM and Inkezo.*

- 6.12 *The MEC undertook to discuss the issue of additional capacity for the Regional Land Claims Commission at the next Minmec meeting.*
- 6.13 *District ABP Steering Committees are to extend their membership to include organised agriculture and civil society organisations.*
- 6.14 *ABP conveners are to ensure that farm dwellers are consulted as part of the formulation process (refer to AFRA's input on ABPs).*
- 6.15 *KWANALU is to forward information relating to stock theft to the provincial cluster / structure that deals with such issues.*
- 6.16 *Members or representatives who were absent at this meeting will be given an opportunity to participate in the working groups. However, they should advise the Chairperson of the relevant work group and the PLARFO secretariat of their intended participation for record purposes.*
- 6.17 *The next PLARFO meeting has been scheduled for 5th February 2008. The PLARFO secretariat is to remind members of this meeting in January 2008.*

7. OTHER MATTERS

7.1 PROVISION OF RESOURCES - LPM

Mr Kubheka reminded the meeting that at the previous meeting they reported that they did not have resources. Therefore, they requested assistance from DLA. He said that it was agreed that DLA would provide them with transport and accommodation when they attend PLARFO meetings. He raised a concern that DLA had not done that.

The Chairperson said that the resolution was that each organization would fund its accommodation and transport. However, any organization that wanted to assist the LPM was free to do so.

RESOLUTION:

- 7.1.1 *The PLRO and LPM are to discuss logistical arrangements for PLARFO meetings outside of the current meeting.*

8. CLOSURE

The Chairperson thanked all members for their contribution. He then wished them the best for the festive season. There being no further business to discuss, the meeting was declared adjourned at 17h45.

CONFIRMED:

**MEC: M MTHIMKHULU
CHAIRPERSON**

DATE