



**Address By Minister of Justice and Correctional Services Ronald Lamola (MP)
Land Court Bill Press Conference held on Monday,1 March 2021, in the Ronnie
Mamoepa Press Room in Pretoria**

CHECK AGAINST DELIVERY

Minister of Land Reform and Rural Development, Mme Thoko Didiza

Ladies and Gentlemen of the Press Corps

When one reads the words of the founder member and first secretary of the South African Native Congress Solomon Thekiso Plaatjie, “ ***Awakening on Friday morning, June 20, 1913, the South African native found himself, not actually a slave, but a pariah in the land of his birth***”, one finds context to the historical land dispossessions in South Africa.

Perhaps due to the passage of time, 108 years to be precise, we do not fully comprehend that with a stroke of a colonial pen literally, overnight, our forebears were stripped not only of their dignity but of their greatest economic asset, the land.

State sponsored dispossessions orchestrated, the triple challenges of poverty, unemployment and deep inequality, which are at the core of Black South Africans lived experience. The introduction of the Natives Land Act of 1913 was not just an act of colonialization, but also an act of systemic economic reconstruction. Without the

Natives Land Act, the migrant labour system would not have been as efficient in the hands of the colonisers.

All black South Africans and perhaps still to this day, are confronted with the effects of the migrant labour system which was anchored on land dispossession.

Therefore, addressing the land question is not only a socio-economic imperative but it is a matter of restoring the nation's soul. Land justice will restore the soul of nation.

As a commitment to inclusive nation building and constitutionalism unlike the colonial State we inherited, it is not simply possible for the democratic government to wake up to new laws that completely change life as we know it.

It is against this background that we will be introducing a Land Court Bill to parliament. The Land Court Bill is the outcome of the work done by the Inter-Ministerial Committee on Land Reform which is chaired by Deputy President David Mabuza.

This IMC has been seized with implementing the recommendations of the Presidential Advisory Panel on Land Reform and Agriculture.

The panel proposed the following:

- 1) The Land Claims Court be conferred into a new Land Court to adjudicate on all land related matters, and not only restitution.
- 2) This Land Court must be given additional responsibilities, both judicial and extra functions such as conflict resolution and mediation.
- 3) The court must have a functional approach which is modelled on negotiation before litigation on matters such as Expropriation Without Compensation which is proposed to parliament in the Expropriation bill.
- 4) The panel recommended that the Land Court include the appointment of a permanent judge president and four permanent judges.

- 5) The Land Court should also be required to check that settlement agreements give just and equitable compensation to landowners, in line with section 25 and the new Expropriation Act, when enacted.

The IMC on Land Reform has accepted all of these recommendations and has effected them in the Land Court Bill.

In addition to these reforms, the Land Court Bill also introduces the following:

- Land Appeal Court with a Jurisdiction equal to the Supreme Court of Appeal in relation to matters under its jurisdiction which is a court of record.
- Legal Aid South Africa will be responsible for the legal representation function currently undertaken by the Land Rights Management Facility in the Department of Agriculture, Land Reform and Rural Development. The transfer of the Land Rights Management Facility will ensure that Legal Aid SA has both the finances and capacity required to broaden its reach to the indigents especially those who seek land justice.

Ultimately the bill seeks to ensure stronger judicial oversight over claims, and this must lead to better settlements, reduce the scope for corruption and avert the bundling of claims into dysfunctional mega-claims that lead to conflict.

The efficacy of the procedures and arrangements proposed in the bill will assist to develop our land jurisprudence.

The bill also seeks to address the systemic hurdles that make it difficult for land claimants to obtain land restitution.

For instance, the bill allows for hearsay evidence for most families who have to rely on oral history and the existence of elders with knowledge of the description, location, and extent of land which their descendants previously occupied.

It also allows for expert evidence regarding the historical and anthropological facts relevant to any particular land claim.

This bill gives effect to the mandate of the sixth administration namely:

To ensure our approach to land reform is based on three elements: increased security of tenure, land restitution and land redistribution. This bill is a concrete intervention to improve the functioning of all three elements of land reform.

It creates a policy frame to ensure that land reform is guided by sound legal and economic principles and contribute to country's investment of objectives and job creation initiatives.

Whilst the bill on its own may not be a silver bullet which can help us undo the effects of colonialism, it is an important step which can enable Land reform which is inextricably linked to rural development and addressing the socio-economic challenges that plague us. We remain committed towards a land reform programme within the parameters of the law.

I thank you.