



Enquiries: Mr A Sithole, Tel: 012 336 5853/ 071 224 2543, Fax: 086 657 4157, E-mail: Sitholeam@cogta.gov.za

Ms P Nyamza

Committee Secretary

P.O. Box 15

Cape Town

8000

EMAIL: panyamza@parliament.gov.za

INPUTS ON THE UPGRADING OF LAND TENURE RIGHTS AMENDMENT BILL, [B 6-2020]

1. INTRODUCTION

The Secretary to Parliament has send the Upgrading of Land Tenure Rights Amendment Bill, 2020, to the National House of Traditional Leaders for inputs, in terms of section 18 of the Traditional Leadership and Governance Framework Act, 2003. The National House of Traditional Leaders was given thirty days from the time of the referral of the Bill, to submit written comments to Parliament.

This submission is made by the National House of Traditional Leaders, a statutory body, established in terms of the National House of Traditional

Leaders Act, 2009 (Act No. 22 of 2009). The role of the House is amongst others to promote the role of traditional leadership within a democratic constitutional dispensation. Its main objective is to deal with matters relating to traditional leadership, the role of traditional leaders, customary law and customs of communities observing a system of customary law.

2. BACKGROUND

The main purpose of the Bill is to provide for the application for the conversion of land tenure rights to ownership. This is to guarantee that people staying in townships have ownership of land they occupy. There are incidents where land was taken away from owners by either relatives or family members, and this has happened in cases where a spouse passes away. The National House of Traditional Leaders is against such happenings in traditional communities. The land in areas of traditional leadership remains the property of the family. There is no private ownership of land in the tribal land.

3. COMMENTS

Upgrading of Land Tenure Rights Act 112 of 1991

Section 1: Definitions

“Community resolution” is defined in the Act as any decision taken by a majority of the members of the community over the age of 18 years , present or represented at a meeting convened for the purpose of considering the disposal of a right in land, lawfully occupied by or allocated for the use of such community, of which they have been given sufficient notice, and in which they had a reasonable opportunity to participate.

The National House of Traditional Leaders is of the view that community members should be able to come up with community rules which will determine people who forms part of the community. This is because there are people staying in rural communities, but they are not part of the community, as such the community will make rules in relation to residency and participation in community meetings.

Upgrading of Land Tenure Rights Amendment Bill

Clause 2

This clause provides for the conversion of land tenure rights in formalised townships, and this will ensure that persons, who have been discriminated against in the past could also become the holder of land rights pending conversions that took effect in the past , and could also become the holder of land rights pending conversions contemplated in section 2 of the Act.

The National House of Traditional Leaders supports this amendment and supports the view that women should not be discriminated against as it will be the violation of women's rights in terms of the Constitution.

Trust you will find this in order

Kind regards



Ikosi SE Mahlangu

Chairperson: NHTL

Date: 31/07/2020