

## **Government plan for labour tenants' land claims expected**

Tomorrow, the 31 March 2015, the Legal Resources Centre expects to see a report and plan filed at the Land Claims Court by the Director-General for the Department of Rural Development and Land Reform which have important implications for 19 000 landless labour tenants.

The labour tenants made applications for acquisition of land under the Land Reform (Labour Tenants) Act 3 of 1996. The Act allowed labour tenants to apply to the Director-General for rights over the land that they occupy, including rights of ownership.

Thousands of labour tenants took up that invitation and made applications before the cut-off date of 31 March 2001. They applied with the hope that their applications would be processed speedily and that they would be given secure tenure over the land which their families had lived on for generations.

They have been sorely disappointed. The Director-General and the Department of Rural Development and Land Reform have failed to perform the simple clerical tasks necessary to process their applications. As a result, more than thirteen years after the deadline for lodging applications has lapsed, thousands of labour tenants are still waiting for the determination of their claims.

Last year, with the assistance of the LRC, the Association for Rural Advancement (AFRA) and 4 labour tenants residing on a farm owned by Hilton College [approached the Land Claims Court](#) to seek relief to compel the Department to process these applications and to monitor the implementation of such an order.

The Land Claims Court gave the Department until the 31 March 2015 to produce a report and plan for doing so. The report and plan is expected to indicate the following:

(a) statistics indicating the current status of all labour tenant applications lodged in terms of Chapter III of Land Reform (Labour

Tenants) Act 3 of 1996;

(b) a schedule indicating the status of each individual labour tenant claim; and

(c) the Director-General's plan for the further processing of all outstanding labour tenant claims.

The Department does not deny that there are thousands of labour tenant claims that have not been properly processed. It does not deny that it is legally obliged to process those claims. Instead, it has argued that labour tenant claims are an inefficient means of land reform and that it prefers to divert labour tenants into other land reform programmes. It has argued that a structural remedy requiring it to perform its statutorily-created duty would interfere with the separation of powers and impose intolerable budgetary pressures on the Department.

However, the Director-General and the Department's arguments have no merit. The Department cannot avoid its duties under the Act. If it believes the Act is an inefficient or inappropriate method for land reform, its remedy lies in proposing legislative amendments to Parliament. If it lacks the budget to perform the task, the solution is to re-align its priorities or seek additional funds. What it cannot do is refuse to give effect to statutory and constitutional rights.