

Monday, 13 May 2024]

No 64 - 2024] SIXTH SESSION, SIXTH PARLIAMENT

PARLIAMENT OF THE PROVINCE OF THE WESTERN CAPE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

MONDAY, 13 MAY 2024

TABLING

The Speaker:

Tabling of report in terms of section 16(1) of the Western Cape Commissioner for Children Act, 2019 (Act 2 of 2019):

Child Government Monitors Report 2022.

Copy attached.

COMMITTEE REPORTS

1. Report of the Petitions Committee on the Petitions from Groot-Brak River:

The Petitions Committee, having considered a petition submitted by Mr Jacobs from Groot Brak Rivier in Mossel Bay (referred to as ‘Groot Brak Rivier’) reports as follows:

1. Introduction

The Committee received a petition submitted by Mr. Barry Vincent Jacobs of the Gourikwa Khoisan Dynasty in Tergniet, the Groot Brak Rivier, Mossel Bay in June 2020. The petition requested an intervention into unresolved land claims filed with the Western Cape Regional Land Claims Commissioner (referred to as ‘the Commissioner’).

The petitioner attempted to resolve the dispute by approaching the Minister of Rural Development and Land Reform. He also approached the Commission on Restitution of Land Rights, Mossel Bay Municipality, the Regional Land Claims Commission, the Public Protector, and the Southern Cape Land Committee.

The findings and recommendations of such a commission are vital to concluding the petition.

This report discusses the Committee's recommendations taken during engagement sessions with stakeholders.

2. Overview

Salient elements of the petition:

The petitioner lodged several land claims regarding the dispossession of former tenants who resided in different areas within the Groot Brak Rivier before the cut-off date of 31 December 1998.

Some of the claims that were lodged with the Commissioner were settled in phases, except for the Souwesia and Voetpad land claims. The claim submitted for Souwesia was found to be non-complaint with the Restitution of Land Rights Act, 2014 (Act 15 of 2014) and the claim for Voetpad is still awaiting a final research report.

The petitioners were unhappy with the process followed during the land claims process and alleged that, except for claims for Souwesia and Voetpad, for which responses were received, several claims remain unresolved.

The Land Claims Commission responded to the matters raised in the petition, and the petitioner was requested to submit evidence against the claims indicated in the letter dated 29 May 2019.

The Petition was supported by several signatories from the Groot Brak Rivier area.

The Western Cape Provincial Parliament's administration contacted the Commission on Restitution on Land Rights, Western Cape, with regards to the petitions received from Groot Brak Rivier, Mossel Bay.

On 26 March 2020, the Commission in its response to the Committee indicated that all claims lodged for the dispossession of residential rights from the respective areas were settled in phases. The claims for Cogkamp, Saagkamp, Kalkrug, Die Dam, Rooirantjies, Mossieness, Klipkop, Tannerykloof, Sanddrif, and Diepdraai have been finalised. However, the claim for Souwesia was found to be non-complaint in terms of the Restitution of Land Rights Act, 2014 (Act no of 2014). According to the Commissioner's letter dated 29 May 2015, Mr Barry Jacobs was requested to meet the Souwesia claim requirements as stated in Paragraph 1 of the letter, and the Commission was still awaiting his response.

The Committee's actions:

The Committee held its first meeting on the petition on 21 July 2020. During this meeting, the Committee resolved to invite the Commissioner to brief the Committee on the petition submitted by Mr. Barry Jacobs.

The Committee also requested additional information from the Commissioner, such as a detailed breakdown of the status of the two outstanding claims (Souewsia and Voetpad in Mossel Bay) and steps taken as well as the following.

- The extent of the land, namely Souewsia and Voetpad in Mossel Bay. How many recipients and the value of the land (Souewsia and Voetpad).
- An update on the status of the research report, which was conducted from 1998 to date and is still incomplete.

- The reasons as to why the one claim (Souewsia) has been invalid even though it was submitted before or by the deadline date.
- An overview of the current claims, including the process for submitting a land claim, considering that the process followed 10 years after the said claim was submitted, and how this affects the claims going forward.
- Furthermore, a breakdown of other claims that have been processed, timelines, and the processes it took to complete the said claims.

The Committee encouraged Mr. Jacobs to respond as requested in the letters sent by the Chief Director of Land Claim, Dr. Alexander. The Committee also requested Mr. Jacobs to provide the correspondence that he received from the Public Protector so that the Committee can examine the contents thereof.

Subsequently in August 2020, the Committee was briefed by the Mossel Bay Municipality, the Commissioner, and the petitioners.

The afore-mentioned engagements and emanating resolutions informed the need for the fact-finding visit to Groot Brak Rivier in Mossel Bay.

The Committee visited the Groot Brak Rivier sites from Souwesia, Voetpad, and various other sights.

which spanned over the Groot Brak Rivier. The Committee had an engagement session with petitioners in Mossel Bay during the visit.

Following the fact-finding visit to Groot Brak Rivier, the Committee resolved to engage with the Office of the Regional Land Claims Commissioner: Western Cape. The Commissioner was requested to provide the method that was used to determine the amount allocated to claimants. The Committee also resolved to engage with the Portfolio Committee of Agriculture, Land Reform, and Rural Development on the land claims petition of Groote Brak Rivier.

3. Resolutions

The Committee RESOLVED to conclude the petition from the Groot Brak Rivier in Mossel Bay.

That Committee also resolved that the petition together with all supporting documents should be forwarded to the National Assembly's Portfolio Committee on Agriculture, Land Reform and Rural Development to provide oversight on the salient items in this petition.

2. Report of the Petitions Committee on the Petitions from Power Town, Klein Brak Rivier, Mossel Bay

The Petitions Committee, having considered a petition submitted by Mr C Jasen, a Community Leader in Power Town, Klein Brak Rivier, Mossel Bay reports as follows:

1. Introduction

The Committee received a petition submitted by Mr. Cedric Jansen of Power Town, Mossel Bay in July 2019. The petition requested an immediate intervention in the petitioners claim they have been living in Power Town (Kleinbrak Rivier) for several generations without being provided with proper housing, basic services and a lack of adequate healthcare facilities.

The petitioner indicated that they attempted to seek assistance of various government

departments including the Western Cape Department of Human Settlement, the Premier's office, and the Department of Human Settlements with no substantive feedback from the respective departments.

The findings and recommendations of such are vital to concluding the petition.

This report discusses the Committee's recommendations taken during engagement sessions with stakeholders.

2. Overview

Salient elements of the petition:

The Power Town community is made up of predominantly evicted farm dwellers who live in an informal settlement consisting of approximately 150 households in Kleinbrak, the Garden Route in the Southern Cape. The land on which the community lives belongs to the Mossel Bay Municipality. Power Town has been struggling for ownership of the land in Kleinbrak for the last 12 years.

The Power Town Community resides on a riverbank in Kleinbrak and experiences continuous flooding during heavy rains. At least 10 relocation sites were considered by the Department of Human Settlements in July 2008, in collaboration with the community, the Mossel Bay Municipality, and the Department of Environmental Affairs and Development Planning. A developer (Hartenbos Landgoed) stepped forward and offered to house the 150 families as part of the mixed-income residential development, a commitment it intended to cap at +/- R30 million.

The petitioners stated that they have been living in Power Town, Kleinbrak Rivier for several generations and have never been provided with proper housing, basic services or healthcare facilities.

More than 130 households are without drinking water, electricity, flushing toilets, or proper housing. According to the petitioner, the previous leadership of the Mossel Bay Municipality was reluctant to hand over the property rights to the Power Town community members.

Letters were sent to various government departments, including the Western Cape Department of Human Settlements, the Premier's Office, and the national Department of Human Settlements, with no substantive feedback from the respective departments, according to the petitioners.

The Committee's actions:

In July 2019, the Committee considered the Petition from Power Town, Kleinbrak River in Mossel Bay. The Committee scheduled two meetings on the petition in August and September 2019.

During these meetings, the Committee deliberated on the letter received from the Community of Power Town in Kleinbrak dated 13 September 2019. It was resolved, amongst others, that the Department of Human Settlement and the Garden Route District Municipality be requested to provide feedback on the petition received from Power Town, including responding to the letters received from both the petitioner dated 13 September 2019 and Mossel Bay Municipality dated 02 April 2019.

Mossel Bay Municipality was requested to provide feedback on the engagement they had with the petitioners on 19 September 2019 and the correspondence received from the petitioner dated 13 September 2019. The petitioners were requested to provide feedback to the Committee on the engagement meeting that took place on 19 September 2019.

In July 2020, when the Committee conducted a walk-about (tour) of the Power Town, it was evident that the community had established heritage in the area for over 25 years. The Committee observed the flood line area as indicated by the Environmental Impact Assessment (EIA) conducted. It was evident that the area of Power Town had not experienced flooding over the years during the winter season. The Committee visited the Sonskynvallei housing project. The project was established with the intention of accommodating the residents of Power Town and backyard dwellers residing at Sonskynvallei. The concern raised during the visit to Sonskynvallie was that the sand mine adjacent to the housing project caused sand to blow harshly in the area.

The petitioners were given an opportunity to provide an overview of their petition during the visit.

The Mossel Bay Municipality informed the Committee that the Power Town community had raised their concerns about relocating. The community of Power Town indicated that their families had established heritage in the area and that the community worked in the area. The Municipality informed the Committee that they had and will never force any of the Power Town Community to leave the area. They indicated that the community would be given a chance to move voluntarily.

The municipality confirmed that it never received any complaints from the community of Sonskynvallei about the wind and sand from the sand mines but will investigate the complaint. The municipality informed the committee that the reason why the area of Power Town was not upgraded was due to the area being in a flood zone. As a result, the Department of Human Settlements does not provide subsidies to informal settlements in flood-line areas. In addition, the Department of Energy does not connect electricity to areas near flood lines.

The municipality further informed the Committee that the other sites that were suggested by the national and provincial departments and the community of Power Town were not environmentally suitable for human settlements.

The municipality agreed to request a revised Environmental Impact Assessment of the Power Town area to make it possible to build on that land. The Committee recommended during that visit that the Mossel Bay Municipality submits a revised request to the Department of Local Government for an Environmental Impact Assessment (EIA) of the area to propose the development of the Power Town area. The EIA needs to investigate all possible options to allow this area to be developed. Also, the Minister of Local Government, Environmental Affairs, and Development Planning, Mr. A. Bredell, should engage with the Mossel Bay Municipality to ensure that the EIA process is resolved faster.

3. Resolutions

The Committee RESOLVED to conclude the petition from the Power Town in Mossel Bay.