



COMMUNAL LAND RESEARCH PROJECT

RFP/JHB/2015/003

ANNEXURE 7: INTERIM PROCEDURES GOVERNING LAND DEVELOPMENT DECISIONS



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This is a copy of the:

Interim Procedures Governing Land Development Decisions which require the Consent of the Minister of Land Affairs as Nominal Owner of the Land, as amended

From Department of Rural Development and Land Reform



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Interim Procedures Governing Land Development Decisions Which Require The Consent Of The Minister Of Land Affairs As Nominal Owner Of The Land.

1 Background

1.1 There are parts of the country where land which is *de facto* owned and occupied by African people is held in trust by the Minister of Land Affairs. In many such instances, the government is the nominal owner of the land because of previous racially discriminatory laws and practices which prohibited African people from owning land.

Disputes caused by lack of clarity

1.2 The lack of clarity about the status of such land has created serious disputes in some areas. Disputes are triggered when a change in land use or a development is proposed. The disputes tend to degenerate into a conflict over power and authority between local or provincial government on the one hand, and chiefs and tribal authorities on the other. In such disputes the chiefs typically say that government is disregarding or confiscating their land rights by treating the land as if it were state owned. Local and provincial governments on the other hand complain that chiefs or tribal authorities are using their land rights to keep government out of the area, thus depriving the people living there of access to government resources and assistance. It is necessary to clarify the rights and responsibilities involved, and adopt procedures to govern these situations. This should provide clarity and end the confusion which in some instances has led to disputes.

New legislation being developed

1.3 It is the policy of the Department (set out in the White Paper on South African Land Policy) that the long term occupants of this land should be treated as the owners of the land. The Department is busy developing legislation which will secure the rights of such individuals and groups of people in the future.

Need for interim procedures

1.4 In the interim, because the land is still nominally owned by the state, various decisions in respect of the land have legal status only if they are taken by the Minister as trustee or nominee. These decisions relate to matters such as township development, subdivision, ***granting of servitudes, leases, mortgages and sales.***

1.5 Decisions pertaining to ownership rights in communally owned land are most appropriately made by the majority of the members of such communal systems. If the decisions have been properly taken and it can be shown that they reflect the view of the majority of the rights holders and particularly of the people who will be affected by the decision, then the Minister's role should simply be to ratify such decisions.

1.6 However, until the legal status of the land is changed by legislation under preparation by the Department of Land Affairs, the Minister is under a fiduciary duty as trustee, to uphold and protect the rights of all the beneficiaries of such trusts. She is also under a duty to ensure that decisions she makes are consistent with the terms and rights protected by the Constitution. Furthermore, decisions taken must be consistent with existing laws. For example, they cannot undermine rights such as those set out in the *Interim Protection of Informal Land Rights Act, 31 of 1996.*

1.7 In this regard, it is necessary that a set of **interim procedures** be set out to govern the circumstances under which decisions pertaining to land development issues are made by the rights holders who are affected and are ratified by the Minister as the trustee or nominal owner. Such procedures should provide a clear framework and increased certainty to those wishing to embark on the development of communally owned land. They should also enable the Department of Land Affairs to ascertain that the decisions taken reflect the views of the majority of rights holders and do not jeopardise or undermine the rights of any party. ***The Minister's official ratification of such decisions will be conditional on advice to this effect.***

2 Nature Of Group Based Rights

2.1 In situations of group based, communal and/or tribally based land rights the members of the relevant group, community or tribe should be treated as the co-owners of the land, even though formal legal ownership may be held by the State. Any decision in respect of ownership issues is valid only if it reflects the view of the majority of "co-owners".

2.2 A critical feature of the policy is that the rightful ownership of communal land vests not in chiefs, tribal authorities or committees but in the members of the group which holds the land. This position is consistent with customary law in terms of which the land belongs to the entire group and not to the chief or tribal authority. This has major implications for the processes in terms of which decisions pertaining to land ownership issues are taken. The members of the group or tribe are the co-owners of the land. This does not imply that all the members have equal and undivided shares in the land. In reality households have strong rights to their own homestead plots and fields, which are protected under the *Interim Protection of Informal Land Rights Act, 31 of 1996*. However there is also group based ownership of the area as a whole.

Majority decisions by holders of land rights

2.3 Decisions relating to land rights must be taken by the majority of members of the group or tribe. The White Paper on South African Land Policy states:

While the Department of Land Affairs is committed to the recognition and protection of pre-existing land rights which were undermined by colonialism and apartheid, it is equally committed to protecting and upholding the basic human rights of all South Africans. In particular the rights of members of group based land holding systems must be protected, especially the process of inclusive decision making in all matters pertaining to the management of the jointly held land asset.

2.4 This means that where government wishes to introduce any change or development in an area it must have effective access to all the rights holders (or co owners) in the area so that they are in a position to decide about matters which will affect their land rights. It is not acceptable or sufficient for a chief, tribal authority or committee to reject or accept proposals unless their view is based on the majority decision of the members of the tribe or community.

3 Issues Of Principle

Consultation about the proposed changes

3.1 There are four fundamental issues of principle. The first is that any proposed changes should not dispossess people of land rights without their consent. This would be unconstitutional and also illegal in terms of the *Interim Protection of Informal Land Rights Act*,

31 of 1996. Thus any sub grouping of people who have rights (including informal land rights as defined by the Act) to an area which is affected by the proposed changes must be consulted about the changes envisaged. This may raise the issue of compensation and alternatives for people who may lose land rights to a specific area.

Majority decision by co-owners

3.2 The second issue of principle is that the majority of members of the land holding group should agree with the proposed changes if they are to go ahead. This is on the basis that they are rights holders in the land and thereby have the status of co-owners.

Gender equality

3.3 The third issue is that proposed changes must not transgress the constitutional right of equality for women. In terms of the Constitution, women have the right to equal treatment with others. As a representative of government, the Minister cannot agree to changes which discriminate against women or any other group in society.

3.4 Particular attention must be given to ensure that women are not omitted in the distribution of any benefits arising and that they have an equitable role in decision making structures and processes.

Protection of existing rights

3.5 The *Interim Protection of Informal Land Rights Act, 31 of 1996* confers certain rights on people who occupy land on a customary basis in the former homelands and SADT areas. In terms of this Act, such people may not be deprived of an "informal right to land" without their consent, except by expropriation

3.6 The Act defines informal rights to land to include

(a) the use of, occupation of, or access to land in terms of:

(i) any tribal, customary or indigenous law or practice of a tribe;

(ii) the custom, usage or administrative practice in a particular area or community, where the land at any time vested in:

(aa) the South African Development Trust

(bb) the government of any area for which a legislative assembly was established in terms of the Self-Governing Territories Constitution Act, 1971; or

(cc) the governments of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei.

(b) the right or interest in land of a beneficiary under a trust arrangement in terms of which the trustee is a body or functionary established or appointed by or under an Act of Parliament or the holder of a public office;

(c) beneficial occupation of land for a continuous period of not less than five years prior to 3 December 1997; or

(d) the use or occupation by any person of an erf as if he or she is, in respect of that erf, the holder of a right mentioned in Schedule 1 or 2 of the Upgrading of Land Tenure Rights Act, 1991 (Act 112 of 1991), although he or she is not formally recorded in a register of land rights as the holder of the right in question,

but does not include -

(e) any right or interest of a tenant, labour tenant, sharecropper or employee if such right or interest is purely of a contractual nature; and

(f) any right or interest based purely on temporary permission granted by the owner or lawful occupier of the land in question, on the basis that such permission may at any time be withdrawn by such owner or lawful occupier.

3.7 The Act states that, where land is communally owned and the community decides to dispose of land, it must provide appropriate compensation to any person who is deprived of an informal right to land by such disposal.

Democratic decision making processes in communal areas

3.8 Section 2(4) of the Interim Protection of Informal Land Rights Act (Act No 31 of 1996) sets out requirements for a properly constituted meeting. The Act states:

2(4) For the purposes of this section the custom and usage of a community shall be deemed to include the principle that a decision to dispose of any such right may only be taken by a majority of the holders of such rights present or represented at a meeting convened for the purpose of considering such disposal and of which they have been given sufficient notice, and in which they have had a reasonable opportunity to participate.

3.9 Because of the scope of the Act, this section deals only with decisions to dispose of land rights. However for the purposes of these **interim procedures** the meeting requirements set out in the Act will apply to all land development decisions which require the consent of the owner, *i.e. to matters such as township development, subdivision, granting of servitudes, leases, mortgages and sales.*

Conditions relating to meetings

3.10 It is important to note that the Act does not require the majority of rights holders to take decisions. It may be impossible in situations where there are tens of thousands of rights holders to call them all together and get a majority vote. The Act requires that the majority of those "present or represented" at properly convened meetings should make the decision. Thus in an area where there are 6,000 rights holders a meeting at which there were, say, 1,000 people present would be adequate if the conditions relating to the meeting were met. The key condition is that all the rights holders must have been given sufficient notice and a reasonable opportunity to participate. The way in which people are informed about the meeting is critical. If they knew about it but chose not to attend or participate, their failure to attend should not jeopardise the success of the meeting. If on the other hand they were not informed or were intimidated in some way, they could oppose the decisions taken on the basis that they were excluded from the process.

3.11 It may not be possible or appropriate to hold only one representative meeting in all cases. Under certain circumstances it may be better to hold more than one meeting or a series of meetings with different stakeholders. This could be because of large distances and

geographical factors, or because of the danger of intimidation by the larger group. Thus the interim procedures should not be limited to holding only one meeting as the Act implies. If more than one meeting is to be held, the notice for the various meetings must cover all the areas where informal rights holders, as specified in Act 31 of 1996, are affected by the decision.

3.12 The critical issue is that such meetings be as representative as possible and that stakeholders are able to put their point of view in a constructive atmosphere. To this end the manner of calling the meeting should not itself be confrontational and cause conflict. Where the practice in the area is that meetings are called by the Tribal Authority, then the meeting should be called after consultation with it. Where existing practices and traditions already ensure that meetings meet the requirements set out in the Act and allow government and other stakeholders to participate effectively, it is not necessary to change them.

4 Application to the Department for Agreed Access to Land For Development Purposes

4.1 These procedures apply in areas where the group, tribe or individual concerned has underlying and historical ownership rights to the area, based on factors such as beneficial occupation under a trust or continuous and long term occupation of the land which historically belonged to the group.

4.2 The procedure typically begins when the initiator of the project approaches the Department to make the land available for the purpose of the project. The applicant may be any organ of the state, an individual investor or a community. In order to proceed with the development the applicant needs to obtain the permission of the owner of the land.

4.3 *A developer needs to be certain that s/he is negotiating with the appropriate person to obtain the land. Investors generally do not want to tie their money to risky/uncertain situations.*

5 Appointment of An Official to Facilitate The Land Rights Holders Resolution

5.1 In order for the Minister as the nominal owner of the land to ratify group-based decisions pertaining to land ownership and development issues, she needs to be able to satisfy herself that the rights of all beneficiaries have been protected in the decision-making process and that the decisions do not contravene any law. The simplest way to do this is to send an official to witness and/ or facilitate the decision making process, to establish whether any informal rights to land will be affected by the decision and how these rights are being accommodated in the proposed changes, and whether the changes protect the rights of women. Decisions on the distribution and administration of benefits arising from investment or development will also have to be witnessed and, if necessary, facilitated.

5.2 Thus when decisions are to be taken, which legally require the Minister's formal ratification, it is necessary to notify the Director of the provincial office of the Department of Land Affairs who will appoint an official to visit the area affected by the decision and to be present at those meeting/s where the decisions are taken relating to matters such as township development, subdivision, granting of servitudes, leases, mortgages and sales. Reasonable notice and prior arrangements would have to be made in order to facilitate the official's attendance. The official will not be expected to attend meetings of committees or sub-committees formed to discuss details of the proposed development, only those meetings in which formal decisions are being taken about issues which legally require the consent of the owner.

5.3 In preparation for a meeting where a community/land rights holders' resolution will be taken, village or administrative area meetings must be held and presided over (or witnessed by) an official of DLA appointed by the relevant Provincial Director of the DLA.

5.4 The purpose of these meetings is to facilitate the adoption of community/land rights holders' resolution and to appoint persons to liaise with the Department on behalf of the community. Depending on the size of the area concerned, one meeting may suffice.

6 Gathering of Preliminary Information About The Community

6.1 The official needs to gather some preliminary information about the nature of existing land rights in the area concerned and ownership of the land. Part of this information may be obtained from the Directorate: Public Land Inventory in the form of maps, aerial photographs and deeds information. Further information must be obtained from key informants who are familiar with the area.

6.2 It may also be useful to engage with informants who are familiar with the dynamics of the area concerned. These may be community members or officials of other levels of government. They may assist in obtaining information on the stakeholders in the community and their relative importance. These informants may also provide information on levels at which important decisions are taken in the community and relations between the various stakeholders. In this gathering of preliminary information, it is necessary that the background information and purpose of the meeting be explained and the roles and responsibilities of the various parties clarified.

7 Initial Meeting With The Stakeholders

7.1 An initial meeting with all stakeholders' groups should be undertaken to explain the purpose and the background to the procedures and the desired outcomes (e.g. time frame, resolutions, legal requirements, equitable involvement of women, benefits). Specific information should be provided on the following:

- The legal status of the land and the obligations of the Minister as trustee or nominal owner of the Minister.
- The land rights and responsibilities of the community.
- The role of the various parties (Minister, rights holders and investor/ developer) in 'back-to-back' lease agreements.
- Who has the right to participate in the proposed meetings and the rules and conduct of those meetings including gender sensitivity.
- It must be explained that whilst decisions regarding land rights should generally be taken by those whose land rights are directly affected by the decision, those affected must in turn have due regard to the interests of the broader community of prospective rights holders and those with reciprocal rights.

7.2 At this meeting the DLA official should explain the Department's tenure policy with respect to long-term occupants of land. These guiding principles of tenure reform come from the White Paper on South African Land Policy.

- Tenure reform must move towards rights and away from permits.
- Tenure reform must build a unitary non-racial system of land rights for all South Africans.
- Tenure reform must allow people to choose the tenure system with is appropriate to their circumstances.

- All tenure systems must be consistent with the Constitution's commitment to basic human rights and equality.
- In order to deliver security of tenure a rights based approach has been adopted.
- New tenure systems and laws should be brought in line with reality as it exists on the ground and in practice.

It also needs to be explained that IPILRA (Interim Protection of Informal Land Rights Act, 31 of 1996) is a holding mechanism that prevents violation of existing interests in land until new long term legislation is in place.

7.3 The DLA official should develop a strategy for convening the Land Rights Holders' meeting/s (e.g. the number of meetings, time, venue, dates, sufficient notice period, form of publicity, the role each stakeholder will play in the meetings including women, the procedure and proposed rules for the meetings).

8 Land Rights Holders Meeting/s

8.1 The official concerned must start the meeting by explaining the background to the meeting, referring to the issues tabled in the meetings of the stakeholders in paragraphs 7.1 to 7.3.

8.2 The official should ensure that there is agreement among the rights holders on issues in paragraphs 7.1 to 7.3.

8.3 The official should ensure that those present are aware of who is affected by the decision at issue, and who has decision making powers in respect of the decision. The broad principle at issue is that:

- The decision should be taken by a majority of those whose land rights are directly affected by the development decision and that those affected are entitled to benefits accruing from the development.
- The decision making process should however take account of the views and interests of other persons with interests on the land, including prospective rights holders and persons who have reciprocal rights and obligations with those directly affected regarding occupation or use or access to the land concerned.

8.4 The official must facilitate the process whereby the community or land rights holders take a resolution regarding the proposed or intended development on their land. The meeting at which the community resolution is adopted may be preceded by a series of meetings at village level depending on the dynamics and the size of each community/ land rights holders' area. The community or land rights holders' resolution must reflect the following:

- Identification of land for development.
- How the land is to be made available to investors or developers.
- The kind of development preferred on the identified land. (Here it may be advisable to invite the investor or developer to present the investment or development proposal).
- Administration of the benefits accruing from the change of land use. (The decision should be informed by information on the agency chosen to receive the benefits on behalf of the community or land rights holders and the legal arrangements, including lawyer's trust accounts regulated by agency agreements).
- Distribution of benefits to be accrued. (Specifically the meeting must reach agreement on a project, or list of projects, to be funded from the benefits. This advance agreement is

important in order to ensure that the funds are disbursed in accordance with the wishes of the community).

- A decision on the compensation or alternative accommodation of land rights holders whose rights are directly affected in the selected area.
- Role of structures (including local government and traditional authority structures) which must be consulted or play a role in the process of implementing the agreements reached.

8.5 The official should oversee the decision to select an interim committee to liaise with the Department, pending the appointment of a more permanent committee. The official should also oversee the nomination of co-signatories to the lease agreement and the agency agreement.

8.6 The official should facilitate agreement on the process to be followed in setting up a permanent committee. In these meetings the views of any objectors need to be heard, especially in so far as they may feel that the resolution does not take into account their interests as land rights holders.

8.7 Once decisions on the issues have been taken, all forms relevant to the Interim Procedures must be completed and signed accordingly (e.g. the pro forma land rights resolution adopted at PC of 10 September 1998.) These include the following:

- The Land Rights Holders' Resolution
- The Lease Agreement
- The Agency Agreement

9 Submission to the Minister

9.1 The official must prepare a submission to the Minister giving the background to the community/ land rights holders resolution and making the necessary recommendation/s for the Minister's approval.

9.2 The documents/ forms referred to in 8.7 and the investor's proposal must be annexed to the submission, if appropriate.

9.3 The legality and validity of the lease agreement;

- The nature of the agency agreement and the trust arrangements for the administration of funds, taking into account the capacity of the community;
- That there is broad agreement among the community on the distribution and use of benefits arising from the project.

9.4 The check list of issues which must be included in the official's report is set out below.

Issues to be covered in the official's report

9.5 What geographical area will be affected by the proposed change or decision? Identify the exact land involved in the proposed development and how the land is to be held by the beneficiaries.

9.6 Is there a sub grouping of people with land rights (including informal land rights) to this specific area? The nature of such rights should be described; for example homestead plots, fields, a share in grazing rights, collection of firewood, building materials, etc. Bear in mind

the rights of some people currently living outside the immediate area could be affected by the proposed change or decision. (The determination of who precisely should be included in the category 'affected rights holders' should lie with the rights holders themselves. If, at any point, people assert that they are affected by the proposed change or decision, then their views should be taken into account.)

9.6.1 How will the proposed changes affect such rights? If the land is to be used for another purpose, how will the rights of those affected be accommodated? For example will they receive compensation, alternative land, the right to participate in the proposed development, etc?

9.6.2 How have the people affected been consulted? Has the process been fair, inclusive and free from intimidation? What has been their response? Do they agree to the proposed changes? Do they agree to the proposed compensation, alternatives, etc? In this regard, were there viable options for them to consider and choose between?

9.7 Is the area affected the shared property of the bigger group, with no particular sub grouping having exclusive use rights? If that is the case, which are the sub groupings with overlapping and shared rights to the land at issue? Have all these sub groupings been consulted about the proposed change and were representatives of all the sub groupings present when the decision was taken to make the change?

9.8 Does the proposed change potentially create new rights and benefits (for example a housing scheme)? Who will get these new rights and benefits? Will all members of the land-holding group have equal access to the new scheme? If not, how will the beneficiaries be selected? Will the beneficiaries have to contribute to the scheme in some way? If so, in which way? Does this reflect a fair accommodation of the rights of the members of the group which are affected by the proposed changes?

9.9 How will the rights of women be affected by the proposed changes? Do the changes uphold the right of equality set out in the Constitution?

9.10 In assessing whether the decision represents the views of the majority of rights holders the following factors should be recorded:

9.10.1 If the meeting was taken at a general meeting of rights holders, was this the appropriate forum? Were all sectors and sub groupings free and able to voice their concerns in such a meeting? Was it necessary to hold separate meetings of affected stakeholders in order for sections of the community to attend and express themselves effectively?

9.10.2 Was the notice of the meeting effective in ensuring the presence of members of the landholding group at the meeting

9.10.3 How many people attended the meeting? Were representatives of sub groupings particularly affected by the decision present at the meeting? Were representatives of sub groupings of the wider group present? (for example wards, committees, headmen) A list of the names and status of people who attended in a representative capacity should be annexed.

9.10.4 In the event that there was not a consensus, record the number of people who supported the decision as well as the number of people who opposed it.

9.10.5 The views of people who opposed the decision must be recorded especially insofar as these are likely to be adversely affected by the decision.

9.10.6 If there are people who claim they were not notified of the meeting or the purpose of the meeting, or that they were excluded from meeting, this must be recorded.

9.10.7 It must also be recorded whether the impact of the proposed decision was clearly motivated to the meeting. In particular whether there was a clear and accurate explanation of how existing land rights are likely to be affected and who would benefit from the proposed changes.

9.10.8 Were all those present afforded the opportunity to participate effectively in the meeting and to speak without fear of intimidation?

PRO FORMA LAND RIGHTS HOLDERS' RESOLUTION¹ IN TERMS OF THE "INTERIM PROCEDURES GOVERNING LAND DEVELOPMENT DECISIONS WHICH REQUIRE THE CONSENT OF THE MINISTER OF LAND AFFAIRS AS NOMINAL OWNER OF THE LAND" WHICH WAS APPROVED BY POLCOM ON 20 NOVEMBER 1997 AND AMENDED ON 14 JANUARY 1998 & ALSO IN TERMS OF SECTION 3(1)(A)(II) OF ACT 112 OF 1991 AS AMENDED BY ACT 34 OF 1996

1. At a meeting of the..... Land Rights Holders
at....., district of..... province of.....
on the..... day of.....19 beforecouncilors,
community leaders and representatives, Land Rights Holders present.

2. The **PURPOSE** of the meeting being

.....
.....
.....

3. That the Land Rights Holders were informed of the meetingdays/ months prior thereof, through the following **CHANNELS OF COMMUNICATION**

.....
.....
.....

4 by means of (specify the type of **MEDIA** used)

.....
.....

5. That the Land Rights Holders consists of approximately.....members. Of whichadult males and.....adult females who attended the meeting.

6. That.....of the members who attended the meeting voted in favour of the above resolution andvoted against it.

7. That I am satisfied that the majority of the adult members present at the meeting were in favour of the above resolution.

8. **The Land Rights Holders' Statement of Resolution.** The land rights holders/ community have resolved that

.....
.....
.....

9. It was further **RESOLVED** that

9.1 The following signatories will sign the agreement taken by the community on their behalf to give effect to the decision to alienate/ develop the land

9.1.1 Name:.....Capacity.....

Signature:.....Date:.....

9.1.2 Name:.....Capacity.....

Signature:.....Date:.....

9.1.3 Name:.....Capacity.....

Signature:.....Date:.....

9.2 The following signatories will co-sign the lease agreement on behalf of the community to give effect to the decision to alienate/ develop the land.(The parties to the lease agreement are the community, the investor/ developer and the Minister of Land Affairs)

9.2.1 Name:.....Capacity.....

Signature:.....Date:.....

9.2.2 Name:.....Capacity.....

Signature:.....Date:.....

9.2.3 Name:.....Capacity.....

Signature:.....Date:.....

9.3 The following signatories will sign the agency agreement on behalf of the community. (The agency agreement is a trust contract with the agent who will hold and administer the funds for the benefit of the community, following the decision to alienate/ develop the land).

9.3.1 Name:.....Capacity.....

Signature:.....Date:.....

9.3.2 Name:.....Capacity.....

Signature:.....Date:.....

9.3.3 Name:.....Capacity.....

Signature:.....Date:.....

10. The co-signatories in section 9.1, 9.2 and 9.3 signed on behalf of and with full consent of the Land Rights Holders present or represented in the meeting.

The Tribal / Local/
Community Authority and the..... Land Rights Holders/

Community and other structures residing on the land **shall be bound in law** by this land rights holders' resolution.

10. This Land Rights Holders constitutes a legal document and to give effect to it, the community have approved that they approve to this resolution document and that the following **SIGNATORIES** sign this Land Rights Holders' Resolution on their behalf:

10.1 Name:.....Capacity.....

Signature:.....Date:.....

10.2 Name:.....Capacity.....

Signature:.....Date:.....

10.3 Name:.....Capacity.....

Signature:.....Date:.....

CERTIFICATE

Ithe dually appointed Investigating Official from the Department of Land Affairs hereby certify that:-

(i) I have attended the meeting of the.....Tribe/ Community/ Land Rights Holders under the chair/leadership ofconvened for purposes of considering this resolution.

(ii) the facts set out in the above resolution are to the best of my knowledge, true and correct and this resolution is a true record of the proceedings at the meeting.

(iii) the nature of the rights are

Strike out where necessary:

(a) The development will/ will not lead to a change in these rights

(b) Those whose rights are affected have been/ have not been accommodated

(c) There are/ there are no overlapping land rights

(d) New rights & benefits are created/ no new rights & benefits are created

(e) The rights of women have improved/ stays the same/ is worse off because of the development decision

(iv) the signatories affixed their signatures to this document in my presence.

(v) I have to the best of my ability explained the purpose and legal implications of the said resolution to those present and represented at the meeting.

SIGNED ON THE.....DAY OF.....19.....AT.....

OFFICIAL’S SIGNATURE DESIGNATION

NB! SEE ATTACHED ATTENDANCE REGISTER of rights holders attending the meeting

ATTENDANCE REGISTER Page of

Meeting of-----Community/ Tribe/ Land Rights Holders

Venue:-----.

Date:-----

No	Name & Surname	Place/ Section	Stand No.	Telephone
1				
2				
3				
4				
5				
6				

ATTENDANCE REGISTER Page of

Meeting of-----Community/ Tribe/ Land Rights Holders

Place:-----

Date:-----

No	Name & Surname	Place/ Section	Stand No.	Telephone
1				
2				
3				
4				
5				